Sunderland Corporation Act, 1957

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CHAPTER xi

An Act to empower the mayor aldermen and burgesses of the borough of Sunderland to discontinue and abandon the ferry across the river Wear commonly known as the Sunderland Ferry to make further provision for the improvement health and local government of the borough and for other purposes. [6th June 1957.]

WHEREAS—

(1) The borough of Sunderland is a county borough under the local government and management of the mayor aldermen and burgesses of the borough of Sunderland (in this Act called " the Corporation "):

(2) By the Borough of Sunderland Act 1851 the ferry or ferries across the river Wear commonly known as the Sunderland Ferry (in this Act called " the ferry ") was or were vested in the Corporation and the Corporation were required to provide repair and maintain sufficient and proper ferry boats for the ferry and all requisite works and conveniences for the same and to keep the ferry open at all times for public traffic:

(3) By subsequent enactments further powers and obligations have been conferred and imposed upon the Corporation in relation to the ferry:

(4) It is expedient that the Corporation should be authorised to discontinue and abandon the ferry and that the enactments relating to the ferry should be repealed as in this Act provided:

(5) It is expedient to make further provision in relation to the improvement health and local government of the borough:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been complied with:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Sunderland Corporation Act 1957.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Ferry.
Part III.—Streets.
Part IV.—Public health.
Part V.—Public order and public safety.
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Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

" the Act of 1933 " means the Local Government Act 1933;

" the Act of 1936 " means the Public Health Act 1936;

" the Act of 1947 " means the Town and Country Planning Act 1947;

" the appointed day " has the meaning assigned to that expression by section 39 (The appointed day) of this Act;

" the borough " means the borough of Sunderland;

" the commission " means the British Transport Commission;

PART I —*cont.*

" contravention " includes a failure to comply and " contravene " shall be construed accordingly;

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

" the council " means the council of the borough;

" daily penalty " means a penalty for each day on which an offence is continued after conviction therefor;

" enactment " includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the borough;

" the ferry " means the ferry or ferries across the river Wear in the borough commonly known as the Sunderland Ferry;

" the ferry works and lands " means—

(*a*) all quays steps landing and shipping places floating landing stage and other works and conveniences;

(*b*) all roads approaches sewers drains and mooring-posts and the toll office staff rooms sheds waiting rooms and other rooms buildings works and conveniences; and

(*c*) all lands;

held or constructed by the Corporation in connection with or for the purposes of the ferry;

" magistrates' court " has the same meaning as in sub-section (1) of section 124 of the Magistrates' Courts Act 1952;

" the Minister " means the Minister of Housing and Local Government;

" private street works " means works executed under the provisions of section 150 of the Public Health Act 1875 or any enactment relating to private street works for the time being in force in the borough;

" river or stream " means any watercourse within the meaning of that expression in the Land Drainage Act 1930 but does not include the river Wear and any other water-course designated as a main river of the Wear and Tees River Board under the said Act of 1930;

" statutory undertakers " means the Central Electricity Authority the North Eastern Electricity Board the Northern Gas Board or the Sunderland and South Shields Water Company;

" the town clerk " means the town clerk of the borough.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

FERRY

Abandonment of ferry.

4.—(1) (*a*) The Corporation may discontinue and abandon the ferry.

(*b*) As from such date as the council by resolution fix for such discontinuance and abandonment the Corporation shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to provide repair maintain or work the ferry.

(*c*) The Corporation shall cause to be published in a local newspaper circulating in the borough notice of the passing of any such resolution and of the date fixed thereby for the discontinuance and abandonment of the ferry and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(2) Either—

(*a*) a copy of any such newspaper containing any such notice; or

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(3) On the date on which the Corporation discontinue and abandon the ferry the enactments relating to the ferry specified in Part I of the First Schedule to this Act shall be repealed to the extent specified in that schedule.

Compensation to existing officers.

5.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the discontinuance and abandonment of the ferry shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Act.

(2) For the purposes of this section and the said regulations as applied thereby—

(*a*) the expression "existing officer" means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his

PART II —*cont.*

time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(i) to any of the following employments or to two or more or to any combination of such employments namely:—

(A) employment under the Crown or in the local government service in Great Britain; or

(B) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority; or

(ii) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (i) of this subsection or any combination thereof; and

(*b*) the expression "service" includes service with the Corporation and such war service as aforesaid.

(3) Nothing in this section or in the said regulations as applied thereby shall entitle a person to have his case considered for the payment of compensation unless—

(*a*) the cause of the claim arises not later than ten years after the discontinuance and abandonment of the ferry;

(*b*) the claim is made not later than two years after the date on which the cause of the claim arises; and

(*c*) the other conditions prescribed by paragraph (*b*) of regulation 5 of the said regulations are fulfilled.

Retention and disposal of ferry works and lands.

6.—(1) Notwithstanding anything contained in the last foregoing section the Corporation to the extent only of the legal equitable or other rights or interests to which they are entitled in the ferry works and lands or any part thereof may as from the date on which they discontinue and abandon the ferry—

(*a*) maintain adapt and use the ferry works and lands or any part thereof for such time and for such purposes as they think fit;

(*b*) sell lease exchange or otherwise dispose of the ferry works and lands or any part thereof in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange;

PART II —*cont.*

(*c*) appropriate the ferry works and lands or any part thereof for any other purpose:

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

(2) Nothing in this section shall authorise the disposal of the ferry works and lands by the Corporation whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Corporation.

Proceeds of disposal of ferry boats etc.

7.—(1) Any capital money received by the Corporation in respect of a transaction under the last foregoing section or in respect of the sale or disposal of the boats plant or appliances used for working the ferry shall be applied in such manner as the Minister may approve in or towards the extinguishing of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied.

