



CHAPTER xcvi.

An Act to extend the boundaries of the borough of Sunderland to empower the mayor aldermen and burgesses of the borough to construct a quay and other works and to provide and work omnibuses to make further provision with regard to tramways and electricity and the health local government and improvement of the borough and for other purposes.

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[29th July 1927.]

WHEREAS the existing borough of Sunderland (in the preamble to this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and of the Orders specified in Parts II and III of that schedule are in force in the borough:

And whereas the urban district of Southwick-on-Wear the parish of Whitburn in the rural district of South Shields the parishes of Fulwell Ford Bishopwearmouth Without with Bishopwearmouth Without (detached) Tunstall and Ryhope in the rural district of Sunderland and the parish of Silksworth in the rural district of Houghton-le-Spring are respectively situate in the administrative county of Durham and adjoin or are in the neighbourhood of the borough:

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—

And whereas it is expedient to alter and extend the boundaries of the borough so as to include within the borough as extended by this Act the urban district of Southwick-on-Wear the parishes of Fulwell Bishopwearmouth Without with Bishopwearmouth Without (detached) and parts of the parishes of Whitburn Silksworth Ford Tunstall and Ryhope :

And whereas—

- (a) the Sunderland Union includes the parish of Sunderland which is co-extensive with the borough the urban district of Southwick-on-Wear which is co-extensive with the parish of Southwick and the parishes of Fulwell Ford Bishopwearmouth Without including Bishopwearmouth Without (detached) Tunstall and Ryhope ;
- (b) the South Shields Union includes the parish of Whitburn ;
- (c) the Houghton-le-Spring Union includes the parish of Silksworth ;

and it is expedient to extend the boundaries of the parish of Sunderland so as to include therein the several areas added to the borough by this Act :

And whereas it is expedient that the Corporation should be empowered to construct the quay and other works in connection therewith by this Act authorised and that the powers and provisions relating thereto which are in this Act contained should be conferred upon the Corporation :

And whereas it is expedient that the Corporation should be empowered to provide and run services of omnibuses within the borough as extended by this Act :

And whereas the Corporation are the owners of the electricity undertaking whereby the borough is supplied with electricity and it is expedient to make further provision with regard to the said undertaking as in this Act provided :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough as extended by this Act and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided ;

And whereas it is expedient that the other provisions contained in this Act should be enacted : A.D. 1927.

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

And whereas estimates have been prepared of the cost of constructing the works by this Act authorised and for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the purchase of land - - -	50,000
For the quay and retaining wall authorised by this Act and the works appliances and conveniences in connection therewith - - -	128,500
For the erection of buildings in connection with the said quay - - -	36,500
For machinery and plant in connection with the said quay - - -	23,000
For the railways authorised by this Act -	12,000
For the provision of omnibuses - -	15,000
For the erection of buildings in connection with the omnibus undertaking of the Corporation - - -	10,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands which may be acquired under the powers of this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and occupiers of such lands have been deposited with the clerk of the peace for the county of Durham which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

A.D. 1927. Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Sunderland Corporation Act 1927.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Lands.

Part IV.—Quay &c.

Part V.—Omnibuses and tramways.

Part VI.—Electricity.

Part VII.—Streets buildings sewers and drains.

Part VIII.—Infectious disease and sanitary provisions.

Part IX.—Police and hackney carriages.

Part X.—Recreation grounds.

Part XI.—Sale of coke.

Part XII.—Financial provisions.

Part XIII.—Miscellaneous provisions.

Incorporation
of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts (with the following exception and modification)—

(a) Section 127 (Lands not wanted to be sold or in default to vest in owners of adjoining lands) of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

(b) The bond required by section 85 (Promoters to be allowed to enter on lands before purchase on making deposit by way of security and giving bond) of the Lands Clauses Consolidation Act 1845 shall be under

the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section: A.D. 1927.

(2) The Harbours Docks and Piers Clauses Act 1847 except sections 16 to 19 (unless the Corporation shall be required by the Board of Trade to provide and maintain a lifeboat and a tide-gauge and a barometer) the sections in the said Act being construed as if—

(a) the expression "the Corporation" had been inserted therein instead of the expression "the undertakers";

(b) the expressions "packet boat" and "Post Office packet" meant 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

(c) the expression "Post Office bag of letters" meant a mail bag as defined by the same Act:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire:

(3) The Railways Clauses Consolidation Act 1845 (except sections 107 and 143):

(4) Part I (relating to the construction of a railway) of the Railways Clauses Act 1863.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion of
terms.

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

"The borough" means—

(a) In Parts I III IV VII VIII IX X XI XII and XIII the borough of Sunderland;

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(b) In Parts II and V the existing borough of Sunderland as extended by this Act;

(c) In Part VI the existing borough of Sunderland unless and until the Corporation become the undertakers under the South Shields Rural Electric Lighting Order 1903 in respect of the added part of Whitburn and under the Sunderland Districts Electric Lighting Order 1904 in respect of the remainder of the added areas and then shall mean the existing borough of Sunderland as extended by this Act;

“The Corporation” means as the context requires the mayor aldermen and burgesses of the borough as defined for the purposes of the several Parts of this Act;

“The council” means the council of the borough;

“The mayor” “the town clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough or until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough the borough fund and the borough rate of the borough;

“The county” and “the county council” mean respectively the administrative county of Durham and the county council of that county;

“The parish of Sunderland” means the existing parish of Sunderland as altered by this Act;

“Local authority” means a local authority as defined in section 3 of the Local Government and other Officers’ Superannuation Act 1922 and includes the standing joint committee of a county;

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“The Southwick District” and “the Southwick Council” mean respectively the existing urban district of Southwick-on-Wear the area whereof is coloured brown on the borough map and the urban district council of that district;

“The South Shields District” “the Sunderland District” and “the Houghton-le-Spring District” “the South Shields Council” “the Sunderland Council” and “the Houghton-le-Spring Council” mean respectively the rural districts of South Shields Sunderland and Houghton-le-Spring and the rural district councils of those districts;

“The rural councils” means the councils last mentioned;

“The Sunderland Union” “the South Shields Union” and “the Houghton-le-Spring Union” mean respectively the poor law unions bearing those names and the respective boards of guardians of those unions;

“The added areas” means the Southwick district and the parts of the South Shields district the Sunderland district and the Houghton-le-Spring district which are added to the existing borough by this Act;

“The added part of” followed by the name of any of the following parishes namely Whitburn Ford Silksworth Tunstall and Ryhope means the part of such parish which is coloured in the case of Whitburn mauve in the case of Ford grey in the case of Silksworth green in the case of Tunstall blue and in the case of Ryhope orange on the borough map and the “excluded part” means the remaining part of such parish;

“The borough map” means the borough map signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which one has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

“The ward map” means the ward map signed in triplicate by Sir Thomas Robinson the Chairman

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of the Committee of the House of Commons to whom the Bill for this Act was referred of which one has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

“The appointed day” means the first day of April nineteen hundred and twenty-eight;

“Existing” in relation to any area altered by this Act means existing immediately before the appointed day;

“Officer” includes a servant;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“The Act of 1888” and “the Act of 1894” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

“The local Acts” means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Parts II and III of that schedule and so much of the confirmation Acts specified in those Parts as relates to those Orders and each of the Acts and Orders specified in the said schedule is referred to as the Act or Order of the year in which it was passed or confirmed;

“The Order of 1891” means the Sunderland Electric Lighting Order 1891;

“The Minister” means the Minister of Health;

“Provisional Order” includes a Special Order;

“The authorised rates” means the rates dues tolls and charges which the Corporation are for the time being authorised to levy demand and recover in pursuance of this Act;

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“The Corporation tramways” means the tramways and light railways for the time being of the Corporation and “tramcar” includes a light railway car;

“Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district;

“Child” means a person under the age of sixteen years;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction therefor;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing

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or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

PART II.

EXTENSION OF BOROUGH.

*Commencement.*Commence-
ment of
this Part
of this Act.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the appointed day:

Provided that for the purposes of—

- (a) all proceedings preliminary or relating to any local government election to be held in March or April nineteen hundred and twenty-eight for any area affected by this Part of this Act;
- (b) the alteration or re-arrangement of any register of electors made under the Representation of the People Acts 1918 to 1926;
- (c) the division of the county into electoral divisions and the representation of such divisions on the county council;

this Part of this Act shall operate from such earlier date as may be necessary.

ALTERATION OF BOROUGH AND PARISHES.

Extension
of borough.

6.—(1) The boundary of the existing borough the area whereof is coloured pink on the borough map shall be altered so as to include in addition to that area the Southwick District so much of the South Shields District as includes the added part of Whitburn so much of the

Sunderland District as includes the existing parish of Fulwell the existing parish of Bishopwearmouth Without with Bishopwearmouth Without (detached) the added part of Ford the added part of Tunstall and the added part of Ryhope and so much of the Houghton-le-Spring District as includes the added part of Silksworth. A.D. 1927.

(2) The boundary of the borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of Sunderland for the purposes of the Act of 1888.

7.—(1) The parishes of Southwick Fulwell Bishopwearmouth Without with Bishopwearmouth Without (detached) the added part of Whitburn the added part of Silksworth the added part of Ford the added part of Ryhope and the added part of Tunstall shall be added to the existing parish of Sunderland and the parish of Sunderland shall form part of the Sunderland Union. Alterations of parishes and unions.

(2) The added part of Whitburn shall cease to form part of the South Shields Union and the added part of Silksworth shall cease to form part of the Houghton-le-Spring Union.

8. The South Shields Council shall continue and shall be deemed to have been elected for and shall be the rural district council for the South Shields District as diminished by this Act and the person who immediately prior to the appointed day is the rural district councillor elected to represent the Whitburn Ward of the existing parish of Whitburn on the South Shields Council shall continue to hold office for that ward as diminished by this Act. Continuing South Shields Council.

9. The Sunderland Council shall continue and shall be deemed to have been elected for and shall be the rural district council for the Sunderland District as diminished by this Act and the persons who immediately prior to the appointed day are the rural district councillors elected to represent the parish of Ford the parish of Tunstall and the parish of Ryhope respectively on the Sunderland Council shall continue to hold office for those parishes respectively as diminished by this Act. Continuing Sunderland Council.

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Continuing
Houghton-
le-Spring
Council.

10. The Houghton-le-Spring Council shall continue and shall be deemed to have been elected for and shall be the rural district council for the Houghton-le-Spring District as diminished by this Act and the persons who immediately prior to the appointed day are the rural district councillors elected to represent the parish of Silksworth on the Houghton-le-Spring Council shall continue to hold office for that parish as diminished by this Act.

Borough
and ward
maps.

11.--(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be after the passing of this Act to the clerk of the county council to the clerk to each of the rural councils to the clerks to the guardians of the Sunderland Union the South Shields Union and the Houghton-le-Spring Union respectively to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners and copies of the ward map so deposited and certified in like manner shall be sent within the said period to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the borough map so far as it relates to the boundaries of the borough and the borough map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(3) All fees so received shall be carried to the credit of the general rate fund.

PROVISIONS CONSEQUENT ON EXTENSION.

Number of
councillors
and alder-
men.

12. The number of councillors of the borough shall be increased from forty-eight to fifty-four and the number of aldermen shall be increased from sixteen to eighteen.

13. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

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Municipal
wards.

- (1) For the purposes of the election of councillors the borough shall be divided into eighteen wards:
- (2) The existing municipal wards (other than the Pallion Ward the West Ward the Thornhill Ward the Saint Michael's Ward and the Hendon Ward) and the number of councillors assigned to those wards shall remain unaltered:
- (3) So much of the added areas as comprises the existing parish of Fulwell and the added part of Whitburn shall form a new ward to be called Fulwell Ward and three councillors shall be assigned to that ward:
- (4) So much of the added areas as comprises the existing parish of Southwick shall form a new ward to be called "Southwick Ward" and three councillors shall be assigned to that ward:
- (5) So much of the added areas as comprises the part of the added part of Ford which is coloured grey on the ward map shall be included in the Pallion Ward and the councillors representing that ward immediately before the appointed day shall be deemed on and after that day to represent that ward as altered by this section:
- (6) So much of the added areas as comprises the part of the added part of Ford the part of the existing parish of Bishopwearmouth Without and the part of the added part of Silksworth which are coloured pink on the ward map shall be included in the West Ward and the councillors representing that ward immediately before the appointed day shall be deemed on and after that day to represent that ward as altered by this section:
- (7) So much of the added areas as comprises the part of the existing parish of Bishopwearmouth Without the part of the added part of Silksworth and the part of the added part of Tunstall

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which are coloured blue on the ward map shall be included in the Thornhill Ward and the councillors representing that ward immediately before the appointed day shall be deemed on and after that day to represent that ward as altered by this section :

- (8) So much of the added areas as comprises the detached part of the parish of Bishopwearmouth Without the part of the added part of Tunstall and the part of the added part of Ryhope which are coloured pink on the ward map shall be included in the Saint Michael's Ward and the councillors representing that ward immediately before the appointed day shall be deemed on and after that day to represent that ward as altered by this section :
- (9) So much of the added areas as comprises the part of the added part of Ryhope which is coloured brown on the ward map shall be included in the Hendon Ward and the councillors representing that ward immediately before the appointed day shall be deemed on and after that day to represent that ward as altered by this section.

