CHAPTER xvii

An Act to increase the borrowing powers of and to enact further financial provisions with respect to the Tyne Improvement Commissioners to amend the enactments relating to the period of office nomination appointment election and co-option of those Commissioners and the auditors of their accounts to make further provision with respect to the rates and charges leviable by the Commissioners and for other purposes. [12th July 1950.]

WHEREAS by the Tyne Improvement Acts 1850 to 1949 (hereinafter called "the existing Acts" and a list of which Acts other than the Tyne Improvement Acts of 1934 and 1949 is set out in the First Schedule to that Act of 1934) 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:

24 & 25 Geo. 5. c. lxxviii.
12 & 13 Geo. 6. c. v.

And whereas the Tyne Improvement Act 1934 has been modified by the Coal Industry Nationalisation (Harbour Commissioners) Order 1947:

And whereas the Commissioners were by the Tyne Improvement Act 1872 and subsequent Acts up to and including the Tyne Improvement (Constitution and Works) Act 1898 (which last-mentioned Act is hereinafter called "the Act of 1898") empowered to borrow on mortgage and by the creation and issue of debenture stock and of Tyne Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £4,800,000 and those borrowing powers have been fully exercised:

35 & 36 Vict. c. cxxxi.
61 Vict. c. viii.

19 & 20 Geo. 5. c. xlix.

And whereas the Commissioners were by the Tyne Improvement Act 1929 (hereinafter called "the Act of 1929") empowered to borrow on mortgage and by the creation and issue of Tyne Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £2,200,000 and in exercise of that power have borrowed sums amounting on the thirty-first day of December nineteen hundred and forty-nine to £1,285,235 2s. 11d. leaving the sum of £914,764 17s. 1d. remaining on that day to be borrowed:

And whereas by the Act of 1898 the Commissioners were required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of debenture stock or stock under the powers of the said Acts of 1872 to 1898 and in pursuance of that requirement they had at the thirty-first day of December nineteen hundred and forty-nine appropriated to a redemption fund the total sum of £3,277,967 13s. 2d. but they are not empowered to re-borrow money redeemed out of the redemption fund:

And whereas by the Act of 1929 the Commissioners were required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of stock under the powers of that Act and in pursuance of that requirement they had at the thirty-first day of December nineteen hundred and forty-nine appropriated to a redemption fund the total sum of £109,950 18s. 3d. but they are not empowered to re-borrow money redeemed out of the redemption fund:

And whereas it is expedient to amend the hereinbefore-recited requirements of the Act of 1898 and the Act of 1929 as to the redemption of borrowed money in manner provided by this Act:

And whereas it is expedient to authorise the Commissioners to borrow further money:

And whereas the Tyne Improvement Commission (hereinafter called "the commission") is now composed of thirty-six members of whom two are nominated triennially by the Minister of Transport seventeen are appointed annually or triennially by certain local municipal authorities five are appointed triennially by the National Coal Board ten are elected triennially by shipowners and traders and two are co-opted triennially by elected members of the commission:

And whereas the accounts of the Commissioners are audited by five auditors of whom four are appointed annually or triennially by certain local municipal authorities and one is elected triennially by shipowners traders and the National Coal Board:

And whereas it is expedient to amend the provisions of the existing Acts relating to the terms of office of members of the commission and of the auditors of the Commissioners' accounts to alter the dates for the nomination appointment election and co-option of the members of the commission and the auditors and to make other provision as in this Act contained with respect to those matters and matters connected therewith:

And whereas it is expedient that the rates tolls dues and charges which may be taken and demanded by the Commissioners should be increased and that further or new provision as in this Act contained should be made with respect thereto:

And whereas it is expedient that further powers be conferred on the Commissioners 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

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Tyne Improvement Act 1950.

(2) The Tyne Improvement Acts 1850 to 1949 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1950.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Financial.

Part III.—Appointment election &c. of Commissioners and auditors.

Part IV.—Rates and charges.

Part V.—Miscellaneous.

Incorporation of Acts. 10 & 11 Vict. c. 27.

3.—(1) The provisions of the Harbours Docks and Piers Clauses Act 1847 which are by section 3 (Incorporation and application of Harbours Docks and Piers Clauses Act 1847) of the Act of 1934 deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1934 are (subject to the provisions of the Tyne Improvement Acts 1850 to 1950 and so far

PART I —*cont.*

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.

10 & 11 Vict. c. 16.

(2) The provisions of the Commissioners Clauses Act 1847 which are by section 3 (Incorporation and application of Commissioners Clauses Act 1847) of the Act of 1925 as amended by section 4 (Incorporation of Commissioners Clauses Act 1847) of the Act of 1934 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 1950 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.

Interpretation.

4. In this Act unless there is something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by Part II (Constitution of Commissioners) or Part III (Auditors) of the Act of 1934 or by the Acts incorporated herewith have the same respective meanings And—

15 Vict. c. cx.
24 & 25 Vict. c. xci.
40 & 41 Vict. c. xciii.
60 & 61 Vict. c. ccix.
15 & 16 Geo. 5. c. xxxiii.

" the Act of 1852 " " the Act of 1861 " " the Act of 1872 " " the Act of 1877 " " the Act of 1897 " " the Act of 1925 " " the Act of 1929 " and " the Act of 1934 " respectively mean the Tyne Improvement Acts of those respective years ;

" the Commissioners " means the Tyne Improvement Commissioners ;

" the existing Acts " means the Tyne Improvement Acts 1850 to 1949 ;

" master " where used with reference to a vessel includes the owner of and agent or broker for the vessel and any charterer to whom the vessel is demised ;

" the Minister " means the Minister of Transport ;

" owner " where used with reference to goods includes the consignor consignee importer shipper exporter receiver broker or agent for sale or custody of the goods ;

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

" statutory security " means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery ;

38 & 39 Vict. c. 83.

