

ELIZABETH II



1967 CHAPTER xii

An Act to authorise the mayor, aldermen and burgesses of the borough of Wallasey to abandon and remove the New Brighton Promenade Pier in the county borough of Wallasey; to make further provision for the collection and recovery of the water rates of the Wirral Water Board; and for other purposes.

[28th June 1967]

WHEREAS—

(1) The borough of Wallasey (in this Act called “ the borough ”) is a county borough under the government of the mayor, aldermen and burgesses of the borough (in this Act called “ the Corporation ”):

(2) Under and by virtue of the New Brighton Pier Act, 1864, 1864 c. cclxvii. the New Brighton Pier Company were incorporated and empowered to construct the promenade pier in the borough which is known as “ the New Brighton Promenade Pier ”:

(3) The said promenade pier (in this Act called “ the promenade pier ”) was duly constructed by the New Brighton Pier Company:

(4) The Wallasey Corporation Act, 1927, transferred the undertaking of the New Brighton Pier Company, including the promenade pier, to the Corporation and conferred upon the Corporation powers in relation to the undertaking so transferred to them: 1927 c. cxxii.

(5) The interest of the public in the promenade pier has greatly lessened and there is now a diminishing public use of the promenade pier:

(6) It is expedient to empower the Corporation to abandon and remove the promenade pier:

(7) Under the Wirral Water Board Acts and Orders 1925 to 1963, the Wirral Water Board (in this Act called "the Board") are authorised undertakers for the supply of water in the county boroughs of Birkenhead and Wallasey and parts of the administrative county of the county palatine of Chester:

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(8) The Wirral Water Board Order 1963 provides that in certain circumstances the water rates and charges of the Board may be demanded, collected and recovered by the constituent authorities of the Board as agents for the Board:

(9) It is expedient to make further provision for the demand, collection and recovery of the water rates and charges of the Board:

(10) It is expedient that the other provisions contained in this Act be enacted:

(11) The purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51.

(12) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed by the Corporation and the requirements of the said Part XIII as applied by the Wirral Water Board Order 1963 have been observed by the Board:

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

Short title.

1. This Act may be cited as the Wallasey Corporation Act 1967.

Interpretation.

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

1945 c. 42.

"the Act of 1945" means the Water Act, 1945;

1967 c. 9.

"the Act of 1967" means the General Rate Act 1967;

"the Board" means the Wirral Water Board;

"the borough" means the county borough of Wallasey;

“ constituent authority ” means the council of any district mentioned in Part I of Schedule 1 to the Wirral Water Board Order 1963;

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“ the Corporation ” means the mayor, aldermen and burgesses of the borough;

“ district ” includes a county borough or borough;

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;

1952 c. 55.

“ the promenade pier ” means the promenade pier known as the New Brighton Promenade Pier in the borough authorised by the New Brighton Pier Act, 1864, and transferred to the Corporation by the Wallasey Corporation Act, 1927, and includes all works, buildings, structures and conveniences thereon or connected therewith;

1864 c. cclxvii.

1927 c. cxxii.

“ Schedule 3 ” means Schedule 3 to the Water Act, 1945;

1945 c. 42.

“ the undertaking ” means the undertaking of the Board as for the time being authorised by any enactment;

“ year ” means any period of twelve months.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

3.—(1) Notwithstanding the provisions of any enactment, but subject to the following provisions of this Act, the Corporation may take down and remove the promenade pier.

Power to
remove
promenade
pier.

(2) If the council of the borough resolve to take down and remove the promenade pier the Corporation shall, as soon as reasonably practicable thereafter and to the satisfaction of the Board of Trade, take down and remove the promenade pier, including such of the foundations, abutments and protective works as the Board of Trade may direct, and shall ensure so far as practicable that such taking down and removal does not unnecessarily interfere with or impede navigation.

(3) The Corporation may sell the structure and materials of the promenade pier and apply the proceeds for any purpose for which capital money may properly be applied.

4.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board of Trade,

As to exercise
of powers by
Board of
Trade.

any Secretary, Under-Secretary or Assistant Secretary of the Board of Trade or any person authorised in that behalf by the President.

(2) Without prejudice to the provisions of subsection (1) of this section, anything authorised by or under section 3 (Power to remove promenade pier) of this Act to be done by the Board of Trade may be done by the acting conservator of the river Mersey acting on their behalf.

Power to borrow.