Election of
additional
aldermen
and coun-
cillors.

14.—(1) The first election of councillors for the Fulwell Ward and the Southwick Ward shall be held in April nineteen hundred and twenty-eight and the first election of the additional aldermen of the borough shall be held at the meeting of the council on the eleventh day of April nineteen hundred and twenty-eight and the following provisions shall apply to the election of councillors in April and at any subsequent election held before the first day of November nineteen hundred and twenty-eight :—

- (a) The mayor and the town clerk of the existing borough or such other persons as the Secretary of State may appoint shall perform the duties devolving upon a mayor and town clerk respectively under the Municipal Corporations Acts and the mayor shall be the returning officer at the election but may appoint some other person to act as returning officer ;
- (b) Six councillors shall be elected on the fourth day of April.

(2) One of the additional aldermen to be elected at the first election shall be chosen from persons who if this Act had not been passed would be qualified to be councillors in the Southwick district and the other shall be chosen from persons who if this Act had not been passed would be qualified to be councillors in the parish of Fulwell.

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15.—(1) The councillors for the Fulwell Ward and the Southwick Ward elected in the year nineteen hundred and twenty-eight in pursuance of this Act shall retire as follows:—

Retirement
of coun-
cillors and
aldermen
elected in
1928.

- (a) The councillor who is elected for the ward by the smallest number of votes on the first day of November nineteen hundred and twenty-eight;
- (b) The councillor who is elected by the largest number of votes in each ward on the first day of November nineteen hundred and thirty;
- (c) The other councillor in each ward on the first day of November nineteen hundred and twenty-nine.

(2) If for any reason it is doubtful which of the councillors ought to retire on a date mentioned in this section the question shall be determined at the first or second meeting of the council held after the appointed day by lot conducted under the direction of the person presiding at that meeting.

(3) One of the two additional aldermen elected on the eleventh day of April nineteen hundred and twenty-eight in pursuance of this Act shall retire on the ninth day of November nineteen hundred and thirty and the other shall retire on the ninth day of November nineteen hundred and thirty-three and the question of which of them shall retire on the first-named date shall be determined at the first or second meeting of the council held after the appointed day by lot conducted under the direction of the person presiding at that meeting.

16. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough.

County and
Borough
Councils
(Qualifica-
tion) Act
1914.

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County
electoral
divisions.

17. Subject to the provisions of this Part of this Act and of section 54 of the Act of 1888 and section 2 of the Representation of the People Act 1922—

- (1) The existing Southwick electoral division of the county shall be abolished and the total number of councillors of the county shall be reduced by one :
- (2) The existing parish of Bishopwearmouth Without with Bishopwearmouth Without (detached) the added part of Ford and the added part of Tunstall shall be separated from the existing Bishopwearmouth electoral division of the county and the added part of Silksworth shall be separated from the existing Herrington electoral division of the county and the added part of Ryhope shall be separated from the existing Ryhope electoral division of the county and the added part of Whitburn shall be separated from the existing Westoe electoral division of the county :
- (3) The existing Bishopwearmouth electoral division the existing Herrington electoral division the existing Ryhope electoral division and the existing Westoe electoral division of the county as respectively altered by this Act shall be and become new electoral divisions of the county but known by the same names as those respectively attached to those existing divisions :
- (4) Notwithstanding the alteration of electoral divisions hereby effected the councillors for the time being representing the Southwick electoral division the existing Bishopwearmouth electoral division the existing Herrington electoral division the existing Ryhope electoral division and the existing Westoe electoral division shall remain in office until the eighth day of March nineteen hundred and twenty-eight when they shall retire from office.

Jurisdiction
of borough
justices &c.
extended.

18.—(1) The powers and duties of the quarter sessions recorder clerk of the peace and justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace

officers of the existing borough shall extend to and apply throughout the borough: A.D. 1927.

Provided that—

- (a) every person committing an offence in any part of the added areas prior to the appointed day shall be tried and dealt with as if this Act had not been passed;
- (b) every proceeding which prior to the appointed day has been begun by or before any justice in relation to any matter arising in or concerning any part of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division of the county.

19.—(1) Subject as hereinafter mentioned the powers and duties of the coroner of the existing borough shall extend to and apply throughout the borough. Jurisdiction
of coroner.

(2) Until the death resignation or removal from office of John Graham the present coroner for the Chester Ward division of the county and Thomas Valentine Devey the present coroner for the Easington division of the county (each of whom is in this section called "the county coroner") nothing in this Act shall restrict or affect the powers duties jurisdiction or emoluments of the county coroner in the division for which he is coroner and so much of the added areas as is within that division shall for all purposes of inquests continue to be within the county.

(3) The salary of the county coroner in respect of the whole area within his jurisdiction shall continue to be payable by the county council.

(4) After the appointed day the Corporation shall pay to the county council such contribution towards the salary and superannuation (if any) of the county coroner in respect of his services in the added area as may from time to time be determined by agreement between the county council and the Corporation (or failing such agreement by the Secretary of State).

(5) All fees allowances and disbursements lawfully paid or made by the county coroner in respect of matters

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Borough
auditors.

20. The auditors of the existing borough who are in office on the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Corporation
property &c.

21. Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the appointed day attach to the Corporation in respect of the existing borough shall from and after that day attach to them in respect of the borough.

Local Acts
and Orders.

22.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day (except the provisions of the Order of 1891 and of any other Order or of any Act of Parliament which relate to electricity) shall extend to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective clause for the benefit of the county council or of the Southwick Council or of any of the rural councils (or the predecessors of any such council) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall in respect of those matters be construed as if a reference to the Corporation were substituted for any reference to such council (or their predecessors) as the case may be.

Saving
rights of
electrical
companies.

23.—(1) Nothing in this Part of this Act shall alter the area within which the Corporation may supply electricity or prejudice or affect the rights and powers of

the County of Durham Electric Power Supply Company or of the County of Durham Electrical Power Distribution Company Limited with regard to the supply of electricity in the added areas.

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(2) Nothing in this Part of this Act shall affect lessen prejudice or interfere with the rights powers or privileges of the County of Durham Electric Power Supply Company the Newcastle-upon-Tyne Electric Supply Company Limited or the Cleveland and Durham County Electric Power Company under the County of Durham Electric Power Act 1909 and all such rights powers and privileges may be exercised and enjoyed in the same manner and to the same extent as if this Act had not been passed and as if section 13 of the County of Durham Electric Power Act 1909 referred to the borough of Sunderland as constituted at the passing of that Act.

(3) Nothing in this Part of this Act shall affect prejudice or interfere with any right conferred upon the Corporation as successors of the Southwick Council or any of the rural councils by this Part of this Act to become the undertakers under the South Shields Rural Electric Lighting Order 1903 in respect of the added part of Whitburn and under the Sunderland Districts Electric Lighting Order 1904 in respect of the remainder of the added areas.

24.—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1925 the Public Libraries Acts 1892 to 1919 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Museums and Gymnasiums Act 1891 the Notification of Births Act 1907 and the Public Health Act 1925 which are in force in the existing borough immediately before the appointed day shall be in force in and apply to the borough as if the same had been adopted for the borough.

Adoptive
Acts.

(2) The provisions of any adoptive Act other than the Acts mentioned in subsection (1) of this section shall cease to be in force in any part of the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas and any such order in force on the day aforesaid in the added areas shall save

A.D. 1927. as hereinbefore provided cease to be in force in those areas.

Powers
under Public
Health Acts
Amendment
Act 1907.

25. Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 (in this section called "the Act") :—

- (1) The provisions of any order made before the appointed day whereby any parts or sections of the Act are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough as extended by this Act and as if the said parts or sections were accordingly declared to be in force in the borough :
- (2) Any other order under the Act which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas :
- (3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added areas any parts or sections of the Act shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Powers
under
section 33
of Act of
1894.

26. Subject to the provisions of any order which the Minister may hereafter make the provisions of any order heretofore made by the Local Government Board or the Minister (other than orders conferring upon the council of the existing borough the powers to appoint overseers and to appoint and revoke the appointment of assistant overseers) and conferring upon the council of the existing borough any of the powers relating to the matters mentioned in section 33 of the Act of 1894 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough

the council of the existing borough and the parish comprised therein extended and applied to the borough the council of the borough and the parish of Sunderland. A.D. 1927.

27. Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day. Orders under Shop Hours Act 1904 or Shops Acts 1912 to 1920.

28. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day. Orders under Wild Birds Protection Acts.

29. Subject to the provisions of this Act—

(1) All byelaws made under the Public Health Acts and in force within the existing borough or within any part of the added areas immediately before the appointed day shall—

(a) if made before the first day of January nineteen hundred and fourteen continue to apply to the existing borough or to the part of the added areas to which such byelaws relate as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of the said period of three years cease to be in force within the borough;

(b) if made on or after the first day of January nineteen hundred and fourteen continue to apply to the existing borough or to the part of the added areas to which such byelaws relate as the case may be until repealed or altered by the Corporation :

(2) All other byelaws made by the Corporation or by the watch committee of the existing borough which immediately before the appointed day are in force throughout the

Byelaws
&c.

A.D. 1927.

existing borough shall extend and apply to the borough until such byelaws may be altered or repealed and all byelaws made by the county council by the standing joint committee or by the councils of the added areas (other than those to which subsection (1) of this section applies) shall on that day cease to be in force in the added areas :

- (3) In their application to any part of the added areas any byelaws continued in force by this section shall have effect as if they had been made by the Corporation and as if the part of the added areas affected were referred to therein instead of the area to which they now apply :
- (4) Any proceedings which if this Act had not passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation :
- (5) In this section " byelaws " includes any regulation scale of charges list of tolls or table of fees or payments and the phrase " byelaws made under the Public Health Acts " includes all byelaws to which section 184 of the Public Health Act 1875 applies.

Urban powers &c. in excluded parts of parishes.

30. All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the Sunderland Council the South Shields Council and the Houghton-le-Spring Council are invested respectively in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parish of Ford the existing parish of Ryhope and the existing parish of Tunstall or any of those parishes the existing parish of Whitburn and the existing parish of Silksworth respectively shall be deemed to vest in and attach to the Sunderland Council the South Shields Council or the Houghton-le-Spring Council as the case may be in respect of the excluded part of Ford the excluded part of Ryhope and the excluded part of Tunstall the excluded part of Whitburn or the excluded part of Silksworth respectively.

31. All poor law orders in force immediately before the appointed day in the existing Sunderland Union and applicable to the existing parish of Sunderland shall extend and apply to the parish of Sunderland.

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As to exist-
ing poor
law orders.

32.—(1) At the appointed day such members (if any) of the police force of the county as shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough :

County
police.

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the police force of the county so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as the other serving members of the police force of the borough of the same rank as such member and any period of service which the transferred member was entitled to reckon before such transfer for purposes of pay promotion or pension in the police force of the county shall be reckoned for the same purpose in the police force of the borough :

Provided that where the scale of ordinary pensions applicable to a member of the police force of the county who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 (Continuous service in two or more forces) of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer such member may not have completed one year's approved service in the county police force.

33.—(1) Any county police station situate in any part of the added areas with any residence for constables or cell connected therewith and the fittings and furniture

County
police
stations.

A.D. 1927. thereof shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 (Adjustment of property and liabilities) of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section.

(2) In the event of the amount of the consideration for the transfer of the property which by virtue of this section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of the consideration shall for the purposes of section 12 of the Finance Act 1895 be treated as the date of vesting.

Adjustment
of financial
relations
between
county and
county
boroughs.

34.—(1) In any case where the extension of the existing borough by this Act affects the distribution between the county and the borough or between the county and the borough on the one hand and any other county borough on the other hand of the moneys payable out of the local taxation account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) or any financial relations or questions between those areas or any adjustment which has been made with regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested.

(2) Any adjustment authorised by subsection (1) of this section may be made by agreement between the councils of the borough the county and the county borough affected and if such adjustment has not been made before the thirty-first day of December nineteen hundred and twenty-eight then on the application of any of the councils interested the Minister may if he thinks fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the commissioners

appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

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Provided that—

- (a) in lieu of subsection (6) of section 61 (Appointment of commissioners) of the Act of 1888 subsections (1) and (5) of section 87 (Application of provisions of 38 & 39 Vict. c. 55 as to local inquiries and provisional orders) of the Act of 1888 shall apply to any inquiries which may be directed by the Minister under this section and to the costs of those inquiries; and
- (b) subsection (6) of section 32 (Adjustment of financial relations between counties and county boroughs) of the Act of 1888 shall apply to any agreement or award made under this section.

35. For the purposes of the application of section 62 (Adjustment of property and liabilities) of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the alteration of the area or the abolition of any existing parish that section shall have effect—

Parochial
adjust-
ments.

- (a) As if the general rate were substituted for any fund mentioned in the section; and
- (b) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended (that is to say) :—

“ (6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that any amount shall be charged separately on a part only of any rating area the agreement or award may authorise the levying of that amount

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on that part of the rating area as an additional item of the general rate in accordance with the provisions of subsection (5) of section 2 of the Rating and Valuation Act 1925.

“(7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister may authorise or direct.”

Adjustment
for purposes
of Licensing
(Consolidation)
Act
1910.