" the Tynemouth Corporation " means the mayor aldermen and burgesses of the borough of Tynemouth.

PART II

FINANCIAL

Power to borrow.

5.—(1) In addition to the sums which the Commissioners are by the existing Acts authorised to borrow (whether on mortgage or by the creation and issue of Tyne Improvement redeemable stock or otherwise) they may from time to time (subject to the provisions of this Part of this Act) borrow on the security of the Tyne Consolidated Fund in manner hereinafter provided any sums not exceeding in the aggregate one million five hundred thousand pounds.

(2) All money borrowed under this section shall be carried to the Tyne Consolidated Fund and may be applied to any purposes of the existing Acts or this Act to which purposes capital is properly applicable and not otherwise.

Power to mortgage Tyne Consolidated Fund.

6.—(1) The Commissioners may for the purpose of raising any money which under the immediately preceding section of this Act they are authorised to borrow mortgage the Tyne Consolidated Fund in order to secure the repayment of the money so borrowed and the interest thereon.

(2) The interest on all money borrowed on mortgage of the Tyne Consolidated Fund shall be paid out of the income of that fund.

(3) The provisions of section 18 (Protection of lenders from inquiry) and section 21 (Mortgages and transfers may be in prescribed forms) of and the Second Schedule to the Act of 1872 and section 6 (Power to grant mortgages on condition of future mortgages having equality therewith) of the Tyne Improvement Act 1881 shall apply to and with respect to all money borrowed on mortgage under this section in like manner as those provisions apply to money borrowed on mortgage under the existing Acts and as if those sections and schedule with any necessary modifications were re-enacted in this Act.

44 Vict. c. lii.

Power to create and issue stock.

7.—(1) Subject to the provisions of this Part of this Act the Commissioners may from time to time for the purpose of—

(*a*) raising any money which they are authorised to borrow by section 5 (Power to borrow) of this Act;

(*b*) paying off any money for the time being owing under any mortgages granted under the provisions of this Part of this Act; and

(*c*) redeeming any stock created and issued under this section;

create and issue by public tender or otherwise redeemable stock to the amount required for those purposes or any of them.

PART II —*cont.*

(2) All or any such stock may be issued at such prices at such times and on and subject to such terms and conditions and bearing such rates of interest as the Commissioners shall by resolution determine.

(3) All stock created and issued under this section and the interest thereon shall be a charge on the Tyne Consolidated Fund.

(4) All stock created and issued under this section shall be redeemable by the Commissioners at par (viz. at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock) and at such time and in such manner as the Commissioners may by the resolution for the creation of any portion of the stock declare with reference to that portion:

Provided that—

(*a*) Every portion of stock so created and issued shall be redeemed by the Commissioners within sixty years from the beginning of the year or of the respective years in which it was issued; and

(*b*) Nothing in this section shall prevent the Commissioners from redeeming any stock at a price below par by agreement with the holder of such stock.

(5) (*a*) Stock created and issued under this section shall be transferable by deed and every stockholder may transfer all or any part of his stock in manner prescribed by the enactments mentioned in the next succeeding subsection of this section for that method of transfer.

(*b*) Every such deed of transfer shall be duly stamped and the consideration shall be truly stated therein.

(6) Sections 8 10 to 13 (inclusive) 16 to 18 (inclusive) 20 to 36 (inclusive) 38 to 41 (inclusive) and 43 of the Act of 1897 and the two schedules to that Act shall extend and apply to and with respect to all stock created and issued under this Part of this Act and the holders of that stock in like manner as they apply to and with respect to stock created and issued under the Act of 1897 and the holders thereof as if those sections with any necessary modifications were re-enacted in this Act and particularly but not exclusively as if—

(*a*) references to section 20 of the Act of 1872 were references to section 11 (Redemption fund for money borrowed under this Act) of this Act; and

(*b*) the expression "Tyne Improvement Acts" included all Acts from time to time relating to the Commissioners.

PART II —*cont.*

Mortgages and stock to rank pari passu.

8.—(1) All mortgages granted and all stock created and issued by the Commissioners under the powers of this Part of this Act and all mortgages granted and stock created and issued by the Commissioners under the powers of any of the existing Acts shall rank pari passu without respect to the dates of the securities or the Acts of Parliament or resolutions by which the mortgages and stock were respectively authorised and without any preference or priority on any ground whatsoever.

(2) The interest on all such mortgages and stock as aforesaid shall also rank pari passu.

(3) Notice of the effect of the foregoing provisions of this section shall be endorsed on all mortgages and certificates of stock granted or issued after the passing of this Act.

(4) The reference to section 5 (Stock to rank equally) in section 33 (Saving of power to borrow otherwise) of the Act of 1897 shall be construed as including a reference to subsections (1) and (2) of this section.

Order of repayment to be decided by lot.

9. Section 7 (Order of repayment to be decided by lot) of the Act of 1897 as applied by section 16 (Order of repayment to be decided by lot) of the Act of 1929 shall be construed as though the word " stock " in that section 7 included (in addition to stock created and issued under Part III of the Act of 1929 and under Part II of the Act of 1897) stock created and issued under this Part of this Act.

Priority of mortgages and stock over other debts.

10. All money raised or to be raised by the Commissioners on mortgage or by the creation and issue of stock under the provisions of the existing Acts or this Act shall have priority against the Commissioners and the property from time to time of the Commissioners over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act:

Provided that this priority shall not affect any claim against the Commissioners or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Commissioners which is entitled to rank in priority to or pari passu with the interest on their mortgages or stock nor shall anything in this section affect any claim for land taken used or occupied by the Commissioners for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Commissioners.

Redemption fund for money borrowed under this Act.

11.—(1) The Commissioners shall appropriate out of the income of the Tyne Consolidated Fund to a redemption fund such annual sums as will be sufficient to pay off within sixty years from the beginning of the year or of the respective years

PART II —*cont.*

in which the money was borrowed all money borrowed by them on mortgage or by the creation and issue of stock under this Part of this Act:

Provided that it shall not be obligatory on them to make any appropriation under this section in respect of the money borrowed in any year until after the expiration of ten years from the beginning of that year.

