



CHAPTER xi

An Act to make further provision with respect to the rates tolls duties dues sums and charges leviable respectively by the River Wear Commissioners and the Commissioners of the River Wear Watch to confer further powers upon the River Wear Commissioners and for other purposes. [12th July 1950.]

WHEREAS the River Wear Commissioners (hereinafter referred to as "the Commissioners") were originally incorporated by the Wear Navigation and Sunderland Dock Act 1859: 22 & 23 Vict. c. lvii.

And whereas by the Wear Navigation and Sunderland Dock (Consolidation and Amendment) Act 1922 (hereinafter referred to as "the Act of 1922") the former Acts of the Commissioners were with one exception consolidated and amended and the Commissioners were continued incorporated as by that Act provided: 12 & 13 Geo. 5. c. lxxxiv.

And whereas by virtue of the Act of 1922 and subsequent Acts the Commissioners are the authority for conserving and improving the river Wear and the port of Sunderland in the county of Durham and under and by virtue of those Acts are the owners of and carry on a statutory undertaking comprising certain docks quays wharves railways works lands and other property:

And whereas under and by virtue of the Act of 1922 the Commissioners are authorised to demand receive and recover various rates tolls duties dues sums and charges and it is expedient that the respective maximum amounts of such rates tolls duties dues sums and charges should be increased as by this Act provided:

3 Vict. c. lxii.

And whereas by the Act (local and personal) 3 Vict. c. lxii (hereinafter referred to as "the Act of 1840") certain Commissioners (hereinafter referred to as "the Watch Commissioners") were constituted for establishing and maintaining a proper and effective watch on the river Wear in the port or haven of Sunderland near the sea in the county of Durham:

13 & 14 Geo. 5.
c. xxvi.

And whereas under and by virtue of the Act of 1840 and the River Wear Watch Act 1923 certain rates or duties are leviable by the Watch Commissioners in respect of ships or vessels entering into or passing out of the said port or haven and it is expedient that the maximum amount of such rates or duties should be increased as by this Act provided:

And whereas it is expedient that further powers should be conferred upon the Commissioners as by this Act provided:

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

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

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

Short title.

1. This Act may be cited for all purposes as the Wear Navigation and Sunderland Dock Act 1950.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction—

"the Act of 1922" means the Wear Navigation and Sunderland Dock (Consolidation and Amendment) Act 1922;

"the Commissioners" means the River Wear Commissioners;

"the consolidated revenue" means all moneys arising from the rates and duties by the Act of 1922 authorised to be taken (other than the pier dues referred to in section 58 (Pier dues on vessels) and the rate or duty referred to in section 79 (Rates on goods for protecting piers) of that Act) and all other sums of money receivable by the Commissioners other than moneys properly applicable to capital purposes;

"the Minister" means the Minister of Transport;

"the port" means the port and haven of Sunderland as defined by section 5 (Interpretation) of the Act of 1922 as amended by section 6 (Correction of definition of "the port" contained in Act of 1922) of this Act;

“ the river ” means so much of the river Wear as extends from the place called South Biddick or Biddick Ford to the sea including the tidal area enclosed or partly enclosed by the existing Roker Pier and New South Pier of the Commissioners and any works constructed in connection therewith or any extension of the said piers and works hereafter constructed ;

“ the Watch Commissioners ” means the Commissioners established by the Act (local and personal) 3. Vict. c. lxii.

3. As from the date of the passing of this Act the maximum rates tolls duties dues sums and charges specified in Part V (Charging powers) of and the Second and Third Schedules to the Act of 1922 shall respectively be increased by an amount equal to one hundred per centum of the respective amounts thereof and the said Part V and the said schedules shall be read and have effect accordingly. Increase of charging powers.

4.—(1) If it is represented by application in writing to the Minister— Revision of rates.

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

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

(c) by the Commissioners ;

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

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

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

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commissioners where they are not the applicants and for the purpose of

ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Commissioners or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

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

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

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates tolls duties dues sums and charges specified in the Act of 1922 as originally enacted.

23 & 24 Geo. 5.
c. 51.

(7) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

(9) In this section "authorised rates" means the rates tolls duties dues sums and charges which the Commissioners are for the time being authorised to demand receive and recover or make or take in pursuance of the Act of 1922 as amended by section 3 (Increase of charging powers) of this Act or any order made under this section.

5.—(1) As from the date of the passing of this Act section 21 (Rates and duties) of the Act (local and personal) 3 Vict. c. lxii as amended by section 2 (Increase of tolls &c.) of the River Wear Watch Act 1923 shall be read and have effect as if for the words "one penny" in the words inserted by the said section 2 in the said section 21 there were substituted the words "two pence."

Increase of charging powers of Watch Commissioners.

(2) (a) The provisions of section 4 (Revision of rates) of this Act shall extend and apply to the rates or duties authorised by the said section 21 as amended as aforesaid as if such rates or duties were authorised rates within the meaning ascribed to that expression by the said section 4 and as if references to the Watch Commissioners were substituted in the said section 4 for the references therein to the Commissioners.

(b) For the purposes of the application and extension of the said section 4 pursuant to paragraph (a) of this subsection a reference to the maximum rate or duty authorised by the said section 21 as amended by section 2 of the said Act of 1923 shall be substituted in subsection (6) of the said section 4 for the reference therein to the maximum rates tolls duties dues sums and charges specified in the Act of 1922.

6. The definition of the expression "the port" contained in section 5 (Interpretation) of the Act of 1922 shall be read and have effect and shall be deemed to have been read and to have had effect as from the passing of the Act of 1922 as if the words "about two miles" had been omitted therefrom.

Correction of definition of "the port" contained in Act of 1922.

7. The Commissioners may from time to time upon and subject to such terms and conditions and in consideration of the payment to the Commissioners of such sums whether by way of lump sum or periodical payments (in addition to or in substitution for any dues which they may demand receive and recover under section 62 (Dues for use of moorings) of the Act of 1922) as they shall think fit grant to any person—

Powers as to moorings.

(a) an exclusive or a preferential right or privilege to use for such period or periods as the Commissioners shall think fit any moorings from time to time laid down by them in the port; or

(b) a licence to lay down and maintain moorings in the port and to use such moorings exclusively or otherwise.

Power to set
apart and
appropriate
quays &c.

8. The Commissioners may set apart for and appropriate to the exclusive use of any particular trade traffic person or vessel any quays lands sheds buildings plant machinery or other facilities belonging to the Commissioners and any berths adjoining any such quays and in addition to the other rates tolls duties dues sums and charges which they are authorised to demand receive and recover they may for such exclusive appropriation or use demand receive and recover such reasonable charges and make such regulations as from time to time they think fit.

Charges for
admission to
Roker Pier.

9. The Commissioners may demand receive and recover such reasonable sums as they may from time to time think fit and direct for the admission of members of the public to Roker Pier.

Appointment
of revisors.

10. As from the date of the passing of this Act section 34 (Subsequent appointments of revisors of lists) of the Act of 1922 shall be read and have effect as if for the words "on or within one month before the first day of September in every subsequent third year" there were substituted the words "on or within one month before the first day of October in every subsequent third year".

Crown rights.

11. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land 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 without the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

12. All costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid in the first instance by the Commissioners out of the consolidated revenue and may if they think fit be spread over a period of years but the Watch Commissioners shall repay to the Commissioners such proportion of the said costs charges and expenses as may be agreed between the Commissioners and the Watch Commissioners.

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