36.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 (Compensation fund) of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 and the provisions of that Act shall apply accordingly.

Insurance
committees.

37.—(1) The Minister may by order at any time after the passing of this Act make such provision as appears to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county as relate to persons resident in the added areas.

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added areas until such date not being later than the thirtieth day

of June nineteen hundred and twenty-eight as may be specified in the order and may for that purpose postpone the operation of this Act so far as relates to the rights and duties of the respective insurance committees for the county and borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

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—

(3) An order under this section shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are members of the respective insurance committees for the county and the existing borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the county as altered by this Act and the borough.

38. For the purposes and subject to the provisions of the Education Act 1921—

Transfer of
public
elementary
schools &c.
within
added areas
and loans.

(1) All public elementary schools provided by the county council as local education authority and situate in the added areas and the furniture fittings books and apparatus belonging to the county council of any public elementary school within the added areas shall by virtue of this Act be transferred to and vested in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority :

(2) All contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school within the added areas or of the furniture fittings books or apparatus or with respect to the officers and teachers of any such school within the added areas shall by virtue of this Act enure to and be carried into effect by and be discharged and

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satisfied by the Corporation as the local education authority :

- (3) Section 68 (Adjustment of property and liabilities) of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :
- (4) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings books or apparatus transferred to and vested in the Corporation by virtue of this Act as will be owing immediately before the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will then be owing shall be charged on the general rate fund and the general rate and shall be repaid by the Corporation within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- (5) In this section "public elementary school" includes the site and school house and also any land acquired and held by the county council as the local education authority for purposes of elementary education.

Education
byelaws and
managers.

39.—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation in substitution for any such byelaws which may be in force in the added areas.

(2) Any manager of any elementary school within the added areas who was appointed by the county council or by the Southwick Council or by any parish council shall vacate office on the appointed day.

40. Subject to the provisions of this Act—

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(a) The Southwick Council shall be abolished and shall cease to exist;

Dissolution
property
&c. of
Southwick
Council.

(b) All property or liabilities which immediately before the appointed day are vested in or attach to the Southwick Council shall by virtue of this Act be transferred to vest in or attach to the Corporation as urban authority for the execution of the Public Health Acts.

41.—(1) Subject to the provisions of this Act—

Mortgage
debts of
Southwick
Council and
Corpora-
tion.

(a) The liability for the repayment of so much of any moneys borrowed by the Southwick Council (or by the predecessors of such council) as immediately before the appointed day are owing and for the payment of the interest thereon shall by virtue of this Act be transferred to and attach to the Corporation;

(b) So much of any moneys borrowed by the Southwick Council (or by their predecessors) as immediately before the appointed day are owing and charged upon a fund or rate of that council together with so much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing borough shall be charged upon the revenues of the Corporation and the general rate fund and the general rate;

(c) All borrowed moneys to which this section applies shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

(2) Nothing in this Act shall prejudice or affect any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred from the Southwick

A.D. 1927. Council to the Corporation by this section or the powers which any person entitled under any such mortgage or other security could have enforced if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed.

Powers
property
&c. of rural
councils.

42.—(1) The rural councils shall cease to exercise any powers or discharge any duties within any part of the added areas.

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to any of the rural councils in relation exclusively to any part of the added areas shall by virtue of this Act be transferred to and vest in the Corporation as urban authority.

(3) Any property or liabilities vested in or attaching to any of the rural councils in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Town
planning
schemes.

43. Any resolution passed or other proceeding taken by the South Shields Council under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or repealed enactment) shall in so far as they relate to land within the added area have effect as if they had been passed or taken by the Corporation in respect of the added area.

North East
Durham
Joint
Smallpox
Hospital
District.

44. The North East Durham Joint Smallpox Hospital Orders 1904 to 1914 and the Acts confirming those Orders shall be altered so that the following provisions shall have effect (that is to say):—

(1) The borough shall be a constituent district of the North East Durham Joint Smallpox Hospital District (hereinafter called "the united district") of which the governing body is the North East Durham Joint Smallpox Hospital Board (hereinafter called "the joint board"):

(2) The schedule to the North East Durham Joint Smallpox Hospital Order 1914 shall be altered by the omission of the references to the Southwick District and Southwick Council and to the elective member to be elected by that council and eleven shall be substituted for ten in column four of that schedule as the number of elective members representing the borough:

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(3) The elective member upon the joint board representing the Southwick District shall go out of office at the appointed day and the council shall proceed to elect one additional member as if a casual vacancy had occurred amongst the representatives of the borough.

45.—(1) On and after the appointed day (a) the South Shields Rural and Southwick-on-Wear Joint Hospital Board constituted by the South Shields Rural and Southwick-on-Wear Joint Hospital Order 1903 (amended by the South Shields Rural and Southwick-on-Wear Joint Hospital Order 1904) shall be dissolved (b) the said Orders of 1903 and 1904 shall be repealed and (c) all property and liabilities which immediately before the appointed day are vested in or attach to the said board shall by virtue of this Act be transferred to and vested in the South Shields Council.

Dissolution of South Shields Rural and Southwick-on-Wear Joint Hospital Board and vesting of hospital in South Shields Council.

(2) As from the appointed day the provisions of the Public Health Acts with regard to the provision and maintenance of hospitals for the reception of the sick shall apply to the South Shields Council in respect of the hospital and other properties of the said board as if the same had been provided by the South Shields Council under the powers of those Acts.

(3) (a) All persons who at the commencement of this Part of this Act are officers of the said board shall be transferred to and become officers of the South Shields Council.

(b) Every officer so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which

A.D. 1927. he was required to perform immediately before the appointed day shall receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed.

(c) The South Shields Council may distribute the business to be performed by the transferred officers in such manner as the South Shields Council shall think proper and every officer shall perform such duties in relation to that business as may be directed by the South Shields Council and the South Shields Council may abolish the office of any officer.

(d) If at any time within five years after the appointed day any transferred officer is required by the South Shields Council to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the appointed day the officer may relinquish his office.

GUARDIANS AND DISTRICT COUNCILLORS.

Division of
parish of
Sunderland
into wards.

46.—(1) Subject to the provisions of the Act of 1894 the parish of Sunderland shall for the purposes of the election of guardians be divided into eighteen wards which shall be respectively co-terminous with and shall bear the same name as the municipal wards of the borough.

(2) On the second day of April nineteen hundred and twenty-eight or such other day as the county council may order under the Guardians (Outside London) Election Order 1898 and at every subsequent election two guardians shall be elected for each of the wards of the parish of Sunderland excepting only Southwick Ward and Thornhill Ward for each of which three guardians shall be elected.

(3) Nothing in this Act shall affect the persons who are at the appointed day members of the board of guardians of the Sunderland Union who shall continue in office as guardians until the fifteenth day of April nineteen hundred and twenty-eight at which date they would have vacated office if this Act had not been passed.

47. The persons in office as rural district councillors for the parishes of Fulwell and Bishopwearmouth shall go out of office as rural district councillors on the appointed day and the number of councillors of the Sunderland Council shall be reduced by three.

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Retirement
of rural
district
councillors.

OFFICERS.

48. The town clerk and all other officers and servants of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk and officers and servants of the Corporation of the borough and shall hold their offices by the same tenure as on the appointed day.

Officers of
Corporation
continued.

49.—(1) All persons who at the commencement of this Part of this Act are officers of the Southwick Council or officers employed whole time by the county council exclusively in the added areas shall be transferred to and become officers of the Corporation.

Existing
officers.

(2) Every officer so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed.

(3) The Corporation may distribute the business to be performed by the transferred officers in such manner as the Corporation may think proper and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office of any officer.

(4) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the appointed day the officer may relinquish his office.

50.—(1) Every officer in office at the passing of this Act including any officer of the South Shields Rural and Southwick-on-Wear Joint Hospital Board

Compensa-
tion to
existing
officers.

A.D. 1927. who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees or salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) Any transferred officer who relinquishes his office in pursuance of the last preceding section or in pursuance of the section of this Act of which the marginal note is "Dissolution of South Shields Rural and Southwick-on-Wear Joint Hospital Board and vesting of hospital in South Shields Council" or any officer whose services are dispensed with or whose salary is reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of this Act and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Act.

Determina-
tion of
compensa-
tion.

51.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Part of this Act regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 (Compensation to existing officers) of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and the general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications:—

(a) Any reference in that section to the county council shall be construed as a reference to the Corporation and in subsection (7) of that section for the words "the same or any other county council" there shall be substituted the words "any local authority as defined by the Local Government and other Officers' Superannuation Act 1922";

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—

- (b) References in that section to "the passing of this Act" shall be construed as references to the date on which the abolition or relinquishment of office or determination of appointment takes effect or the direct pecuniary loss commences as the case may be;
- (c) The expression in subsection (1) of that section "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the Act of 1888; and
- (d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister.
- (3) (a) The compensation payable under this Act to an officer who immediately before the appointed day shall hold two or more offices under any local authority or local authorities and who shall have devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.
- (b) For the purposes of this subsection the following offices shall be deemed to be offices under a local authority namely clerk to an assessment committee constituted under the Rating and Valuation Act 1925 superintendent registrar registrar of births and deaths and registrar of marriages.
- (4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service of any such officer (after he has attained the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.
- (5) All fees or remuneration received by an officer in connection with the preparation of the jurors' book or the register of electors shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

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(6) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence. Provided that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

(7) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

(8) The provisions of the section of this Act whereof the marginal note is "Compensation to existing officers" and the foregoing provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority. Provided that—

(a) In the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day;

(b) In the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

52. No officer shall be entitled to receive compensation under this Act for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

A.D. 1927.

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Compensation and superannuation.

SUPPLEMENTARY PROVISIONS.

53.—(1) The Southwick Council and the parish council of the existing parish of Fulwell and the parish meeting of the parish of Bishopwearmouth Without shall liquidate so far as practicable before the appointed day all current debts and liabilities incurred by them.

Liquidation of current debts and liabilities of parish councils.

(2) If default is made by the Southwick Council or by the said parish council or parish meeting in complying with the requirements of subsection (1) of this section—

(a) the Corporation may levy over the area of such portion of the borough as is co-terminous with the district of the Southwick Council or the parish of the parish council or parish meeting in default as the case may require as an additional item of the general rate such amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Southwick Council or the parish council or parish meeting in default;

(b) any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the Southwick Council or the parish council or parish meeting in default at any time within one year before the appointed day.

54.—(1) As soon as practicable after the appointed day the county council and the rural councils shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by each of the added areas and subject to a deduction on account of undischarged liabilities in respect of that added area accruing up to the appointed day shall transfer such amount to the Corporation.

Apportionment of balances and sums received under precepts.

(2) Any sum received after the appointed day by the county council or any of the rural councils under a precept issued or rate made before that day in respect of any area comprising one of the added areas shall be dealt

A.D. 1927. with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

Adaptation
of provisions
as to ad-
justment.

55.—(1) Section 62 (Adjustment of property and liabilities) of the Act of 1888 shall apply to any adjustment which may become necessary in consequence of this Act and for the purposes of such application that section shall have effect—

(a) As if in subsections (5) (6) and (7) thereof the expression “council” included any authority affected by this Act or by anything done in pursuance of this Act; and

(b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction :

Provided that where the authority affected by this Act or by anything done in pursuance of this Act are the board of guardians of a poor law union section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

(2) For the purposes of this section the South Shields Council shall be deemed to be an authority affected by this Act by reason of the operation of the provisions of the section of this Act of which the marginal note is “Dissolution of South Shields Rural and Southwick-on-Wear Joint Hospital Board and vesting of hospital in South Shields Council” or of anything done in pursuance of that section and for the purposes of the application of the Local Government (Adjustments) Act 1913 and the

Local Government (County Boroughs and Adjustments) Act 1926 to any adjustment which may become necessary in pursuance of this Act any increase of burden thrown on the South Shields Council in consequence of the provisions of that section or of anything done thereunder shall be deemed to be an increase of burden thrown on the ratepayers of the South Shields District within the meaning of the said Acts of 1913 and 1926. A.D. 1927.

56.—(1) Any balances standing at the appointed day in the books of the Sunderland Guardians or the Sunderland Council to the credit or debit of the existing parishes of Sunderland Southwick Fulwell Bishopwearmouth Without and Bishopwearmouth Without (detached) respectively shall be carried to the credit or debit of the parish of Sunderland. Balances in accounts of guardians.

(2) Any balances standing at the appointed day in the books of—

(a) the South Shields Guardians or the South Shields Council to the credit or debit of the existing parish of Whitburn;

(b) the Houghton-le-Spring Guardians or the Houghton-le-Spring Council to the credit or debit of the existing parish of Silksworth; and

(c) the Sunderland Guardians or the Sunderland Council to the credit or debit of the existing parishes of Ford Tunstall and Ryhope respectively;

shall be matters for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

57.—(1) The registration officer of the parliamentary county of Durham shall on publication of the electors' lists for each registration unit comprising any part of the added areas which is within the parliamentary county supply the registration officer of the parliamentary borough of Sunderland with a sufficient number of copies of those lists. Duplicate entries in electors' lists.

(2) It shall be the duty of the registration officer of the parliamentary borough to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People

A.D. 1927. Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in any ward of the parish of Sunderland for the purpose of guardians' elections.