(2) The Commissioners shall apply from time to time all sums so appropriated in paying off from time to time by annual instalments or otherwise money borrowed by them as aforesaid so that all money so borrowed shall be paid off within the period aforesaid and pending such application the Commissioners shall either place the said sums in a separate account with their bankers or invest the said sums in statutory securities and the interest or annual proceeds from every such investment shall be carried to the general revenue account of the Commissioners.

(3) The Commissioners shall not re-borrow any money paid off by means of appropriations under this section but subject thereto they may from time to time as occasion requires re-borrow on mortgage or by the creation and issue of stock any money borrowed by them under this Part of this Act and paid off.

Redemption fund for money borrowed under previous Acts.

12.—(1) (*a*) For the purpose of paying off money borrowed by the Commissioners on mortgage or by the creation and issue of stock up to and including the date of the passing of this Act and then outstanding and money so borrowed after that date—

(i) under the Tyne Improvement Acts 1872 to 1898; and

(ii) under the Act of 1929;

the Commissioners shall appropriate out of the income of the Tyne Consolidated Fund to a redemption fund such annual sums as (together with any sums transferred to the redemption fund pursuant to subsection (4) of this section) will be sufficient to pay off the said money not later than the tenth day of May nineteen hundred and eighty-nine.

(*b*) The first appropriation under this subsection shall be made during the year nineteen hundred and fifty.

(2) The Commissioners shall apply from time to time all sums so appropriated in paying off from time to time by annual instalments or otherwise money borrowed by them as mentioned in subsection (1) of this section so that all money so borrowed shall be paid off not later than the said date and pending such application the Commissioners shall either place the said sums in a separate account with their bankers or invest the said sums

PART II —*cont.*

in statutory securities and the interest or annual proceeds from every such investment shall be carried to the general revenue account of the Commissioners.

(3) The Commissioners shall not re-borrow any money paid off by means of appropriations under—

(*a*) this section ; or

(*b*) section 20 (Payment off and re-borrowing) of the Act of 1872 as amended by subsequent Acts ; or

(*c*) section 18 (Redemption fund) of the Act of 1929 ;

but subject thereto they may from time to time as occasion requires re-borrow on mortgage or by the creation and issue of stock any money borrowed by them as mentioned in subsection (1) of this section and paid off.

(4) Any sums standing at the passing of this Act to the credit of the redemption funds formed pursuant to section 20 (Payment off and re-borrowing) of the Act of 1872 as amended by subsequent Acts and section 18 (Redemption fund) of the Act of 1929 shall be transferred to the redemption fund formed under this section.

(5) The reference in paragraph (*a*) of subsection (5) of section 14 (Power to create and issue stock) of the Act of 1929 to section 18 (Redemption fund) of that Act shall be construed as a reference to this section.

(6) Nothing in this section shall prejudicially affect any obligation of the Commissioners as to the repayment or redemption of any mortgage granted or stock issued by them before and subsisting at the passing of this Act.

Return to Minister with respect to redemption.

13.—(1) The secretary of the Commissioners shall if and when he is requested by the Minister so to do send to the Minister a return showing the sums appropriated by the Commissioners in pursuance of section 11 (Redemption fund for money borrowed under this Act) and section 12 (Redemption fund for money borrowed under previous Acts) of this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister shall request and shall if so required by him be verified by statutory declaration of the secretary and shall be sent within one month after the making of the request If the secretary fail to make such return he shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return may be enforced at the instance of the Minister by mandamus.

PART II —*cont.*

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Commissioners have failed to make any such appropriation as is required by the said sections the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which the default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Commissioners shall notify the Minister as soon as the order is complied with and any such order may be enforced at the instance of the Minister by mandamus.

Amendment of section 22 of Act of 1925.

14.—(1) Section 22 (Commissioners may borrow temporarily from bankers) of the Act of 1925 shall have effect as if the words " two hundred thousand pounds " were substituted for the words " one hundred thousand pounds ".

(2) The reference in the said section 22 as amended by this section to the powers for the time being exercisable by the Commissioners under the existing Acts (as defined by that Act) of borrowing money on the security of the Tyne Consolidated Fund shall be construed as including a reference to any powers for the time being exercisable by the Commissioners under the Act of 1929 or this Act of borrowing money on the security of that fund.

Repeal of existing financial provisions.

15. The undermentioned provisions of the existing Acts are hereby repealed:—

The Act of 1872—

Section 20 (Payment off and re-borrowing):

The Act of 1877—

Section 19 (Power to borrow additional money) to the extent that it applies section 20 (Payment off and re-borrowing) of the Act of 1872:

49 Vict. c. xxxiv.

The Tyne Improvement Act 1886—

Section 4 (Power to borrow additional money) to the extent that it applies section 20 (Payment off and re-borrowing) of the Act of 1872:

The Act of 1897—

Section 44 (Extension of time for repayment of debt):

The Tyne Improvement (Constitution and Works) Act 1898—

Section 8 (Power to borrow additional money) to the extent that it applies section 20 (Payment off and re-borrowing) of the Act of 1872;

Section 9 (Extension of time for repayment of debt):

PART II —*cont.*

The Act of 1929—

Section 17 (Priority of mortgages and stock over other debts);

Section 18 (Redemption fund);

Section 19 (Return to Minister with respect to redemption).

Saving for powers of Treasury.

16. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses referred to in section 35 (Expenses of execution and costs of Act) of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946. 9 & 10 Geo. 6. c. 58.

PART III

APPOINTMENT ELECTION &C. OF COMMISSIONERS AND AUDITORS

Alteration of year of election.