5.—(1) The Corporation may borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority, such sums as may be necessary for the payment of the costs, charges and expenses of this Act;

1933 c. 51.

and, subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

1946 c. 58.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Repeal.

6.—(1) As soon as practicable after the completion of the removal of the promenade pier the Corporation shall publish in a local newspaper circulating in the borough a notice specifying the date of the completion of that removal.

(2) The following enactments are hereby repealed on the date specified in the notice published under subsection (1) of this section:—

1864 c. cclxvii.

(a) the unrepealed provisions of the New Brighton Pier Act, 1864;

(b) the enactments mentioned in Schedule 1 to this Act.

1847 c. 27.

1927 c. cxxii.

(3) The byelaws made by the Corporation in pursuance of section 83 of the Harbours Docks and Piers Clauses Act, 1847, and section 58 of the Wallasey Corporation Act, 1927, to regulate the use of the promenade pier are hereby revoked on the date specified in the notice published under subsection (1) of this section.

(4) Either—

(a) a copy of a newspaper containing the notice published under subsection (1) of this section; or

(b) a photostatic or other reproduction certified by the town clerk of the borough to be a true reproduction of a page, or part of a page, of such newspaper bearing the date of its publication and containing the said notice; shall be evidence of the publication of the notice and of the date of the publication.

7.—(1) Section 55 of Schedule 3 (which provides for the making of and the dates for payment of water rates) as applied to the undertaking by section 3 of the West Cheshire Water Board Order, 1959, or by any other enactment is hereby modified by inserting in subsection (1) after the words “if the undertakers so resolve” the word “either” and by inserting at the end of the subsection the words “or as respects premises in the districts of any or all of the constituent authorities of the undertakers annually on the first day of the rate period”.

(2) If, and so long as, in pursuance of a resolution of the Board under subsection (1) of section 55 of Schedule 3 the water rates are payable in advance on the first day of the year in respect of which the rate is fixed—

(a) if the person who is, or who, but for the provisions of section 54 of Schedule 3 as applied to the undertaking, would be, liable to pay the water rate payable in respect of any premises is in occupation of those premises during a portion only of the year, he, or, as the case may be, the owner of the premises shall be liable to pay so much only of the rate as bears to the whole rate the same proportion as the number of days within the year during which the first-mentioned person is in occupation bears to the number of days in the year, and, if any greater proportion of the rate has been paid, the person by whom it was paid shall be entitled to recover the excess from the Board, except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the year during which the premises may again become occupied; and

(b) any reference to “instalment” in any of the following enactments:—

- (i) section 38 of the Act of 1945,
- (ii) subsection (4) of section 55 and section 58 of Schedule 3,
- (iii) section 4 of the West Cheshire Water Board Order, 1959,

in its application to the undertaking shall, unless the subject or context otherwise requires, be deemed to be a reference to the water rate; and

- (c) subsection (3) of section 48 of Schedule 3 as applied to the undertaking shall have effect as if after the words "half-yearly" there were inserted the words "or annually".

Application of provisions of Act of 1967.

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8.—(1) In this section and in Schedule 2 to this Act and in section 115 (3) of the Act of 1967 in its application to any provisions of the Act of 1967 as applied by this Act the expression "Authority" means in respect of premises in the district of a constituent authority who are for the time being required by the Board in pursuance of section 22 of the Wirral Water Board Order 1963 to demand and collect water rates, that constituent authority and in any other case the Board.

(2) If, and so long as, in pursuance of a resolution of the Board under subsection (1) of section 55 of Schedule 3 the water rates are payable in advance on the first day of the year in respect of which the rate is fixed, subsections (1) and (3) of section 50 of the Act of 1967 (which gives the right to pay rates on dwellings by instalments) and Schedule 10 to that Act shall apply to the water rates charged by the Board subject to the following modifications:—

- (a) For any reference in those subsections or that schedule to a hereditament there shall be substituted a reference to premises;
- (b) For any reference in those subsections or that schedule to rates there shall be substituted a reference to water rates;
- (c) For the reference in subsection (1) to "a rating authority" there shall be substituted a reference to "the Wirral Water Board";
- (d) For any reference in subsection (1) or that schedule to "the rating authority" there shall be substituted a reference to "the Authority" (as defined in this section);
- (e) In subsection (1) the words "(not being a tenant or licensee of the rating authority who pays his rates as part of his rent)" and the words "of section 51 (2) of this Act or" shall be omitted; for the words "section 3 (4) of this Act or any other" there shall be substituted the word "any"; and for the words "section 55 or 56 of this Act" there shall be substituted the words "section 54 of Schedule 3 to the Water Act, 1945, as incorporated and modified by section 3 of the West Cheshire Water Board Order, 1959, and as further modified by section 20 of the Wirral Water Board Order 1963";

1945 c. 42.
1959 S.I.
No. 786.