(3) Where the registration officer of the parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added areas he shall forthwith notify the registration officer of that parliamentary county and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register in nineteen hundred and twenty-eight and of later registers.

Qualifi-
cation of
Local Gov-
ernment
electors.

58. For the purpose of the register of local government electors of the borough prepared in the year nineteen hundred and twenty-eight and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the twenty-eighth day of February nineteen hundred and twenty-eight.

Provisions
as to
register of
electors.

59.—(1) If the register of local government electors for any electoral area affected by this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for a parish or ward or other voting area—

(a) the town clerk in the case of an election for any voting area within the borough; and

(b) the registration officer of the parliamentary county in the case of an election or parish meeting for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(2) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Act and

may vary so far as is requisite the provisions in force with regard to the lists and registers of electors. A.D. 1927.

60. Subject to the provisions of this Act—

Parish
councils.

(1) The parish council of the existing parish of Fulwell shall cease to exist :

(2) Any powers and duties transferred by or under the Act of 1894 to the parish councils of the existing parishes of Whitburn Fulwell Ford Silksworth Tunstall and Ryhope (except powers or duties as the authority under any of the adoptive Acts as defined in the Act of 1894) shall as regards the added areas comprised in those parishes be vested in and imposed on the persons and authorities in or on whom they would be vested or imposed if the added areas had been included in a parish in the existing borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred in relation exclusively to the added areas for the purpose or by virtue of the said powers and duties shall by virtue of this Act be transferred to and vest in the persons and authorities aforesaid :

(3) Any property or liabilities of the said parish councils held or incurred so far as regards the added areas otherwise than by virtue or for the purposes of the powers or duties aforesaid shall by virtue of this Act be transferred to and vest in the Corporation :

(4) The powers duties property and liabilities of the said parish councils under any of the adoptive Acts as defined in the Act of 1894 or of any authority under any such adoptive Act shall so far as regards the added areas be transferred to and vest in the Corporation :

(5) Any property or liabilities held or incurred by the said parish councils respectively in relation to the added areas or any part thereof conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888 :

A.D. 1927.

(6) The parish councils of the existing parishes of Whitburn Silksworth Ford Tunstall and Ryhope shall be deemed to have been elected as and shall be the parish councils of the respective parishes of Whitburn Silksworth Ford Tunstall and Ryhope as altered by this Act.

Bishop-
wearmouth
Without
parish
meeting.

61. Subject to the provisions of this Act—

(1) Any powers and duties transferred by or under the Act of 1894 to the parish meeting of the existing parish of Bishopwearmouth Without (except powers and duties under any of the adoptive Acts as defined in that Act) shall be vested in and imposed on the persons and authorities in or on whom they would be vested or imposed if that parish had been included in the existing borough on the appointed day within the meaning of the Act of 1894 :

(2) Any property or liabilities held or incurred by the chairman of the parish meeting and overseers of the said existing parish in relation to the said parish for the purposes or by virtue of the powers and duties above mentioned shall by virtue of this Act be transferred to and vest in the persons and authorities aforesaid :

(3) Any property or liabilities held or incurred by any authority under any of the adoptive Acts as defined in the Act of 1894 in relation to the said parish for the purposes of any such adoptive Act or otherwise than for the purposes or by virtue of the powers and duties above mentioned shall by virtue of this Act be transferred to and vest in the Corporation :

(4) Any property or liabilities held or incurred on behalf of the parish meeting of the said parish in relation to the said parish conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

Settlement
and removal
of poor.

62.—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in any existing parish affected by this Act by reason of residence

birth or other qualification in any part of the added areas shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the parish of Sunderland as if the added areas had always been part of that parish.

A.D. 1927.

(2) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a status of irremovability from the existing South Shields Houghton-le-Spring or Sunderland Union as the case may be by reason of residence in any part of the added areas shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Sunderland Union.

(3) For the purposes of this section consecutive periods of residence in any portions of an existing parish divided by this Act shall be aggregated and reckoned as continuous residence in that part of the existing parish in which the person was residing immediately before the appointed day.

63. Until new valuation lists come into force—

Valuation
lists.

(1) The valuation lists of the existing borough and of the existing parishes of Fulwell Southwick and Bishopwearmouth Without with Bishopwearmouth Without (detached) and the portions of the valuation lists of the existing parishes of Whitburn Silksworth Ford Tunstall and Ryhope which relate to hereditaments in the added areas shall together form the valuation list of the borough:

(2) The portions of the valuation lists of the existing parishes of Whitburn Silksworth Ford Tunstall and Ryhope which relate to hereditaments in the excluded parts of Whitburn Silksworth Ford Tunstall and Ryhope respectively shall be deemed to be the valuation lists of those parishes as respectively altered by this Act.

64.—(1) Subject to any future revision the basis of the county rate of the county shall be altered as follows:—

County
rate basis.

(a) There shall be omitted therefrom the value of the property in the existing parishes of Southwick Fulwell and Bishopwearmouth Without with Bishopwearmouth Without (detached);

A.D. 1927.

(b) From the amounts respectively appearing therein as the net annual values of the agricultural land and of other hereditaments in the existing parishes of Whitburn Silksworth Ford Tunstall and Ryhope there shall be deducted such sums in each case as will represent the net annual values of the agricultural land and of other hereditaments in the added parts of those parishes respectively.

(2) For the purposes of this section the net annual value of the agricultural land in a part of an existing parish shall be the amount which bears the same relation to the net annual value of agricultural land in the existing parish as the total rateable value of the agricultural land in such part bears to the total rateable value of the agricultural land in the existing parish.

(3) For the purpose of ascertaining the net annual value of other hereditaments (not being agricultural land) in a part of an existing parish the preceding subsection of this section shall apply with the substitution for "agricultural land" of "hereditaments other than agricultural land."

(4) In this section "net annual value" means the net annual value according to the basis of the county rate which is being altered in pursuance of this section and "total rateable value" means the total rateable value according to the valuation list of the existing parish last in force before the basis is so altered.

(5) For the purpose of the preparation of any order for county contributions to be issued by the county council after the appointed day this section shall operate on and from the date of the passing of this Act.

Jury
service.

65. For the purpose of summoning jurors and of jury service any parish affected by this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

Parish
books and
documents.

66.—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to any of the existing parishes affected by this Act in relation exclusively to the added parts of those parishes respectively and all documents directed by law to be kept with the public books writings and papers of those parishes respectively except any book or document relating to

ecclesiastical matters shall be deposited in such custody as the Corporation may direct. A.D. 1927.

(2) Any ratepayer of any of the existing parishes aforesaid shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in this section as he would have had if this Act had not been passed.

67.—(1) Subject to any adjustment all rates made by the Southwick Council and not collected and all other sums due to that council at the appointed day may be recovered by the Corporation. Arrears of rates in added areas.

(2) Subject to any adjustment all rates not collected at the appointed day and levied by any overseers or by any of the rural councils upon any hereditament situate in any part of the added areas shall be collected and recovered by the Corporation.

68.—(1) The accounts of the Southwick Council of the parish council of Fulwell and of the parish meeting of Bishopwearmouth Without shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed. Audit of accounts of dissolved authorities.

(2) Any sum certified by the district auditor to be due from any person at any such audit shall be paid to the treasurer and shall if necessary be a matter for adjustment.

(3) This section shall apply to the accounts of any committee or officer of any of the authorities mentioned in this section as it applies to the accounts of the authority.

69. Any references in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921. References to Education Act 1921.

70. The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 : Burial Acts.

A.D. 1927.

Provided that nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet grave-stone or inscription which any person may have acquired prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906 :

Provided also that no approval sanction or authorisation of the vestry of the parish of Sunderland shall be required in respect of any act of the Corporation as the burial board as aforesaid.

Savings for
actions con-
tracts &c.

71. No alteration effected by this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the county council the Southwick Council or any of the rural councils or any of the parish councils or boards of guardians affected by this Act or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such council or board or their predecessors :

Provided that—

- (i) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such council or board in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation or the guardians of the Sunderland Union (as the case may be); and
- (ii) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such council or board or their predecessors in relation exclusively to any part of the added areas or so much of any such contract deed bond agreement or other instrument as relates to any part of the added areas may be continued and enforced as fully and effectually as if instead of such council or board (or their predecessors) the Corporation or the guardians of the Sunderland Union (as the case may be) had been a party thereto.

72. An alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Act.

A.D. 1927.

—
Saving for
qualification
of aldermen
councillors &c.

73. Notwithstanding the alterations in the areas of parishes or districts effected by this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for
contribution
orders and
precepts.

74.—(1) Nothing contained in this Act shall—

Saving pro-
visions.

(a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the Minister of Transport the county council or the Corporation under the Act of 1888 or the Act of 1894;

(b) affect the limits of the parliamentary borough of Sunderland or of the parliamentary county of Durham or of any division thereof or the powers of the county council under section 31 (Division of constituency into polling districts and appointment of polling places) of the Representation of the People Act 1918 or any order or scheme made by the county council for the division of the parliamentary county of Durham into polling districts and the appointment of polling places for parliamentary elections;

(c) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;

(d) affect the provisions of the Rating and Valuation Act 1925;

(e) affect land tax.

(2) Provided that for the purposes of any valuation list to be made under the said Act of 1925 the amount of the deduction to be made from the net annual value in the ascertainment of the rateable value of such hereditaments within the added areas as are included in class (3) of the hereditaments specified in column 1 of

A.D. 1927. Part II of the Second Schedule to that Act shall be twenty-nine decimal five per centum. Provided further that until the first valuation list under the said Act of 1925 comes into force in the added areas the owner of any such hereditaments within the added areas shall be assessed to the general rate in the same proportion as similar hereditaments within the existing borough.

Saving as to
income tax.

75. For the purposes of income tax the sections of this Act whereof the marginal notes are "Extension of borough" and "Alterations of parishes and unions" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

Land
Charges
Act 1925.

76.—(1) The local registrars for the county and for the Sunderland District the South Shields District and the Houghton-le-Spring District under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within those parts of the county and the said districts which are within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate parts of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land in the added areas:—

(a) The local registrar of the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the district affected and in the register for the county:

(b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search

in the register of the borough and shall forward to the local registrar for the district affected the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application : A.D. 1927.

- (c) The local registrars for the districts and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed :
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation :
- (e) Where a local land charge duly registered in the local land charges register of the county council or of a rural council is in pursuance of this Act transferred from the county council or the rural council to the Corporation such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

PART III.

LANDS.

77.—(1) Subject to the provisions of this Act the Corporation may enter on take and use for and in connection with the construction of the quay quay wall retaining wall railways and other works described in Part IV of this Act or for other the purposes of the said Part IV such of the lands in the borough delineated on the deposited plans and described in the deposited book of reference as the Corporation may require. Power to take lands.

(2) The Corporation may also for and in connection with the construction of the said quay and quay wall enter upon take and use all or any part of the foreshore

A.D. 1927. — or bed of the river Wear and the harbour of the Wear Navigation Commissioners which is delineated on the deposited plans and described in the deposited book of reference.

Correction of errors &c. in deposited plans and book of reference.

78. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appears to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the borough and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands in accordance with such certificate.

Power to enter upon property for survey and valuation.

79. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Period for compulsory purchase of lands.

80. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of October nineteen hundred and thirty-two.

81.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

A.D. 1927.
Extinction of private rights of way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

82. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

83. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of the quay authorised by this Act or the widening or improvement of any existing street in connection therewith or arising through such adjoining lands becoming lands fronting on the said quay or any such widened or improved street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

84.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment

Further powers for the acquisition of land.

A.D. 1927. of any capital sum payable under a lease thereof. Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

Agreements
with owners
of property
&c.

85. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the works by this Act authorised with respect to the sale or purchase by the Corporation of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the said works) or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of

any lands or other property required by them for the purposes of this Act. A.D. 1927.

86.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1923) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Retention
and disposal
of lands.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or

A.D. 1927: may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of
sale of
surplus
lands.

87.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the section of this Act of which the marginal note is "Further powers for the acquisition of land") in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;

(b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Persons
under dis-
ability may
grant ease-
ments &c.

88. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply

to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1927.

89.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-houses for persons in Corporation's employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

90.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes of the works authorised by this Act and (with the consent of the Minister) any other lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

Power to develop lands &c.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

A.D. 1927.

(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised or any of them with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

(5) The Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

PART IV.

QUAY &C.

Power to
make new
quay and
works.