17.—(1) Notwithstanding anything in the Act of 1934 the elections of Commissioners and of the auditor of their accounts due (apart from this Act) to take place in the year nineteen hundred and fifty-one and every subsequent third year shall be postponed until the year nineteen hundred and fifty-two and every subsequent third year thereafter.

(2) In accordance with the provisions of subsection (1) of this section the Act of 1934 and this Act shall have effect as if the words " nineteen hundred and fifty-two " were substituted for the words " nineteen hundred and thirty-six " in the definition of " year of election " in section 5 (Definitions for Part II) of the first-mentioned Act.

Term of office of Commissioners.

18.—(1) Notwithstanding anything in the Act of 1934—

(*a*) (i) Every Commissioner who holds office on the eighth day of November nineteen hundred and fifty-one and who (apart from this Act) would retire at the end of that day shall unless he shall previously die or resign or become disqualified to be a Commissioner continue to hold office until and including the first day of June nineteen hundred and fifty-two and shall then go out of office and subsection (1) of section 11 (Appointed Commissioners municipal councils) of the Act of 1934 shall not apply in the year nineteen hundred and fifty-one;

(ii) Every Commissioner other than such a Commissioner as is referred to in the preceding sub-paragraph of this paragraph who holds office on the first day of June nineteen hundred and fifty-two shall go out of office at the end of that day;

PART III —*cont.*

(iii) Any such Commissioner as is referred to in the preceding sub-paragraphs of this paragraph shall if qualified be eligible for renomination reappointment re-election or reco-option (as the case may be) in accordance with the provisions of the Act of 1934 as amended by this Part of this Act;

(*b*) Every person nominated appointed elected or co-opted as a Commissioner in or after the year nineteen hundred and fifty-two shall hold office on and from the date mentioned in the second column of the following table until and including the date mentioned in the third column of that table 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 renomination reappointment re-election or reco-option (as the case may be):—

A nominated Commissioner.	The second day of June in the year of election in which he is nominated.	The first day of June in the next year of election.
A Commissioner appointed by any of the municipal councils.	The second day of June in the year of his appointment or the date of his appointment whichever is the later.	(Subject to the provisions of subsection (4) of section 11 (Appointed Commissioners municipal councils) of the Act of 1934) the first day of June in the year after his appointment.
A Commissioner appointed by the National Coal Board.	The date of his appointment.	The first day of June in the year of election after the year in which he is appointed.
An elected Commissioner.	The second day of June in the year of election in which he is elected or deemed to be elected.	The first day of June in the next year of election.
A co-opted Commissioner.	The day when he is co-opted.	The first day of June in the next year of election.

(2) In accordance with the provisions of subsection (1) of this section—

(*a*) paragraph (*b*) of subsection (2) of section 10 (Nominated Commissioners) subsection (3) of section 11 (Appointed Commissioners municipal councils) subsection (2) of section 11A (Appointed Commissioners National Coal Board) section 37 (Term of office of elected Commissioners) and paragraph (ii) of subsection (3) and subsection (4) of section 38 (Co-opted Commissioners) of the Act of 1934 shall in and after the year nineteen hundred and fifty-two have effect as if references to the second day of June were substituted for references to

the ninth day of November and as if references to the first day of June were substituted for references to the eighth day of November ; and

(*b*) subsection (3) of the said section 11 shall in and after the year nineteen hundred and fifty-two have effect as if the words " the second day of June in the year of his appointment or the date of his appointment whichever is the later " were substituted for the words " the date of his appointment ".

Term of office of auditors.

19.—(1) Notwithstanding anything in the Act of 1934—

(*a*) (i) Every appointed auditor who holds office on the eighth day of November nineteen hundred and fifty-one and who (apart from this Act) would retire at the end of that day and the elected auditor who holds office on that day shall unless he shall previously die or resign or become disqualified to be an auditor continue to hold office until and including the first day of June nineteen hundred and fifty-two and shall then go out of office and subsection (1) of section 54 (Appointed auditors) of the Act of 1934 shall not apply in the year nineteen hundred and fifty-one ;

(ii) Every appointed auditor other than such an appointed auditor as is referred to in the preceding sub-paragraph of this paragraph who holds office on the first day of June nineteen hundred and fifty-two shall go out of office at the end of that day ;

(iii) Any such auditor as is referred to in the preceding sub-paragraphs of this paragraph shall if qualified be eligible for reappointment or re-election (as the case may be) in accordance with the provisions of the Act of 1934 as amended by this Part of this Act ;

(*b*) Every person appointed or elected as an auditor of the accounts of the Commissioners in or after the year nineteen hundred and fifty-two shall hold office on and from the date mentioned in the second column of the following table until and including the date mentioned in the third column of that table unless he shall previously die or resign or become disqualified to be an auditor and on the expiry of his term of office shall if qualified be eligible for reappointment or re-election (as the case may be) :—

An appointed auditor.	The second day of June in the year of his appointment or the date of his appointment whichever is the later.	(Subject to the provisions of subsection (4) of section 54 (Appointed auditors) of the Act of 1934) the first day of June in the year after his appointment.

PART III —*cont.*	An elected auditor.	The second day of June in the year of election in which he is elected or deemed to be elected.	The first day of June in the next year of election.

(2) In accordance with the provisions of subsection (1) of this section—

(*a*) subsection (3) of section 54 (Appointed auditors) and section 58 (Term of office of elected auditor) of the Act of 1934 shall in and after the year nineteen hundred and fifty-two have effect as if references to the second day of June were substituted for references to the ninth day of November and as if references to the first day of June were substituted for references to the eighth day of November ; and

(*b*) subsection (3) of the said section 54 shall in and after the year nineteen hundred and fifty-two have effect as if the words " the second day of June in the year of his appointment or the date of his appointment whichever is the later " were substituted for the words " the date of his appointment ".

Amendment of section 28 of Act of 1934.