(f) In subsection (3) the words "Without prejudice to paragraph (b) (ii) of the proviso to section 54 (1) of this Act" shall be omitted; after the words "by virtue of" there shall be inserted the words "section 57 of Schedule 3 to the Water Act, 1945, as incorporated by section 3 of the West Cheshire Water Board Order, 1959, or by virtue of" and for the words "said section 54 (1)" there shall be substituted the words "said section 57";

1945 c. 42.

1959 S.I.

No. 786.

(g) In paragraph 5 of Schedule 10 sub-paragraphs (a) and (b) and the words "(c) in every case" and "(apart from any rebate under section 49 of this Act)" shall be omitted;

and accordingly the said subsections (1) and (3) of section 50 of the Act of 1967 and the said Schedule 10 to that Act shall in their application to water rates charged by the Board have effect as set out in Schedule 2 to this Act.

(3) Any powers or duties conferred or imposed upon a constituent authority by the provisions of section 50 of the Act of 1967 and of Schedule 10 to that Act as applied by subsection (2) of this section shall be deemed to be conferred or imposed upon that authority by section 22 of the Wirral Water Board Order 1963.

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No. 1508.

(4) Where the provisions of subsections (1) and (3) of section 50 of the Act of 1967 apply as modified by subsection (2) of this section then if the occupier of premises gives to a constituent authority notice under subsection (1) of section 50 of the Act of 1967 electing to pay any general rates by instalments, the statement issued by the constituent authority under paragraph 3 of Schedule 10 to the Act of 1967 may specify that the instalments shown therein include the water rates and thereupon, until the occupier otherwise requires, the water rates shall be payable by instalments as if he had made an election in that behalf under the said subsection (1) as so applied.

9. Notwithstanding the provisions of any other enactment if the Board require any constituent authority in pursuance of section 22 of the Wirral Water Board Order 1963 to demand and collect water rates and charges in relation to the district of that authority on behalf of the Board, any such water rates or charges recoverable by the constituent authority in a magistrates' court may (without prejudice to any other right or remedy of the constituent authority) be recovered in the same manner and subject to the same provisions in respect of their recovery as the general rate.

Recovery of
water rates.

Protection of
members and
officers of
Corporation
and Board
from personal
liability.
1875 c. 55.

10. Section 265 of the Public Health Act, 1875, shall apply to the Corporation and to the Board as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of the Board and to a member of a committee of a local authority or of the Board.

Costs of Act.

11. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation or by the Corporation and the Board in such proportions as may be agreed between them.

SCHEDULES

Section 6.

SCHEDULE 1

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
17 & 18 Geo. 5 c. cxxii	The Wallasey Corporation Act, 1927	Part IV. New Brighton Pier.
6 & 7 Eliz. 2 c. 1	The Wallasey Corporation Act, 1958	Section 186 (Pier rates and charges).

SCHEDULE 2

Section 8.

RIGHT TO PAY WATER RATES ON DWELLINGS BY INSTALMENTS

SUBSECTIONS (1) AND (3) OF SECTION 50 OF THE ACT OF 1967 AND 1967 c. 9. SCHEDULE 10 TO THAT ACT AS MODIFIED AND APPLIED BY SUBSECTION (2) OF SECTION 8 (APPLICATION OF PROVISIONS OF ACT OF 1967) OF THIS ACT

SUBSECTION (1) OF SECTION 50

(1) Without prejudice to any power of the Wirral Water Board to make provision for the payment of water rates by instalments, any person who is the occupier of, and resides or is usually resident in, premises which—

- (a) either are a dwelling-house or, though not a dwelling-house, are within the meaning of section 115 (3) of this Act used mainly for the purposes of a private dwelling or private dwellings; and
- (b) are not the subject of arrangements made by virtue of section 54 of Schedule 3 to the Water Act, 1945, as incorporated and 1945 c. 42. modified by section 3 of the West Cheshire Water Board Order, 1959, and as further modified by section 20 of the 1959 S.I. Wirral Water Board Order, 1963, or any local Act whereby No. 786. the payment of water rates thereon is made by or through the 1963 S.I. owner; No. 1508.

may by notice in writing to the Authority given in accordance with paragraph 1 of Schedule 10 to this Act elect to pay any water rates in respect of those premises by instalments in accordance with the said Schedule 10; and as from the date which under the said paragraph 1 is the effective date of that notice until in pursuance of paragraph 6 of the said Schedule 10 that notice ceases to be in force, any water rates in respect of the rate period in which that date falls or any subsequent rate period which are charged on that person in respect of those premises shall be payable by instalments accordingly.