91. Subject to the provisions of this Act the Corporation may make and maintain in the borough in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described (that is to say) :—

Work No. 1 A quay and quay wall on the south-east side of the river Wear commencing at the south-west end of the existing Fish Quay and continuing thence for a distance of 600 feet or thereabouts in a due south-westerly direction and terminating at the point where the centre line of the passage known as Youll's Passage if projected towards the existing quay wall would intersect it;

Work No. 2 A retaining wall from Bank Street to a point 10 feet or thereabouts west of the intersection of the centre lines of High Street East and Silver Street;

Work No. 3 A railway (Railway No. 1) (1 furlong 9·3 chains in length) commencing by a junction with the existing railway of the River Wear

Commissioners at the north-west end of the Barracks site and terminating at a point 60 feet or thereabouts north-west of the intersection of the centre lines of High Street East and Silver Street;

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Work No. 4 A railway (Railway No. 2) (1 furlong 2:7 chains in length) commencing by a junction with Railway No. 1 authorised by this Act at a point 200 yards or thereabouts from the commencement thereof and then continuing parallel to the said Railway No. 1 in a south-westerly direction to and terminating at or about the point of termination of Work No. 1 authorised by this Act;

together with all necessary and proper piles fenders booms dolphins pontoons caissons staging coffer dams embankments piers abutments jetties river walls wharves stations sidings rails junctions turntables signals bridges approaches roads gates retaining walls pipes sewers drains culverts sluices and other apparatus works and conveniences connected therewith and may alter and divert any road sewer drain pipe or other work within the limits of deviation defined on the deposited plans so far as may be necessary for the construction maintenance and use of the works authorised by this Act :

Provided that the Corporation shall not alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

92. In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Limits of deviation.

93. If the works authorised by this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for the making thereof or otherwise in relation thereto shall cease except as to

Period for completion of works.

A.D. 1927. such of them or so much thereof respectively as shall then be completed.

Subsidiary
works
affecting
river Wear.

94. Subject to the provisions of this Act the Corporation may construct place and maintain in the river Wear and the bed banks shores and channels thereof such of the works authorised by this Part of this Act as the Corporation may deem expedient or necessary.

Power to
dredge.

95. For the purposes of constructing and maintaining the quay and quay wall authorised by this Act and approaches thereto and other works in connection therewith the Corporation may subject to the provisions of this Act deepen dredge alter and interfere with the bed banks shores and channels of the river Wear to such extent as may be necessary or convenient:

Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Damage to
be made
good and
avoidance of
obstructions
and inter-
ference with
navigation.

96. In the exercise of the powers by this Act conferred upon them the Corporation shall make good all damage to the bed banks shores and channels of the river Wear caused by or resulting from the exercise of such powers and shall conform as far as possible to the directions of the engineer for the time being of the River Wear Commissioners for the purpose of avoiding as far as possible interference with or obstruction to the navigation of the said river and the entrance to the docks adjacent to the works of the quay authorised by this Act.

Works
below high-
water mark
to be subject
to approval
of Board of
Trade.

97.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

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98.—(1) The Corporation shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve:

Lights on
works
during con-
struction.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

99.—(1) After the completion of the works by this Act authorised the Corporation shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent
lights on
works.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

100. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act which shall be on

Survey of
works by
Board of
Trade.

A.D. 1927.

under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Provisions
against
danger to
navigation.

101.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement
of work
abandoned
or decayed.

102.—(1) Where any work constructed by the Corporation under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate

above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

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(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

103.—(1) The Corporation may for the purposes of the quay stop up the following streets and roads and parts of roads (that is to say) Youll's Passage Dunn's Passage Deans Yard Wellington Lane the four streets commonly collectively known as Low Street namely Custom House Quay Ettrick's Quay Bowes Quay and Low Quay Long Bank High Street East Bank Street Pottery Bank North Moor Street and Back North Moor Street:

Power to stop up streets in connection with quay works.

Provided that the Corporation shall not stop up any such road or part of a road unless and until they are the owners in possession of all lands and houses on both sides of that road or part thereof unless and except so far as the owners lessees and occupiers of those lands and houses may otherwise agree.

(2) Upon the stopping up of any street or road or part of a street or road under the powers of this section all rights of way thereover other than that of the River Wear Commissioners shall be by virtue of this Act extinguished.

104. All private rights of way over any lands which shall under the powers of this Part of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the

As to private rights of way over lands taken compulsorily.

A.D. 1927. Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to
alter steps
areas pipes
&c.

105. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Temporary
stoppage of
streets.

106.—(1) The Corporation during the execution of the powers of this Part of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any land or premises in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such land or premises.

Subsidiary
works con-
veniences
and services
in connec-
tion with
quay.

107. The Corporation may provide erect fit up and equip on the quay or on any lands adjoining the same and for the time being belonging to the Corporation warehouses depôts buildings sheds yards walls fences gantries coal and other tips lifts cranes elevators conveyors machinery meters weighing machines electric and other apparatus telegraphic and telephonic works and other works erections conveniences appliances and facilities for the reception security accommodation transit passage measuring weighing and interchange of goods merchandise and other traffic and for the more convenient use of the quay and may hold work and use and let or otherwise dispose of and make and recover such reasonable charges for the use of the same and for any services performed by the Corporation as they may from time to time determine and the Corporation may enter into and fulfil contracts and agreements for or in relation to the exercise of any of such powers ;

Provided that any electric telegraphic or telephonic works provided erected or maintained under the provisions of this section shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed or maintained in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. A.D. 1927.

108. The Corporation may set apart and appropriate to the exclusive use of any particular trade traffic or vessel any berth at the quay and any sheds quay space or other facilities and in addition to the other rates they are authorised to demand and take may for such exclusive appropriation or use demand and take such reasonable charges and make such regulations as they from time to time think fit No person or vessel shall make use of any berth so set apart or appropriated without the consent of the Corporation under the hand of their quay-master and any person knowingly offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding ten pounds for every day during any part of which such offence shall continue after notice not to use such berth and the quay-master may order such person and any such vessel to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel. Power to set apart and appropriate berths &c.

109. The Corporation may load and discharge vessels at the quay and perform all services in respect of shipping unshipping transshipping stowing unstowing landing relanding housing unhousing handling weighing measuring coopering packing cording tying marking numbering labelling lettering sorting lotting tareing filling sewing bagging sampling piling unpling watching loading unloading trucking untrucking hauling protecting delivering and repairing cargo and may prepare and furnish certificates of weights or contents and may perform any other services with respect to cargo shipped or unshipped or warehoused or deposited at the quay and the Corporation may provide trucks plant gear machinery and appliances and labour to effect the purposes aforesaid The Corporation may make reasonable charges for Rights of loading and discharging vessels and handling cargo.

A.D. 1927. such loading and discharging and for performing such services.

Rates for
vessels.

110.—(1) When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Minister of Transport that all consents and approvals required under this Act or otherwise necessary for the due execution of the works have been given the Corporation may demand receive and recover from the master or owner of every vessel using the quay for discharging or loading cargo rates not exceeding the following sums per ton on the net registered tonnage of such vessels (that is to say):—

	Per ton.
For every vessel trading between the quay of the Corporation and any port in Great Britain and Ireland the Isle of Man and the Channel Islands - - -	1d.
For every vessel trading between the quay of the Corporation and any port in Europe between the North Cape and Gibraltar including the Baltic but excluding Great Britain and Ireland the Isle of Man and the Channel Islands -	2d.
For every vessel trading between the quay of the Corporation and any port other than those above mentioned - - -	4d.

and may in respect of any vessel discharging or loading a part only of the cargo reduce the amount of rates payable in respect of such vessel in proportion to the amount of cargo loaded or discharged by such vessel while moored at the quay but such rates shall not be payable both in respect of loading and discharging in the case of any vessel which shall be discharged and loaded without leaving the quay. Provided always that if a vessel leaves the quay before her discharging and loading has been completed and without lying up or trading in the river Wear or leaving the river returns to the quay for the purpose of completing such discharging and loading such vessel shall not be deemed to have left the quay within the meaning of this section.

For the purposes of this section the words "a part only of the cargo" shall be construed as meaning a

portion of the cargo carried on the same voyage and not exceeding in number of tons gross weight the net registered tonnage of such vessel with the addition of the tonnage of the space occupied by deck cargo.

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(2) If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Minister of Transport but to be paid by the Corporation that the works have been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Corporation may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works have not then been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in this section as will in the opinion of the Minister of Transport be commensurate with the increased accommodation afforded.

111. The Corporation may demand receive and recover from the owner or shipper of all goods mentioned in the Second Schedule to this Act shipped or unshipped loaded or unloaded from or upon the quay dues in respect of such goods not exceeding the several dues specified in the second column of such schedule :

Dues on goods.

Provided always that in levying any dues on goods fractional parts of a ton or other quantity or number shall be charged proportionately but no such fractional part shall be charged less than threepence in the case of any less weight quantity or number than is specified in the said schedule and in the case of any greater weight quantity or number than is specified in the said schedule containing fractional parts of a ton or other quantity or number any fractional parts of one penny shall be charged as one penny.

112. As to such goods as are not specified in the Second Schedule the Corporation may demand receive and recover from the owner or shipper of such goods such reasonable dues and rates on such goods as they may determine.

As to goods not enumerated.

113. All rates dues and charges from time to time payable to the Corporation shall be paid at the office or offices appointed or to be appointed by the Corporation

Mode of paying rates.

A.D. 1927. — for that purpose without any previous demand being made of such rates dues or charges by the Corporation.

Agreements for payment of dues on special scales.

114. The Corporation may enter into and fulfil agreements with the owners of vessels trading at stated times or intervals to or from the port of Sunderland or carrying to or from the said port a stated amount of cargo for the payment of any dues leviable by the Corporation in respect of the quay on special scales lower than those applicable to other vessels:

Provided that any such agreement shall be made on the same terms equally with all owners of vessels where the circumstances under which any such agreement shall have been made are similar.

Power to compound for rates dues or charges.

115. It shall be lawful for the Corporation from time to time to confer vary or extinguish exemptions from and compound for remit or make rebates from any of the rates dues or charges which they are authorised to levy or make on or in respect of the quay Provided that every such composition remission or rebate shall be made on the same terms equally to all persons in respect of the same description of vessel or the same description of goods where the circumstances under which any such remission or rebate shall have been made are similar.

Charges for services not otherwise provided for.

116. The Corporation may make reasonable charges for all work done services rendered facilities afforded and plant and machinery or appliances provided by them for the despatch of business at the quay or the convenience of shipmasters merchants and others concerned with the traffic thereat and for goods articles and things which remain upon any part of the quay or in the warehouses of the Corporation for a longer period than shall be allowed by the byelaws or regulations of the Corporation relating to the quay in so far as such charges are not expressly provided for by this Act.

Power to levy tolls on passengers embarking or disembarking on quay.

117. The Corporation may demand levy and recover tolls dues and charges in respect of passengers embarking or disembarking at the quay not exceeding two shillings for each such passenger and the provisions of this Act with respect to rates on vessels dues on goods and other like dues leviable by the Corporation and the recovery thereof shall extend and apply to the tolls dues and charges authorised by this section Provided that nothing

in this section shall extend to authorise the Corporation to demand levy or recover any tolls dues or charges from any person when on duty in the service of the Crown or in respect of the embarkation or disembarkation of any person in the employ of the owner of the vessel from which such embarkation or disembarkation may take place.

A.D. 1927.

118. The Corporation may use locomotive engines and wagons on the railways by this Act authorised and may take such reasonable tolls and charges as they may think fit in respect thereof and for haulage or conveyance and other special services rendered by the Corporation.

Locomotive
tolls and
charges for
special
services.

119.—(1) If it is represented by application in writing to the Minister of Transport (hereinafter in this section referred to as “the Minister”)—

Revision of
rates dues
tolls and
charges.

(a) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister a proper person for the purpose; or

(b) by the Corporation;

that in the circumstances then existing the rates dues tolls or charges or any of them authorised in pursuance of this Act should be revised the Minister if he thinks fit at any time after the fifteenth day of February nineteen hundred and twenty-nine may make an order revising the rates dues tolls or charges referred to in the application or any of them 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 section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitration &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of the said rates dues tolls or charges or any of them an order has been made or the Minister has decided not to make an order no further application for a revision of the rates dues tolls or charges or any of them to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

A.D. 1927.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) As if the Minister were referred to therein in lieu of the Board of Trade;

(b) As if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) As if in section 4 of the said Act of 1874 the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Approval of
byelaws.

120. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 no byelaw made by the Corporation under the powers of that Act with respect to the quay shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes :

Provided that in the case of any byelaws which the said Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the

said Board were substituted for the said Minister and the allowance and confirmation of any such byelaws by the said Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

A.D. 1927.

121. The Corporation may if they think fit at the request of any person warehousing or depositing goods in any warehouse or premises of the Corporation or entitled to any goods so warehoused or deposited issue and deliver to him a certificate that such goods have been so warehoused or deposited or a warrant for the delivery of such goods or of any part thereof and such goods or such part thereof shall be specified in such warrant.

Issue of transferable warrants or certificates.

122. Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by endorsement and any holder of such certificate or warrant whether the person named therein or the endorsee or if more than one the last endorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Effect of certificate or warrant.

123. Every such certificate or warrant shall state on the face thereof the effect of the last preceding section and that it is issued under the powers of this Act.

Certificate or warrant to state effect of preceding enactment.

124. No goods specified in any certificate or warrant shall be delivered by the Corporation except upon delivery to and cancellation by the Corporation or their officer authorised in that behalf of such certificate or warrant and then such goods shall be delivered only to the person named in the warrant or if the same be endorsed to the last endorsee thereof.

Goods not to be delivered until delivery and cancellation of certificate.

125. No warrant for delivery of any goods shall be issued or delivered by the Corporation except upon delivery to and cancellation by them of the certificate (if any) issued in respect of such goods. Provided that if the warrant be for the delivery of part only of the goods specified in the certificate the Corporation shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Warrant not to be issued till certificate given up.

A.D. 1927.

Issue of new
certificate
or warrant
on loss or
destruction
of original.