20. In and after the year nineteen hundred and fifty-two the Act of 1934 shall have effect as if in section 28 (Qualification for and manner of nomination) the words " a member of a partnership or co-ownership or a director or a member of a company " were substituted for the words " a member of a partnership co-ownership or company " wherever those words occur and as if the words " a member of such partnership or co-ownership or a director or a member of such company " were substituted for the words " a member of such partnership co-ownership or company ".

Amendment of Act of 1934 as to nomination election &c. of Commissioners.

21. In and after the year nineteen hundred and fifty-two the Act of 1934 shall have effect as if—

(*a*) The dues rates tolls and charges referred to in the definition of " trader " in section 5 (Definitions for Part II) included a reference to the dues rates tolls and charges specified in Part IV of the Third Schedule to this Act ;

(*b*) The following paragraph were substituted for paragraph (*a*) of subsection (2) of section 10 (Nominated Commissioners) :—

" (*a*) The Minister shall on or before the second day of June in every year of election nominate two persons to be Commissioners ";

(*c*) The sections set out in the First Schedule to this Act were substituted for section 12 (Shipowners to send statement of registered tonnage to Commissioners)

PART III —*cont.*

section 13 (National Coal Board to send to Commissioners statement of coal etc. shipped) section 14 (Register of traders to be compiled) and section 15 (Scale of votes);

(*d*) The dates specified in the fourth column of the Second Schedule to this Act for the several proceedings mentioned in the second column of that schedule were substituted in the provisions mentioned in the first column of that schedule for the dates specified in the third column of that schedule.

Amendment of section 58 of Act of 1934.

22. Section 58 (Term of office of elected auditor) of the Act of 1934 shall have effect in and after the year nineteen hundred and fifty-two as if the words " or deemed to be elected " were inserted therein after the word " elected ".

Consequential amendments of Act of 1934.

23. The Act of 1934 shall have effect in and after the year nineteen hundred and fifty-two subject to the following further amendments (being amendments consequential on or rendered necessary by the foregoing provisions of this Part of this Act):—

(*a*) In paragraph (*b*) of subsection (1) of section 11 (Appointed Commissioners municipal councils) the word " day " shall be substituted for the words " ninth day of November ";

(*b*) In the second proviso to section 31 (Meetings for election of Commissioners when a contest) the words " first Wednesday in May " shall be substituted for the words " third Wednesday in October ";

(*c*) In the proviso to paragraph (iii) of subsection (1) of section 39 (Disqualification of Commissioners) the words " a director or " shall be inserted after the word " being " in both places where that word occurs;

(*d*) In paragraph (*g*) of subsection (2) and in paragraph (*a*) of subsection (3) of section 41 (Filling up of extraordinary vacancies) the words " first day of January " shall be substituted for the words " thirtieth day of June ";

(*e*) In section 42 (Change of ownership of vessels or shares before triennial revision) and in section 44 (Change of ownership of business of traders before triennial revision) the words " thirtieth day of June " shall be substituted for the words " thirty-first day of December " wherever those words occur;

(*f*) In subsection (2) of section 54 (Appointed auditors) the word " day " shall be substituted for the words " ninth day of November ";

(*g*) In subsection (2) of section 56 (Procedure where no contest for election of auditor) the words " second day of June " shall be substituted for the words " ninth day of November ";

PART III —*cont.*

(*h*) In the second proviso to subsection (1) of section 57 (Meeting for election when contest) the words " first Wednesday in May " shall be substituted for the words " third Wednesday in October ";

(*i*) In the proviso to paragraph (iv) of subsection (1) of section 59 (Disqualification of auditors) the words " a director or " shall be inserted after the word " being ";

(*j*) In the proviso to subsection (2) of section 61 (Filling up of extraordinary vacancies in office of auditor) the words " first day of January " shall be substituted for the words " thirtieth day of June ";

(*k*) In section 65 (Provisions as to years when ninth November is a Sunday &c.) the words " second day of June " shall be substituted for the words " ninth day of November " wherever those words occur and the words " first day of June " shall be substituted for the words " eighth day of November ".

Construction of Act of 1934.

24.—(1) Any reference in the Act of 1934 to any other Part section or provision of that Act shall be construed as a reference to that Part section or provision as amended by this Part of this Act.

(2) Nothing in this Part of this Act shall affect any unrepealed provision of the Act of 1934 except in so far as that provision is expressly amended by this Part of this Act.

Repeal.

25.—(1) The following provisions of the Act of 1934 are hereby repealed:—

Section 7 (Present Commissioners continued in office);
Subsection (1) of section 8 (Constitution of commission);
Subsection (1) of section 10 (Nominated Commissioners);
Subsection (1) and paragraph (i) of subsection (3) of section 38 (Co-opted Commissioners);
Section 53 (Present auditors continued in office).

(2) The Tyne Improvement Commission (Temporary Provisions) Order 1945 and the Tyne Improvement Commission (Resumption of Elections) Order 1946 are hereby revoked.

PART IV

RATES AND CHARGES

Increase of rates.

26. As from the passing of this Act—

(*a*) the maximum amounts of the dues rates tolls and charges authorised by the provisions of the Acts specified in the first column of Part I of the Third Schedule to this Act as increased by fifty per centum by section 2 (Increase of rates) of the Tyne Improvement Act

9 & 10 Geo. 5. c. lx.

PART IV —*cont.*

1919 (of which dues rates tolls and charges short particulars are contained in the second column of that Part I) shall be further increased by an amount equal to one hundred per centum of the amount thereof as increased by the said section 2;

(*b*) the maximum amounts of the dues rates tolls and charges authorised by the provisions of the Acts specified in the first column of Part II of the Third Schedule to this Act (of which dues rates tolls and charges short particulars are contained in the second column of that Part II) shall be increased by an amount equal to one hundred per centum of the amount thereof;

and the Tyne Improvement Acts 1850 to 1950 shall be read and construed accordingly.