SCH. 2
—cont.

1945 c. 42.
1959 S.I.
No. 786.

SUBSECTION (3) OF SECTION 50

(3) No allowance by way of discount shall be made by virtue of section 57 of Schedule 3 to the Water Act, 1945, as incorporated by section 3 of the West Cheshire Water Board Order, 1959, or by virtue of any provision for like purposes to those of the said section 57 contained in any local Act on any amount payable by way of an instalment under this section.

SCHEDULE 10

1. Subject to paragraph 2 of this Schedule a notice by any person under section 50 (1) of this Act may be given—

- (a) at any time not earlier than 1st February preceding the beginning of a year and not later than 30th April in that year; or
- (b) in the year in which he first becomes qualified to serve such a notice in respect of the premises in question, on any later date in that year which is not later than the twenty-eighth day after he first became so qualified;

and the effective date of the notice—

- (i) where it is given less than three months before the end of a rate period, shall be the first day of the next succeeding rate period;
- (ii) in any other case shall be the date of the giving of the notice.

2. Where under paragraph 1 of this Schedule a notice under the said section 50 (1) would fall to be given at a time before the first occasion when water rates are levied in respect of the premises in question, the notice may be given at any time not later than the fourteenth day after service of the first demand note for such water rates, and the effective date of the notice shall not be earlier than the date of the service of that demand note.

3. Where a notice under the said section 50 (1) in respect of any premises is duly given to the Authority by a person qualified to give it, the Authority shall—

- (a) in respect of the year in which the effective date of that notice falls (or so much of that year as falls after that date); and
- (b) in respect of each subsequent year until that notice ceases to be in force;

send to that person a statement in writing specifying the number of the instalments by which the water rates are to be paid in the year in question, the respective dates on which those instalments are to become due, and the respective amounts of those instalments:

Provided that, where the notice under the said section 50 (1) is given after the service of a demand note for water rates for the rate period in which the effective date of that notice falls, the requirements of sub-paragraph (a) of this paragraph shall be deemed to be satisfied if that demand note included the statement required in consequence of the notice.

4. The number of the instalments specified in any statement under paragraph 3 of this Schedule—

SCH. 2
—cont.

(a) if the effective date of the notice under the said section 50 (1) is after 30th April, shall in the year in which that effective date falls be not less than the number of complete months between that date and the end of that year (including if that date is the first day of a month, that month) reduced, if that number of months is three, by one or, if that number of months is four or more, by two;

(b) in any other case shall be not less than ten;

and the date specified in any such statement for the first instalment thereunder shall not be earlier than ten days after the date when the statement is sent, and the interval between any two of the instalment dates shall not be less than one month.

5. The amounts specified in any statement under the said paragraph 3 for the instalments payable in the year or part of a year to which the statement relates shall be equal, except that the Authority may round off the amount of any of those instalments other than either the first or the last to the nearest shilling and adjust the amount of the first or, as the case may be, last of those instalments accordingly but the Authority may by a further statement in writing make such adjustments in those amounts as may from time to time be necessary in consequence of any change in the amount the occupier is liable to pay by way of water rates in respect of that year or part of a year.

6. A notice under the said section 50 (1) shall cease to be in force—

(a) if the person by whom it was given withdraws it by a further notice in writing to the Authority; or

(b) if—

(i) any instalment is not paid on or before the date when it is due; or

(ii) the Authority are satisfied that the person aforesaid is no longer qualified to give a notice under the said section 50 (1) in respect of the premises in question;

and the Authority give notice in writing to that person that, by reason of the default or, as the case may be, his ceasing to be so qualified, the notice under the said section 50 (1) is being treated as cancelled;

and upon the giving of any notice under this paragraph any amount due by way of water rates in respect of the premises shall be recoverable as if no notice had been given under the said section 50 (1), without prejudice, however, to the right to give a fresh notice under the said section 50 (1) in accordance with paragraph 1 (a) of this Schedule.

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Wallasey Corporation Act 1967

CHAPTER xii

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