126. If any such certificate or warrant be lost or destroyed then upon proof thereof to the satisfaction of the Corporation or their authorised officer and on receiving indemnity to the satisfaction of the Corporation or their authorised officer a new certificate or warrant shall be given in substitution for such last-mentioned certificate or warrant to the person entitled to the goods therein referred to.

Certificate
or warrant
not to be
given till
freight rates
&c. paid.

127. No such certificate or warrant shall be given under this Act until all claims and liens for freight and all other claims or liens whatsoever to which the goods were liable whilst the same were on board any vessel and before the warehousing or depositing thereof and of which the Corporation have had notice in writing and all rates dues and rents charges and expenses payable to the Corporation in respect of such goods are paid or discharged.

Corporation
bound by
warrants
and certi-
ficates under
this Act.

128. All certificates or warrants issued under this Act and signed and issued by any officer duly authorised in that behalf shall be effectual and binding on the Corporation and all other persons interested without any seal.

Corporation may
charge for
certificate or
warrant.

129. The Corporation may charge for such certificate or warrant any sum not exceeding two shillings.

Power to
lease &c.

130. As and when the quay railways warehouses and other works and conveniences authorised by this Act to be constructed or provided by the Corporation or any of them are available for use and occupation the Corporation may at any time and from time to time lease or grant the use or occupation of the same or any part thereof to the River Wear Commissioners or may enter into agreement with the said commissioners for the working of the same or any part thereof at such rents and for such period or periods and upon such terms and conditions as shall be agreed between the Corporation and the said commissioners and may delegate to and confer upon the said commissioners all or any of the powers by this Act vested in the Corporation with respect to the occupation use and working of such quay railways warehouses and other works and conveniences and the levying and collection of tolls and dues and the regulation and carrying on of business in connection therewith and section 23 of the Harbours Docks and Piers Clauses

Act 1847 shall be extended and read and construed accordingly. And the said commissioners are hereby authorised and empowered to accept any lease and to enter into any agreement with the Corporation which the Corporation are by this Part of this Act authorised to grant or enter into. A.D. 1927.

131. Nothing contained in this Act shall be deemed to lessen abridge modify or detract from the powers and rights of the River Wear Commissioners and the Corporation shall with respect to the construction and use and occupation of the quay railways warehouses and other works authorised by this Act be subject to the provisions regulations and conditions contained in the Wear Navigation and Sunderland Docks (Consolidation and Amendment) Act 1922. Saving rights of River Wear Commissioners.

132.—(1) The Corporation shall within three months after the thirty-first day of March in every year send a copy of the accounts of the quay undertaking to the Minister of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. Annual account to be sent to Minister of Transport.

(2) The Corporation shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The said accounts and the accounts referred to in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of March in each year.

PART V.

OMNIBUSES AND TRAMWAYS.

133.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough as extended by this Act. Power to provide and run omnibuses.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings in the borough and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running

A.D. 1927. equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(3) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(4) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(5) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(6) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

Saving for
railway
companies.

134. Nothing in this Act shall impose any obligation upon any railway company to strengthen adapt alter or reconstruct any bridge or road maintainable by them or enlarge any existing obligation.

Fares and
charges &c.
for omni-
buses.

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

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of

the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

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

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

136.—(1) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough.

Working
and other
agreements
with respect
to omni-
buses.

(2) Any such agreement may provide for all or any of the following purposes (that is to say):—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided within the borough in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
- (b) The supply by the working party under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

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Through
cars and
omnibuses.

137. The Corporation may run through cars and omnibuses along any route on which the Corporation are for the time being authorised to run tramcars or omnibuses and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger or parcel carried by such cars or omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus. Provided that during the running of such through cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or omnibuses as the case may be.

Power to
reserve cars
and omni-
buses for
special
purposes.

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

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

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the Corporation tramways or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Stopping
and starting
places.

139. The Corporation may appoint the stations and places from which the cars on the Corporation tramways and the omnibuses of the Corporation shall start or at which they may stop for the purposes of taking up or

setting down passengers and may make regulations for fixing the time during which such tramcars and omnibuses shall be allowed to remain at any such place: A.D. 1927.

140.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the Corporation tramways or of the Corporation's omnibuses signs or directions indicating the position of stopping places for tramcars and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Attachment of signs indicating stopping places to lamp-posts &c.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or belonging to any railway company except with their consent in writing.

141. The Corporation may erect and maintain within the borough sheds shelters and waiting-rooms for the accommodation of passengers on any tramway light railway or omnibus routes of the Corporation and may use for that purpose portions of the public streets or roads due regard being given to the convenience of the general traffic along any such street or road. Shelters or waiting-rooms.

142. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramway light railway or omnibus undertakings and at suitable places on any tramway light railway or omnibus route of the Corporation and the Corporation may make charges Cloak-rooms &c.

A.D. 1927. — for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles, tricycles and other vehicles therein.

Power for Corporation to suspend traffic.

143. The Corporation may for the purpose of regulating and facilitating the traffic or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the Corporation tramways or any part thereof shall be stopped, delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof.

Use of tramways for sanitary purposes.

144.—(1) The Corporation may in such manner as they think fit use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuff nightsoil road and sewer material coal pipes and any other materials required for or arising at the works of the Corporation and may for such purposes with the consent of the Minister of Transport form connections between any yards or works belonging to the Corporation and any of the Corporation tramways.

(2) Provided always that in the construction of such connections as aforesaid no rails shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands address and deliver to the Corporation within three weeks after receiving from the Corporation notice of their intention express their objection thereto.

Payment of fares rates and charges.

145. The tolls fares rates and charges authorised by the Acts relating to the Corporation tramways and by this Act relating to the omnibuses of the Corporation shall be paid to such persons and at such places upon or near to the Corporation tramways or

the Corporation's omnibuses as the case may be and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of tolls fares rates and charges appoint. A.D. 1927.

146. Any property found in any tramcar or omnibus of the Corporation or in any shelter or waiting-room provided in connection with their tramway light railway or omnibus undertakings shall forthwith be handed to the conductor of the tramcar or omnibus or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking of the Corporation. Lost property.

147. The omnibus undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking. Omnibuses to form part of tramway undertaking.

148. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly. As to byelaws &c. under this Part of this Act.

PART VI.

ELECTRICITY.

149.—(1) The Corporation may upon the application of the owner or occupier of any premises in the borough abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity. Power to lay electric lines &c. in private streets.

A.D. 1927. and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the Order of 1891 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

(2) The powers conferred by this section shall not extend to any street which is repairable by a railway company and is used for the purposes of their railway unless the consent of that company is obtained by the Corporation but such consent shall not be unreasonably withheld and upon an application made to the Minister by the Corporation the Minister may if he thinks fit determine whether a consent has unreasonably been withheld to the exercise by the Corporation of their powers under this section.

Power to
construct
electrical
sub-stations
under
streets.

150. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the provisions of the Order of 1891 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the borough sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Provided that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway of a railway company or the approaches thereto or under any bridge carrying such a railway over a street or within ten feet of any abutment of any such bridge or (b) in any street belonging to or repairable by a railway company and forming the approach to any station or depôt of such company or (c) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company constructed and maintained under statutory authority except with the consent in writing of the railway company.

151.—(1) No consumer to whom electricity is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use such electricity for lighting purposes or suffer it to be so used.

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Use for
lighting
purposes of
electricity
supplied
for power.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as for the time being they may be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Corporation.

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

152.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Provisions
as to
supply of
electricity
by agree-
ment.

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(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 (Penalty for failure to supply) of the Order of 1891 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

As to
maximum
power which
may be
demanded.

153.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws
as to appa-
ratus and
fittings.

154. The Corporation may make byelaws for the purpose of preventing fire or danger to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to

the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 (Regulations to be inserted in licences &c.) of the Electric Lighting Act 1882 shall apply to any byelaws made under this section :

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Provided that nothing contained in any byelaw to be made under this section shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company and used by such company primarily for railway purposes.

155.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of
error in
defective
meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

156.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

Entry upon
premises
Penalty
for obstruction.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

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Notice to
discontinue
supply of
electricity.

157.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall be sufficient if it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking of the Corporation.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

Discounts
for prompt
payments.

158. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

Receipts
and
expenses.

159.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Develop-
ment
scheme may
be required
in connec-
tion with
new streets.

160.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with

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plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty of not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(5) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

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(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Adjust-
ment of
boundaries
of streets.

161.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement

it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act. A.D. 1927.

162.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough are submitted to the Corporation for approval the Corporation may require that provisions shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent. Adjustment of boundaries of estates.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

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(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

No building
allowed
until street
defined.

163.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Further
powers as
to future
line of
street.

164.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any

building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

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(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to daily penalty not exceeding forty shillings.

165.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or

Building
line in
streets.

A.D. 1927. — fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time

of the approval of the building line by the Corporation determine the centre of any street or intended street. A.D. 1927.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

166.—(1) (a) No fence hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches shall be erected or brought forward on any land in any street within the borough—

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which

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would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

Restrictions
on adver-
tisement
hoardings.

167.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful to erect any hoarding or similar structure in or abutting on or adjoining any street to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

(2) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or similar structure fall away become detached or are stripped off shall forthwith remove and clear away such papers.

(3) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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(4) Provided that a person shall not be liable to any such penalty in respect of an offence under subsection (3) of this section unless he shall have failed to comply with a notice in writing from the Corporation requiring him to keep or maintain a hoarding wall or structure of which he is the owner or user in proper and safe repair and condition or to remove and clear away paper in accordance with the provisions of subsection (2) of this section.

(5) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he gives twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

168.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

As to
erection of
retaining
walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

169.—(1) Every person intending to erect within the borough any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan

Restriction
on erection
of tem-
porary
stands &c.

A.D. 1927. and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

Banners and
signs over
streets.

170.—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street within the borough for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which such banner streamer sign or lettering is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the twentieth day of November nineteen hundred and twenty-six.

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(4) Any person aggrieved by any requirement of any notice of the Corporation or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

171. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant within the borough or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. Fire-plugs.

172.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character. Direction signs.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

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Elevation
of buildings
erected on
front lands
to require
approval.

173.—(1) Where by reason of any improvement made by the Corporation within the borough any land shall become land which adjoins or abuts upon any street the following provisions shall apply:—

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within six weeks after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of such wall or fence.

Elevation
of new
buildings
fronting
streets.

174.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building in any street within the borough shall furnish the Corporation with drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations (which drawings and particulars are in this section included in the expression "elevations").

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the

Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council : A.D. 1927.

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(4) Where the elevations of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(5) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall

A.D. 1927. — be accompanied by a statement of the objections to the building.

(6) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the consideration mentioned in subsection (4) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(7) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Council and to the person by whom the elevations were submitted.

(8) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the elevations they shall be

recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

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(11) The provisions of this section shall not apply to a building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate on or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

175.—(1) If the medical officer is of opinion that any building proposed to be erected in the borough would if erected—

Prevention
of obstructive
buildings.

- (a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed buildings should be erected.

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection (1) of section 19 (Power to local authority to order obstructive buildings to be pulled down) of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

176.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such

Erection of
buildings to
greater
height than
adjoining
building.

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building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Dilapidated
and
neglected
buildings.

177.—(1) Where an unoccupied building within the borough is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover

such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

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178.—(1) In the case of any building within the borough which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

As to
dangerous
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

179. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building.

Byelaws
as to
alterations
of buildings.

180. Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if subsection (2) of the said section were omitted therefrom.

Amendment
and applica-
tion of
section 17
of Public
Health Acts
Amendment
Act 1907.

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Byelaws as to erection of dwelling-houses under continuous roof.

181. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

Byelaws as to materials and construction of buildings &c.

182. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:
- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:
- (3) The testing of drains of new buildings:
- (4) For securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

Means of escape from buildings in case of fire.

183.—(1) Every building erected within the borough after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as

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a tavern hotel hospital boarding-house common lodging-house or boarding-school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of July nineteen hundred and twenty-eight the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or boarding-school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

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(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Durham holden at Sunderland and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(5) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(6) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(7) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Food
storage
accommoda-
tion to be
provided in
new houses.

184.—(1) Every dwelling-house erected within the borough after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every existing dwelling-house and every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so

provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court may make such order as appears to the court just and equitable under all the circumstances of the case.

185. Section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of habitable rooms.

186.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the borough of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected.

Cellars not to be constructed below sub-soil water level.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

187.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary

Further provisions as to sanitary conveniences.

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(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet
accommodation in
houses
occupied
by more
than one
family.

188.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

Byelaws as
to water-
closets.

189. The Corporation may make byelaws for preventing the improper use of waterclosets within the borough and the blocking of the pipes therefrom.

Combined
drains.

190.—(1) If it appears to the Corporation that two or more houses within the borough may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such

owners subject to a right of appeal under subsection (4) of this section. A.D. 1927.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

191.—(1) Where two or more houses or premises within the borough are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

Houses
connected
with single
private
drain.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

As to
defective
drains &c.

192.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe within the borough is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

Amendment
of section 62
of Public
Health Act
1875.

193. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

Improper
construction
or repair of
watercloset
or drain.

194.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the

actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

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195. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

As to
repair of
drains.