Amendment of section 57 of Act of 1861.

27. Section 57 (Reduction of rates in Schedule D) of the Act of 1861 shall have effect as if—

(*a*) the words "four thousand five hundred pounds" were substituted for the words "one thousand five hundred pounds" in both places where those words occur;

(*b*) the words "fifteen shillings" were substituted for the words "five shillings".

As to rates in respect of Tyne dock.

28.—(1) Notwithstanding anything contained in subsection (2) of section 7 (General powers as harbour and conservancy authority) of the Act of 1929 the Commissioners shall be deemed to have had power to levy in respect of vessels using their Tyne dock and in respect of goods shipped unshipped received loaded or delivered at that dock—

(*a*) until the coming into operation of the Tyne Improvement Commission (Increase of Charges) Order 1941 the charges authorised by section 22 of and Schedules B and C to the North Eastern Railway Company's (Additional Powers) Act 1874 as varied by the London and North Eastern Railway Harbours Docks and Piers (Temporary Increase of Charges) Order 1929 and section 7 (Dock rates and charges) of the London and North Eastern Railway (General Powers) Act 1930; and

37 & 38 Vict. c. cxxxiv.

20 & 21 Geo. 5. c. clxi.

(*b*) after the coming into operation of the said Order of 1941 the charges authorised as mentioned in paragraph (*a*) of this subsection increased by one hundred per centum.

(2) (*a*) As from the passing of this Act the Commissioners may demand collect and recover—

(i) in respect of vessels using their Tyne dock dock tonnage rates not exceeding the rates specified in Part III of the Third Schedule to this Act;

PART IV —*cont.*

(ii) in respect of goods shipped unshipped received loaded or delivered at their Tyne dock rates not exceeding the rates specified in Part IV of the Third Schedule to this Act.

(*b*) The rates authorised by sub-paragraph (i) of paragraph (*a*) of this subsection shall be payable by the master of the vessel in respect of which the rate is demanded and the rates authorised by sub-paragraph (ii) of that paragraph (*a*) shall be payable by the owner of the goods in respect of which the rate is demanded.

(*c*) Nothing in this subsection or in Part III or Part IV of the Third Schedule to this Act shall affect the application of subsection (2) of section 7 (General powers as harbour and conservancy authority) of the Act of 1929 to the Tyne dock of the Commissioners in relation to vessels using their Tyne dock and to goods matters and things in respect of which rates are not authorised by this subsection to be demanded.

Increase of passenger tolls on ferries.

29.—(1) As from the passing of this Act the maximum amounts of the tolls and charges which the Commissioners may demand collect and recover in respect of the conveyance of passengers by their ferries shall be—

In respect of their Whitehill Point ferry.	Fourpence per passenger.
In respect of their Market Place ferry.	Threepence per passenger.
In respect of their direct ferry.	Twopence per passenger.

And the Tyne Improvement Acts 1850 to 1950 shall be read and construed accordingly.

(2) The reference in paragraph (ii) of subsection (2) of section 8 (Continuance of increase of ferry passenger tolls etc.) of the Act of 1925 to the Tyne Improvement Acts 1850 to 1925 shall be construed as a reference to the Tyne Improvement Acts 1850 to 1950.

Revision of rates.

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

(*a*) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(*b*) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application ; or

(*c*) by the Commissioners ;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit

PART IV —*cont.*

may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commissioners where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Commissioners or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Commissioners being insufficient or more than sufficient to enable the Commissioners with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their undertaking including interest on loan capital (regard being had by him to any capital which the Commissioners may reasonably be expected to expend) making good depreciation providing for any contributions which the Commissioners may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking of the Commissioners taking into account their financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister con-

PART IV —*cont.*

siders to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Commissioners being insufficient to enable the Commissioners to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Commissioners were authorised to levy demand and recover under or by virtue of the Tyne Improvement Acts 1850 to 1934.

(7) The provisions of section 32 (Inquiries by Minister) of this Act shall apply to inquiries which the Minister may cause to be held under this section.

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

(9) In this section "authorised rates" means the dues rates tolls and charges other than tolls and charges authorised to be charged by the Commissioners in respect of the traffic on any of their ferries which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Tyne Improvement Acts 1850 to 1950 or any order made under this section.

Revision of ferry tolls.

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

(*a*) by any chamber of commerce or shipping or any representative body of traders or shipowners; or

(*b*) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application; or

(*c*) by the South Shields Corporation; or

(*d*) by the Tynemouth Corporation; or

(*e*) by the Commissioners;

that under the circumstances then existing the tolls and charges authorised to be charged in respect of the traffic on any of their ferries should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the said tolls and charges referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

PART IV —*cont.*

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the tolls and charges to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as appear to him to be appropriate including the Commissioners where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Commissioners or by the South Shields Corporation or the Tynemouth Corporation or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the said tolls and charges as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Commissioners from their ferries being insufficient or more than sufficient to enable the Commissioners with efficient management to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their ferries including interest on loan capital (regard being had by him to any capital which the Commissioners may reasonably be expected to expend) making good depreciation providing for any contributions which the Commissioners may reasonably and properly carry to any sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the ferries taking into account their financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the said tolls and charges in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Commissioners from their ferries being insufficient to enable the Commissioners to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

PART IV —*cont.*

(6) The said tolls and charges as revised by an order under subsection (1) of this section shall not in any case be less than the maximum tolls and charges which the Commissioners were authorised to levy demand and recover under or by virtue of the Tyne Improvement Acts 1850 to 1934.

(7) The provisions of section 32 (Inquiries by Minister) of this Act shall apply to inquiries which the Minister may cause to be held under this section.

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

PART V

MISCELLANEOUS

Inquiries by Minister.

32. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed on him or the making of any orders under this Act and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

23 & 24 Geo. 5. c. 51.

Enforcement and recovery of dues &c.

33. 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 or charges shall so far as appropriate apply and be available with respect to all dues rates tolls and charges which the Commissioners are by this Act authorised to demand collect or recover.

Several sums in one summons.

34. Where the payment of more than one sum by any person is due under the provisions of any enactment from time to time relating to the Commissioners any summons or warrant issued for the purposes of any one or more of such enactments in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Expenses of execution and costs of Act.

35. 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.

SCHEDULES

FIRST SCHEDULE

SECTIONS TO BE SUBSTITUTED FOR SECTIONS 12 TO 15 OF THE ACT OF 1934

Shipowners to send statement of registered tonnage to Commissioners.

12. The secretary shall on one day during the first week in January 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 January 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 thirtieth day of June 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 thirtieth day of June ; 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 three years ended on such thirtieth day of June ;

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

National Coal Board to send to Commissioners statement of coal &c. shipped.

13. The National Coal Board shall on one day during the first week in January in every year of election make and deliver to the secretary at the principal office of the Commissioners a statement—

(i) showing the total number of tons of coal coke culm and cinders which that board has delivered to or shipped on vessels in the Tyne or in any dock or at any staith during the year ended on the thirtieth day of June next preceding the year of election ; and

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

Register of traders to be compiled.

14. The secretary shall on or before the thirty-first day of January 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 thirtieth day of June 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 thirtieth day of June

1ST SCH. —*cont.*

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 three years ended on such thirtieth day of June 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) The National Coal Board shall for the purposes of the election of an auditor in pursuance of this Act be entitled to one vote for every forty thousand tons of coal coke culm or cinders appearing by the statement made and delivered in pursuance of section 13 (National Coal Board to send to Commissioners statement of coal &c. shipped) of this Act to have been delivered to or shipped on any vessel in the Tyne or in any dock or at any staith during the year ended on the thirtieth day of June then last past in respect of which Tyne dues have been paid.

(3) Every trader who paid during the year ended on the thirtieth day of June 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.

SECOND SCHEDULE

Relevant section of Act of 1934.	Description of proceeding	Present date	New date
11 (1)	Municipal councils to appoint persons to be Commissioners.	The ninth day of November in every year.	The date of the annual meeting of the municipal council concerned in every year.
11A (1)	National Coal Board to appoint persons to be Commissioners.	On or before the ninth day of November in every year of election.	On or before the second day of June in every year of election.
16 (1)	Secretary to make lists of persons entitled to vote as shipowners and traders.	On or before the twenty-first day of August in every year of election.	On or before the twenty-first day of February in every year of election.
16 (1)	Printed copy of lists of persons entitled to vote as shipowners and traders to be posted at custom houses.	During the period of ten days next succeeding the twenty-first day of August in every year of election.	During the period of ten days next succeeding the twenty-first day of February in every year of election.
17	Two revisers of lists of electors to be appointed by Commissioners.	On or before the twentieth day of August in every year of election.	On or before the twentieth day of February in every year of election.
17	Revisers appointed by the Commissioners to appoint a third reviser.	Not later than the twenty-fourth day of August in every year of election.	Not later than the twenty-fourth day of February in every year of election.
18 (1)	Secretary to publish notice stating date time and place of meeting of revisers to revise lists of electors.	On or before the thirty-first day of August in every year of election.	On or before the third day of March in every year of election.
18 (2)	Revisers to revise lists of electors ...	On or before the fourth day of September in every year of election.	On or before the seventh day of March in every year of election.
27	Secretary to publish notice stating manner in which and time by which nominations of persons as candidates for election as Commissioners may and shall be made and delivered.	On or before the twelfth day of September in every year of election.	On or before the twelfth day of March in every year of election.

Relevant section of Act of 1934	Description of proceeding	Present date	New date
28 (3)	Nominations of candidates for election as Commissioners to be delivered to secretary.	Before five o'clock in the afternoon on the twenty-first day of September in the year of election.	Before five o'clock in the afternoon on the twenty-first day of March in the year of election: Provided that— (*a*) if in any year of election the twenty-first day of March is Good Friday or the day following Good Friday the Tuesday after Good Friday shall be deemed to have been specified in this column in respect of that year; and (*b*) if in any year of election the twenty-first day of March is a Sunday the following day shall be deemed to have been specified in this column in respect of that year.
29	Withdrawal from candidature for election as Commissioner to be delivered to secretary.	Before five o'clock in the afternoon on the twenty-second day of September in the year of election.	Before five o'clock in the afternoon on the day next following the day in the year of election appointed for delivery to the secretary of nominations of candidates for election as Commissioners: Provided that— (*a*) if in any year of election the first-mentioned day is Good Friday the Tuesday after Good Friday shall be deemed to have been specified in this column in respect of that year; and (*b*) if in any year of election the first-mentioned day is a Sunday the following day shall be deemed to have been specified in this column in respect of that year.

30 (*b*)	In the case of an uncontested election of Commissioners secretary to publish notice of election.	On or before the thirtieth day of September in the year of election.	On or before the thirtieth day of March in the year of election.
31 (1)	In the case of a contested election of Commissioners secretary to publish notice of meeting for election.	On or before the thirtieth day of September in the year of election.	On or before the thirtieth day of March in the year of election.
31 (2)	Meeting of electors for election of Commissioners to be held.	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.	The first Wednesday in May in the year of election between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon.
38 (2) (*a*)	Elected Commissioners to meet to co-opt two persons to be Commissioners.	The ninth day of November in every year of election or within seven days thereafter.	The second day of June in every year of election or within seven days thereafter.
38 (3) (ii)	Notice of intention to nominate a person for co-option as a Commissioner to be given to secretary.	On or before the first day of November in the year of election.	On or before the twenty-fifth day of May in the year of election.
54 (1)	Each of the four councils to appoint one person to be an auditor of the accounts of the Commissioners.	The ninth day of November in every year.	The date of the annual meeting of the council concerned in every year.
56 (1) (*b*)	In the case of an uncontested election of elected auditor secretary to publish notice of election.	On or before the thirtieth day of September in the year of election.	On or before the thirtieth day of March in the year of election.
57 (1) (ii)	In the case of a contested election of elected auditor meeting of electors to be held.	The third Wednesday in October in the year of election.	The first Wednesday in May in the year of election.