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

196. If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage
to drains
water-
closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

197. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and

Powers on
inspection.

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plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary
con-
veniences
for workmen
engaged on
buildings.

198.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Definition
for purposes
of this Part
of Act.

199. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restrictions on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation of terms" measles German measles whooping cough chicken-pox scabies ringworm and influenza.

Parents to
notify
infectious
disease.

200.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating

that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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(2) For the purpose of this section the expression "school" shall include a Sunday school.

201.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof within the borough or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

Power to close Sunday schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

202.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof within the borough which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

Restrictions on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

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Information
to be
furnished
in case of
infectious
disease.

203.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

As to filthy
premises.

204.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Disinfection
in case of
tuberculosis.

205.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and

disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

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(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

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(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Regulation
dustbins.

206.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

207. The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not fæcal or offensive or noxious matter or liquid.

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—
Byelaws
as to
refuse.

208. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) within the borough or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act within the borough.

Byelaws
as to
stables.

209.—(1) Where the Corporation's veterinary surgeon has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

As to
infected
stables or
other places.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

210.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

Power to
close
slaughter-
houses if
injurious
to public
health.

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(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875. Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

211.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875

Discon-
tinuance of
offensive
trade.

as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

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Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

212.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any

Names of
laundrymen
to be
furnished.

A.D. 1927. laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

For regu-
lating
manu-
facture and
sale of ice-
cream &c.

213.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same

power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

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214. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws as to lodging-houses.

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

215. Section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Extension of powers of section 72 of Public Health Act 1925.

216.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for the food of man.

Byelaws as to transport of food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this

A.D. 1927. section applicable to the transport by a railway company of any article intended for the food of man the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

(3) At least one month before applying to the Minister for confirmation of any byelaws made under this section relating to the retail meat trade the Corporation shall give notice to the Sunderland and District Butchers' Association of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the Corporation shall confer with the said association thereon before they submit the same to the Minister for confirmation and such association shall be entitled to make representation to the Minister with regard thereto.

Registra-
tion of
premises
used for
preparation
of potted
and pre-
served
foods.

217.—(1) Any premises within the borough used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

As to
inspection
of premises
used for
storage of
food.

218.—(1) On any inspection carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment

therefor and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

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(2) The expression "public analyst" in this section means the analyst appointed by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

219. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly.

Further powers in relation to unsound food.

220.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence

A.D. 1927. — that the other provisions of this section have been complied with.

PART IX.

POLICE AND HACKNEY CARRIAGES.

Regulations
for control-
ling traffic.

221.—(1) The Corporation may from time to time make regulations prescribing within the central area referred to in subsection (9) of this section—

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraphs (a) or (b) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The said Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

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(4) Before approving any regulations the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the said Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

(a) shall contravene any regulation under paragraph (a) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of the said subsection and a warning notice shall have been

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erected pursuant to subsection (7) of this section in contravention of such regulation; or

(c) shall contravene any regulation under paragraph (c) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

(a) “The central area” means any part of the borough which is within a radius of half a mile from the town hall; and

(b) “Specified” means specified in any regulations made or approved under this section.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

Regulations
as to stands
or stopping
places of
omnibuses.

222.—(1) The Corporation may make regulations prescribing within the borough—

(a) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published timetable the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of

section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed. A.D. 1927.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one newspaper circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

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(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

Evidence of
regulations
made by
Corporation.

223. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made.

Byelaws as
to hackney
carriages.

224. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed by such byelaws including an examination and inspection within one month before the annual licensing day or any adjourned licensing day:
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire:
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

225. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

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—
Power to
impose test
on motor
drivers.

226.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

Inspection
and certifi-
cation of
taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

PART X.

RECREATION GROUNDS.

227. The existing power of the Corporation of making byelaws for securing good and orderly conduct in their public parks and pleasure grounds shall extend to the making of byelaws for securing good and orderly conduct during any concert recital entertainment exhibition or amusement provided or carried on in pursuance of the provisions of the Public Health Act 1925.

Power to
make
byelaws.

228. The Corporation may provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the

Pro-
grammes.

A.D. 1927. expenses of which they may contribute in any public park or pleasure ground in the borough and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

Power to advertise entertainments and attractions.

229. The Corporation may in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on tramcars and omnibuses plying in the borough or between the borough and other places and in newspapers published in the county of Durham advertisements of the concerts and entertainments provided by them or towards which they may contribute in any public park or pleasure ground in the borough or in any enclosure pavilion or other building in such park or ground or in the public offices or swimming baths of the Corporation.

Power to appoint officers.

230.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such park keeper the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

As to receipts and expenses.

231. All moneys from time to time received by the Corporation in respect of the exercise of their powers under this Part of this Act shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of the exercise of those powers shall be paid out of the general rate fund and the general rate.

PART XI.

SALE OF COKE.

Weight ticket or note on delivery of coke over

232.—(1) Where any coke sold or represented to be sold as a load by weight and exceeding two hundredweights in quantity is delivered by means of any vehicle to a purchaser within the borough the seller of such coke

shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

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—
two
hundred-
weights.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of the coke delivered or in course of delivery is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

233.—(1) The seller or person in charge of any vehicle from which coke is sold by weight in quantities exceeding fourteen pounds within the borough shall carry on such vehicle a weighing instrument or suitable measure of a type approved by the Corporation stamped by an inspector of weights and measures.

Weighing
instrument
or measure
to be
carried on
vehicle.

(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

234.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale within the borough coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

Regulating
sale of coke
under two
hundred-
weights.

(2) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale within the borough from any vehicle coke in quantities not exceeding two hundredweights shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

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(3) Any person who shall fail to comply with the provisions of either of the two preceding subsections of this section shall be liable on the first occasion to a penalty not exceeding forty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale in quantities not exceeding two hundredweights wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

(5) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice fixed outside the town hall. The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

Power to
require
weighing or
re-weighing
of coke and
vehicles.

235.—(1) Any purchaser of coke in a quantity exceeding two hundredweights and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may subject as hereinafter provided require that any coke sold as mentioned in the section of this Act of which the marginal note is “Weight ticket or note on delivery of coke over two hundredweights” or any vehicle used for the carriage of such coke be weighed or re-weighed by an instrument stamped by an inspector of weights and measures.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may subject as hereinafter provided require that any coke sold offered or exposed for sale as mentioned in the section of this Act of which the marginal note is “Regulating sale of coke under two hundredweights” be weighed or re-weighed or measured or re-measured

by an instrument or measure stamped by an inspector of weights and measures. A.D. 1927.

(3) Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;

(b) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of not less than the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(4) If any person obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section or under any of the preceding sections of this Part of this Act.

PART XII.

FINANCIAL PROVISIONS.

236.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of that table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incor-

Power to
borrow.

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porated therewith or applied thereto shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of land	£ 50,000	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the quay authorised by this Act and the works in connection therewith.	112,750	Sixty years from the date or dates of borrowing.
(c) For the construction of the retaining wall authorised by this Act.	15,750	Forty years from the date or dates of borrowing.
(d) For the erection of buildings in connection with the said quay.	36,500	Fifty years from the date or dates of borrowing.
(e) For machinery and plant in connection with the quay.	23,000	Twenty years from the date or dates of borrowing.
(f) For the railways authorised by this Act.	12,000	Thirty years from the date or dates of borrowing.
(g) For the provision of omnibuses	15,000	Eight years from the date or dates of borrowing.
(h) For the erection of buildings in connection with the omnibus undertaking of the Corporation.	10,000	Forty years from the date or dates of borrowing.
(i) For the payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part IV (Quay &c.) and Part V (Omnibuses and tramways) of this Act and may with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part VI (Electricity) of this Act and may with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed

by the Minister or commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(3) The provisions of this section prescribing the fund and rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 55 of the Act of 1907 (Power to use one form of mortgage for all purposes).

237. The following provisions of the Sunderland Corporation Act 1899 and of the Sunderland Corporation Act 1907 shall subject as regards mortgages granted under section 55 (Power to use one form of mortgage for all purposes) of the said Act of 1907 to the provisions of that section extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely) :—

Application
of pro-
visions of
Acts of
1899 and
1907.

The Sunderland Corporation Act 1899—

- Section 59 (Provision as to mortgages);
- Section 68 (Protection of lenders from inquiry);
- Section 70 (Audit of accounts).

The Sunderland Corporation Act 1907—

- Section 48 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 49 (Mode of raising money);
- Section 51 (Mode of payment off of money borrowed);
- Section 52 (Sinking fund) Provided that the said section shall be read and have effect as if the words “three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve” were inserted in subsection (1) (b) of that section instead of the words “three per centum per annum”.

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Return to
Minister
of Health
with re-
spect to
repayment
of debt.

238.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk 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 shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Rate of ac-
cumulation
of annual

239. Notwithstanding anything contained in the Acts or regulations governing the same the rate of

accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve.

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—
payments to sinking fund for repayment of loans.

240. Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

As to mortgage of revenues of Corporation.

241. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation the accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

Investment of and payments into sinking fund.

242. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister shall in each case prescribe.

Period for repayment of loans under Municipal Corporations Act 1882.

243. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

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Application
of moneys
borrowed.

244. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Expenses
of execution
of Act.

245. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

Interest on
mortgages
held jointly.

246. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Receipt in
case of
persons not
sui juris.

247. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Evidence of
transfer or
transmission
of securities.

248. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Application
of revenue
and pay-
ment of
expenses of
under-
takings.

249. Subject to the provisions of the section of this Act of which the marginal note is "Application of Electricity (Supply) Act 1926" and notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of the following undertakings (namely):—

(1) the tramways undertaking;

(2) the omnibus undertaking;

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- (3) the electricity undertaking;
- (4) the markets undertaking;
- (5) the cemeteries;
- (6) the Victoria Hall;
- (7) the Harrison Buildings;
- (8) the Queen Alexandra Bridge;
- (9) the ferries;
- (10) the quay undertaking;

including the income arising from the investment of any reserve fund under any such enactment shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of the fund.

250. Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

Application
of Elec-
tricity
(Supply)
Act 1926.

251.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings set out in the section of this Act of which the marginal note is “Application of revenue and payment of expenses of undertakings” (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

Accounts.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

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- (c) The requisite appropriations instalments, or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Reserve
funds.

252.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the undertakings set out in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings."

(2) The Corporation may set aside in any year for the purpose of such reserve fund such an amount as they may think reasonable and may invest the same and the resulting income thereof in statutory securities and may accumulate the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking.

(3) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(4) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time

arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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(5) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

253.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Appointed
auditors.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

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PART XIII.

MISCELLANEOUS PROVISIONS.

Stopping up
of road
between
Ferguson
Street and
Internation-
al Road.

254.—(1) The Corporation may stop up the following road in the borough (that is to say) :—

The road leading from Ferguson Street at or near the junction of that street with Henry Street East under the two railway bridges of the London and North Eastern Railway Company carrying the dock lines of that company over the said road to the road known as International Road.

(2) Upon the stopping up of the said road under the powers of this section all rights of way over such road shall be by virtue of this Act extinguished and the surface of the said road shall vest in the said company.

(3) All private rights of way (if any) over the said road shall as from the date of the stopping up of the said road be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Extension of
powers of Corpo-
ration to make
advances to
River Wear
Commissioners
and give
guarantees.

255. Section 10 (3) of the Wear Navigation and Sunderland Dock (Finance) Act 1920 shall be read and have effect as if the words "nineteen hundred and thirty-nine" were substituted therein for the words "nineteen hundred and twenty-nine."

As to pay-
ments in
respect of
River Wear
Watch.

256. If at any time after the passing of this Act an agreement shall be entered into between the Corporation and the Commissioners of the River Wear Watch for the transfer of the River Wear Watch to the Corporation in pursuance of the powers in that behalf contained in section 6 of the River Wear Watch Act 1923 the Corporation may from and after the date of such transfer suspend the rates and duties by the Act (Local and Personal) 3 Victoria cap. lxii and the said Act of 1923 authorised to be levied either entirely or for such period or periods as the Corporation may from time to time determine and the costs charges expenses and other outgoings incurred and to be incurred in administering the powers privileges duties and obligations

of the said commissioners under the said Act (Local and Personal) 3 Victoria cap. lxii and the said Act of 1923 exercisable by the Corporation by virtue of such transfer which by reason of any such suspension or reduction of the said rates and duties cannot be met out of such rates and duties may be charged by the Corporation on and be paid out of the general rate fund and the general rate.

257. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect:—

For protec-
tion of
London and
North
Eastern
Railway
Company.

- (1) Notwithstanding anything contained in the sections of this Act whereof the marginal notes are respectively:—

Stopping and starting places;

Shelters or waiting-rooms;

Cloak-rooms &c.;

Regulations as to stands or stopping places of omnibuses;

no stopping or starting station or place shall be appointed nor shall any shed shelter or waiting-room be erected or maintained by the Corporation in any street or road so as to interfere with or render less convenient the access to or exit from any station or depôt of the company except with their consent in writing:

- (2) Notwithstanding anything contained in the section of this Act whereof the marginal note is—

Attachment of signs indicating stopping places to lamp-posts &c.

the Corporation shall not attach any such sign or direction to any lamp-post pole standard or other similar erection belonging to the company:

- (3) Nothing in Part VII of this Act except the sections whereof the marginal notes are "Restriction on erection of temporary stands

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&c.” and “Dilapidated and neglected buildings” shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the company in the exercise of their statutory powers or to any lands held or acquired by the company and used for the purposes (other than a dwelling-house) of the undertaking of the company with the authority of Parliament.

Expenses
may be
declared
private
improvement
expenses.

258. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

For protection of
Sunderland
and South
Shields
Water and
Sunderland
Gas Companies.

259. For the protection of the Sunderland and South Shields Water Company and the Sunderland Gas Company (in this section respectively called “the company”) the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

- (1) In this section “apparatus” means and includes all or any works mains pipes syphons tubes fittings or other apparatus belonging to the company and “authorised work” means any work authorised by this Act and includes the erection and maintenance of any structure or work in under or affecting any highway and any adjustment of the boundary of or the adaptation of any street or road:
- (2) Before commencing to execute any authorised work in any highway or place in which any apparatus is laid which authorised work will affect or be within three feet of such apparatus the Corporation shall unless otherwise agreed give to the company not less than fourteen days’ notice in writing of their intention to execute such work and shall, at the same time

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deliver to the company for their reasonable approval a plan and section of such work and such work shall not be executed except in accordance with such plan and section as may be so approved or as determined by arbitration under this section. Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the company. The Corporation shall also if required to do so by the company give them any such further information in relation to such work as they may reasonably require :

- (3) If it should appear to the company that the execution of any such authorised work would interfere with or endanger any such apparatus or interfere with the access thereto or impede the supply of water or gas as the case may be the company may within fourteen days from the receipt by them of the notice by the Corporation give notice to the Corporation to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall in default of agreement between the Corporation and the company be settled by arbitration under this section and all such alterations shall save as hereinafter provided be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the company as the circumstances will admit and to the reasonable satisfaction of the engineer of the company and under his superintendence if he think fit to attend after receiving not less than three days' notice for that purpose which notice the Corporation are hereby required to give :
- (4) The Corporation in executing any authorised work shall not remove or displace any apparatus without the consent of the company or in any other manner than the company shall approve until good and sufficient substituted apparatus

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and other works necessary or proper for continuing the supply of water or gas as the case may be as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the company :

- (5) Wherever by virtue of this Act any public rights of way over any existing road or footway in which any apparatus shall be placed shall be extinguished the Corporation shall if reasonably required by the company remove such apparatus to and re-lay the same in the road or footway (if any) intended to be substituted for such existing road or footway or shall provide in such substituted road or footway similar apparatus equally suitable in lieu thereof under the superintendence (if given) and to the reasonable satisfaction of the engineer of the company and in such a manner as not to cause without the consent in writing of the company any interruption in the continuous supply of water or of gas as the case may be through or by means of such apparatus or similar apparatus :
- (6) Whenever by reason of the exercise by the Corporation of the powers of this Act any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Corporation under the provisions of this section) shall be rendered derelict useless or unnecessary the Corporation shall forthwith pay to the company such a sum as may be agreed between the Corporation and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus as apparatus and such apparatus shall thereupon become the property of the Corporation and in addition to such payment the Corporation shall pay to the company the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any

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other apparatus of the company and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Corporation of the powers of this Act :

- (7) The Corporation in executing any authorised work shall make good all damage done by them to any apparatus and shall make full compensation to the company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the company with water or gas :
- (8) If the company shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section and shall give not less than seven days' notice in writing thereof to the Corporation before they commence the works the company may themselves carry out the works and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Corporation :
- (9) The Corporation shall not exercise the powers of the sections of this Act of which the marginal notes are "Power to lay electric lines &c. in private streets" and "Power to construct electrical sub-stations under streets" so as to affect or interfere with any apparatus which may have been laid or the maintenance of any such apparatus without the consent of the company nor exercise the powers of the last named section so as to affect or interfere with the laying of any such apparatus without the consent of the company but in any case such consent shall not be unreasonably withheld :
- (10) If any difference shall arise with respect to any matter under this section between the Corporation and the company or their respective

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engineers the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice thereof to the other) either by the parties on agreement or failing agreement within one month by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

General provisions as to byelaws.

260. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws made under Part V (Omnibuses and tramways) or Part VI (Electricity) thereof.

Apportionment of expenses in case of joint owners.

261. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall save as in this Act expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

As to appeal.

262. Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VII (Streets buildings sewers and drains) Part VIII (Infectious disease and sanitary provisions) or Part IX (Police and hackney carriages) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and with regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

263. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

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In executing
works for
owner
Corporation
liable for
negligence
only.

264. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to
enter
premises.

265. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VII (Streets buildings sewers and drains) or Part VIII (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Penalty on
occupier
refusing
execution
of Act.

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Inquiries by
Minister of
Transport.

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

Incorporation of
further
sections of
Act of 1907.

267. The following further sections of the Act of 1907 are incorporated with this Act and shall extend and apply thereto as if those sections with all necessary modifications were re-enacted in this Act (namely):—

- Section 61 (Evidence of appointments authority &c.);
- Section 62 (As to breach of conditions of consent of Corporation);
- Section 63 (Consent of Corporation to be in writing);
- Section 64 (Authentication and service of notices &c.);
- Section 66 (Inquiries by Local Government Board) Provided that for the purposes of this Act subsection (2) of the said section 66 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein;
- Section 68 (Compensation how to be determined);
- Section 69 (Recovery of penalties);
- Section 70 (Informations by whom to be laid);
- Section 71 (Penalties to be paid over to treasurer);
- Section 72 (Recovery of demands);
- Section 73 (Damages and charges to be settled by court);
- Section 74 (Application of section 265 of Public Health Act 1875);
- Section 75 (Saving for indictment &c.);
- Section 76 (Judges not disqualified);
- Section 77 (Powers of Act cumulative).

268. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation 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 hereditaments 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.

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Crown
rights.

269. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Act.

Crown
minerals.

270. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of
Act.

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The SCHEDULES referred to in the
 foregoing Act.

FIRST SCHEDULE.

PART I.

LOCAL ACTS RELATING TO THE EXISTING BOROUGH.

Session and Chapter.	Short Title.
14 & 15 Vict. c. lxxvii.	The Borough of Sunderland Act 1851.
20 & 21 Vict. c. xxxix.	The Wearmouth Bridge Act 1857.
28 Vict. c. lxx.	The Sunderland Corporation Act 1865.
30 Vict. c. lxxix.	The Sunderland Ferry Act 1867.
30 & 31 Vict. c. cxvii.	The Sunderland Extension and Improvement Act 1867.
48 & 49 Vict. c. clxxxiii.	The Borough of Sunderland Act 1885.
62 & 63 Vict. c. exc.	The Sunderland Corporation Act 1899.
63 & 64 Vict. c. cclviii.	The Sunderland Corporation Act 1900.
7 Edw. 7. c. c.	The Sunderland Corporation Act 1907.
5 & 6 Geo. 5. c. xlvii.	The Sunderland Corporation (Wearmouth Bridge) Act 1915.
14 & 15 Geo. 5. c. xxxiv.	The Sunderland Corporation Act 1924.

PART II.

SANITARY CONFIRMATION ACTS RELATING TO THE EXISTING BOROUGH.

Session and Chapter.	Short Title.	Order thereby Confirmed.
31 & 32 Vict. c. lxxxiv.	The Local Government Act 1868 (No. 2).	The Order relating to Sunderland dated 12th May 1868.
40 & 41 Vict. c. cxxxii.	The Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1877.	The Order relating to Sunderland dated 29th May 1877.
41 & 42 Vict. c. cix.	The Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1878.	The Order relating to Port of Sunderland dated 27th April 1878.
43 & 44 Vict. c. lxxxvi.	The Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1880.	The Order relating to Sunderland dated 20th February 1880.

Session and Chapter.	Short Title.	Order thereby Confirmed.	A.D. 1927.
57 & 58 Vict. c. xlv.	The Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) (No. 2) Act 1894.	The Order relating to Sunderland dated 8th May 1894.	
58 & 59 Vict. c. xcii.	The Local Government Board's Provisional Orders Confirmation (No. 13) Act 1895.	The Order relating to Sunderland dated 28th May 1895.	
63 & 64 Vict. c. clxxxii.	The Local Government Board's Provisional Orders Confirmation (No. 13) Act 1900.	The Order relating to Sunderland dated 17th May 1900.	
7 Edw. 7. c. clxii.	The Local Government Board's Provisional Orders Confirmation (No. 12) Act 1907.	The Order relating to Sunderland dated 9th May 1907.	
4 & 5 Geo. 5. c. xlvi.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1914.	The Order relating to the North-East Durham Small-pox Hospital dated 3rd April 1914.	
16 & 17 Geo. 5. c. xxi.	The Ministry of Health Provisional Orders Confirmation (No. 3) Act 1926.	The Order relating to Sunderland dated 23rd March 1926.	

PART III.

TRAMWAYS CONFIRMATION ACTS RELATING TO THE
EXISTING BOROUGH.

Session and Chapter.	Short Title.	Order thereby Confirmed.
41 & 42 Vict. c. ccxxxi.	The Tramways Orders Confirmation (No. 1) Act 1878.	The Sunderland Tramways Order 1878.
42 & 43 Vict. c. cxciii.	The Tramways Orders Confirmation Act 1879.	The Sunderland Corporation Tramways Order 1879.
43 & 44 Vict. c. clxxii.	The Tramways Orders Confirmation (No. 1) Act 1880.	The Sunderland Tramways (Use of Mechanical Power) Order 1880.
45 & 46 Vict. c. lxx.	The Tramways Orders Confirmation (No. 2) Act 1882.	The Sunderland Tramways (Extension) Order 1882.
2 Edw. 7. c. ccii.	The Tramways Orders Confirmation (No. 1) Act 1902.	The Sunderland Corporation Tramways Order 1902.
4 Edw. 7. c. clxxxi.	The Tramways Orders Confirmation (No. 2) Act 1904.	The Sunderland Corporation Tramways Order 1904.
	The Sunderland Corporation Light Railways Order 1925.	

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SECOND SCHEDULE.

DUES ON GOODS.

Goods &c.	Dues.	
	s.	d.
Ale porter and beer	0	6 per ton.
Baskets	0	6 per 100.
Berries	1	0 per ton.
Bottles	0	9 per ton.
Bricks	0	2 per ton.
Candles	0	6 per ton.
Cement	0	6 per ton.
Chalk and loam	0	2 per ton.
Cherries—per 10 packages or baskets	0	3
China clay	0	3 per ton.
Cork	0	9 per ton.
Cucumbers	0	3 per 100.
Earthenware	0	6 per ton.
Esparto grass	0	10 per ton.
Fish	0	6 per ton.
Flour	0	2 per sack.
Fruit not otherwise enumerated	1	0 per ton.
Furniture	1	0 per ton.
Glassware	1	0 per ton.
Grain—		
Wheat	0	9 per ton.
Barley	0	9 per ton.
Oats	0	9 per ton.
Grapes	1	6 per ton.
Hardware	0	6 per ton.
Hemp	1	8 per ton.
Horses	1	0 each.
Hides	0	9 per ton.
Ice	0	5 per ton.
Iron and steel—		
Bar bolt or ingot	0	7 per ton.
Castings	0	7 per ton.
Chains and anchors	1	3 per ton.
Forgings	0	10 per ton.
Hoop	0	10 per ton.
Pig and scrap	0	5 per ton.
Plates sheets and angles	0	7 per ton.
Rails	0	7 per ton.
Leather	0	8 per ton.
Lime	0	4 per ton.
Machinery	1	0 per ton.

Goods &c.	Dues.		A.D. 1927.
	s.	d.	
Matches - - - - -	1	0	per ton.
Melons - - - - -	0	9	per ton.
Oilcake - - - - -	0	6	per ton.
Oils (bulk or casks)—			
Benzol - - - - -	1	0	per ton.
Lubricating - - - - -	1	0	per ton.
Naphtha - - - - -	1	0	per ton.
Petrol - - - - -	1	0	per ton.
Petroleum - - - - -	1	0	per ton.
Creosote - - - - -	1	0	per ton.
Oranges and lemons - - - - -	0	8	per ton.
Ores—			
Chrome - - - - -	0	2	per ton.
Iron - - - - -	0	1	per ton.
Paper - - - - -	1	0	per ton.
Peas - - - - -	1	0	per ton.
Pianofortes - - - - -	2	0	each.
Pitch - - - - -	0	5	per ton.
Plums - - - - -	1	0	per ton.
Potatoes - - - - -	0	4	per ton.
Provisions - - - - -	1	0	per ton.
Silver sand - - - - -	0	4	per ton.
Slates - - - - -	0	6	per ton.
Sugar - - - - -	0	6	per ton.
Tea - - - - -	1	6	per ton.
Timber—			
Pit props - - - - -			
Deals battens boards planks masts oars rickers spars poles ash beech birch elm oak fir pine and wainscot - - - - -	0	6	per load or ton.
Sleepers - - - - -			
Teak cedar greenheart ebony lignum-vitæ ma- hogany rose maple sandal satin walnut and fine furniture woods - - - - -			
Toys - - - - -	0	6	per ton.
Vegetables - - - - -	0	4	per ton.
Wood pulp - - - - -	0	9	per ton.

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