2ND SCH. —*cont.*

THIRD SCHEDULE

Provisions of Acts	Short particulars of dues rates tolls and charges
PART I	
Section XXXIII of the Act of 1852 as amended by section 9 of the Act of 1877.	Tonnage rates for moorings for vessels receiving discharging or delivering cargo within the port.
Section LXVI of and Schedule (C) to the Act of 1852 and section 13 of and Schedule (C) to the Act of 1877.	Rates on vessels using Northumberland docks and on goods shipped unshipped or delivered thereat.
Section 51 of the Act of 1861 ... Section 7 of the Act of 1877 ...	Ballast dues.
Section 54 of the Act of 1861 ... Section 4 of and Schedule (A) to the Act of 1877.	River tonnage rates on vessels entering or leaving the port and receiving delivering or discharging cargo within the port.
29 Vict. c. xci. Section 55 of and Schedule D to the Act of 1861.	Rates on steam vessels plying on the river or used for towing.
Sections 8 and 10 of the Tyne Improvement Act 1866.	Pier rates on vessels clearing outwards.
30 & 31 Vict. c. cxxxv. Section 24 of and Schedules A B C D and E to the Tyne Improvement Act 1867. Section 34 of the Act of 1872 ...	Charges for use of quays wharves railways shipping places works and plant of the Commissioners.
35 Vict. c. xiii. Section 3 of the Tyne Coal Dues Act 1872. Section 6 of the Act of 1877 ...	River Tyne export dues.
Section 33 of the Act of 1872 ... Section 14 of the Act of 1877 ...	Dues on vessels using Coble Dene dock (now known as Albert Edward dock) and on goods shipped unshipped received or delivered thereat.
Section 5 of and Schedule (B) to the Act of 1877. Section 69 of the Act of 1897 ... Subsection (1) of section 5 of the Act of 1925.	River dues on goods.
Section 8 of the Act of 1877 ... 7 Edw. 7. c. xxvi. Section 27 of the Tyne Improvement Act 1907. Subsection (4) of section 5 of the Act of 1925.	Dues on vessels not breaking bulk.
Section 11 of the Act of 1877 ...	Bridge dues.
Section 13 of and First Schedule to the Tyne Improvement Act 1886.	Charges for use of moorings.

3RD SCH. —*cont.*

Provisions of Acts	Short particulars of dues rates tolls and charges	
Section 34 of the Tyne Improvement Act 1890.	Charges for use of moorings for loading or discharging cargo.	53 & 54 Vict. c. xxviii.
Section 35 of the Tyne Improvement Act 1890.	Licences in respect of certain river craft.	

PART II

Section 6 of the Act of 1925	...	Tonnage rates on vessels to be broken up.
Section 7 of the Act of 1925 Section 71 of the Act of 1934	... ...	Shipment dues on coal &c.
Section 14 of the Act of 1925	...	Licences to dredge.
Section 17 of the Act of 1925	...	Licences for foyboatmen.
Section 21 of the Act of 1929	...	Tolls in respect of passengers embarking or disembarking at docks &c. of the Commissioners.
Section 22 of and the schedule to the Act of 1929.		Harbour lights buoys and beacons dues.
Section 72 of the Act of 1934	...	Dues on seaplanes &c.

PART III

		s.	d.
Outward charges	For every ship clearing for any port or place in the United Kingdom Eire the Isle of Man the White Sea or any port between the North Cape and Gibraltar including the Baltic and for the British possessions in North America per ton	0	6½
	For every ship clearing for any port or place within the Straits of Gibraltar or in the United States on the east coast of America and the West Indies per ton	1	1
	For every ship clearing for any other port or place than above specified per ton ...	1	7
Inward charges	For every ship with a cargo from any port or place in the United Kingdom Eire the Isle of Man or the islands of Jersey and Guernsey per ton	0	6½
	For every ship with a cargo from any port or place in Europe between Ushant and the Naze in Norway except the ports in the Baltic Sea per ton	1	1
	For every ship with a cargo from any port or place in the Baltic Sea or between Ushant and the Straits of Gibraltar or between the Naze and the North Cape per ton ...	1	7

3RD SCH. —*cont.*

		s.	d.
Inward charges	For every ship with a cargo from any port or place within the Straits of Gibraltar or to the east of the North Cape or in Madeira the Azores or the British possessions and the United States on the east coast of America north of Florida per ton	1	7
	For every ship with a cargo from any other port or place per ton	3	2½
	For every ship using the dock without delivering or loading any cargo or coals per ton	0	6½

For the above rates any ship may remain in the dock for any time not exceeding four weeks from the date of the ship entering the dock and after the expiration of that time a further sum of threepence per ton per week or part of a week shall be payable in respect of such ship.

For keels lighters or other river craft entering and leaving the dock for the purpose of loading or discharging minerals or merchandise three shillings and twopence each way when carrying fifty tons or less and when carrying more in addition thereto threepence per ton for every ton beyond fifty tons.

PART IV

	s.	d.
For every load of timber of whatever description each load containing fifty cubic feet received or delivered from any vessel	0	9½
And in case such timber shall continue in the dock for a longer period than fourteen days then for each week or part of a week beyond such fourteen days per load ...	0	9½
For every ton weight of goods or merchandise of every other description (other than coal coke culm or cinders) received or delivered from any vessel	1	1
Or at the option of the Commissioners for every ton measurement of such goods and merchandise each such ton measurement containing forty cubic feet	1	7
And for every package or parcel of goods less than a ton either of weight or measurement the same sum as is payable in respect of a ton.		

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