(2) Where capital money received by the Corporation on the sale or exchange of or by leasing any land under section 6 (Retention and disposal of ferry works and lands) of this Act is applied under this section for a purpose other than that for which the land which was the subject of a transaction was held such adjustment shall be made in the accounts of the Corporation as the Minister may direct.

Provision against danger to navigation.

8.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same are on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the owners 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 of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the owners 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 f work bandoned r decayed.

9.—(1) Where any of the works situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides are abandoned or suffered to fall into

PART II —*cont.*

decay the Minister of Transport and Civil Aviation may by notice in writing, either require the owners at their own expense to repair and restore such part of the works 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 Minister of Transport and Civil Aviation may think proper.

(2) Where any part of the works 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 Minister of Transport and Civil Aviation may include any such part of the works or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the owners they have failed to comply with such notice the Minister of Transport and Civil Aviation may execute the works required to be done by the notice at the expense of the owners and the amount of such expense shall be a debt due from the owners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport and Civil Aviation summarily as a civil debt.

Interpretation for purposes of last two foregoing sections.

10. In the last two foregoing sections—

the expression " the works " means the works comprised in the ferry works and lands; and

the expression " the owners " means the Corporation or their successors in title or assigns as owners of the works for the time being.

Saving for River Wear Commissioners.

11. Nothing in this Part of this Act or done thereunder shall lessen abridge modify or detract from the powers rights and authorities of the River Wear Commissioners.

PART III

STREETS

Maintenance of forecourts to which the public have access.

12.—(1) Where the forecourt of any premises abutting upon a street in the borough is habitually used or is open to use by the public as part of the footway of such street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as the Corporation may deem necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.

PART III —*cont.*

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that—

(*a*) for the purposes of paragraph (*c*) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the Corporation of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;

(*b*) the Corporation may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

Mixing of mortar etc. in streets.

13.—(1) No person shall mix mortar cement plaster or any like substance in any street in the borough repairable by the inhabitants at large or any street constructed whether by the Corporation or otherwise under the powers in that behalf contained in section 146 or 150 of the Public Health Act 1875 the Housing Act 1936 or the Act of 1947 except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance and will prevent the same from being washed into any gully drain or sewer:

Provided that this section shall not apply to the mixing in any street of any substance for the purposes of making up maintaining reinstating repairing altering or improving such street.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

Prohibition of vehicles on grass verges.

14. If in a street in the borough any person drives or permits or causes to be driven any mechanically propelled vehicle upon any grass verge laid out in connection with a paved footway in that street he shall for every such offence be liable to a penalty not exceeding twenty shillings in addition to the amount of damage (if any) thereby caused to such grass verge:

Provided that this section shall not apply to—

(*a*) the owner or occupier of or any person residing in any premises fronting or abutting on any such street driving or permitting or causing to be driven any vehicle to or from those premises; or

PART III —*cont.*

(*b*) the temporary crossing of grass verges during building operations if means satisfactory to the Corporation be taken to protect such grass verges from injury and for the convenience of pedestrians; or

(*c*) the temporary crossing of grass verges by statutory undertakers in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus).

Recovery of private street works charges where owner unknown.

15.—(1) Where any private street works have been completed but the Corporation are unable to recover the amount due from the owner of any premises or otherwise under the provisions of any enactment relating to private street works for the time being in force in the borough by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount became due and at reasonable intervals thereafter be found the Corporation may at any time after the expiration of twelve years from the date when the said amount became due apply to the county court and that court may on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with make an order vesting the said premises in the Corporation absolutely and thereupon the Corporation may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court make an order under subsection (1) of this section the court shall nominate a surveyor for determining the value of the said premises and such surveyor shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the Corporation shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of twelve years at the rate of six per centum per annum or at such other rate as may have been fixed by order of the Minister under section 77 of the Public Health Act 1925 together with all costs and expenses reasonably incurred by the Corporation.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act 1845 as if it was a sum awarded to be paid to an owner who cannot be found and as if the Corporation were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Corporation in addition to any existing

PART III —*cont.*

rights powers and remedies for the recovery of expenses and shall be exercisable by the Corporation in respect of all private street works whether completed before or after the passing of this Act.

Recovery of cost of providing lighting equipment in private streets.

16.—(1) Where in any street or part of a street in the borough not being a highway repairable by the inhabitants at large the Corporation carry out any works under section 161 of the Public Health Act 1875 by way of providing and installing lamps lamp-posts and other materials and apparatus for lighting the same without having first required the owners and occupiers of the premises fronting adjoining or abutting on that street or on that part of that street to carry out such works in accordance with section 150 of the said Act the Corporation may if they think fit recover the expenses incurred by them in so doing from the owners of the said premises according to the frontage of their respective premises and in such proportions as the Corporation may determine or (in case of dispute) as may be settled by arbitration.

(2) Where any such expenses have been apportioned by the Corporation as payable by any such owner such apportionment shall be binding and conclusive on him unless within three months from the service of notice on him by the Corporation of the amount determined to be due from him he shall by written notice dispute the same.

(3) For the purposes of the application of section 268 of the Public Health Act 1875 this section shall be construed as one with the said Act of 1875.

(4) The Corporation shall not be entitled to recover under this section from the commission expenses which by virtue of section 24 (As to private street expenses in certain cases) of the British Transport Commission Act 1954 they would not have been entitled to recover from the commission under section 150 of the said Act of 1875.

(5) This section shall not apply to any street or part of a street in which lamps for lighting the same have been provided and installed before the passing of this Act.

PART IV

PUBLIC HEALTH

Demolition of buildings.

17.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the borough without first giving notice to the Corporation of his intention to do so and the Corporation may require such person

PART IV —*cont.*

to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

(*a*) the shoring up of adjacent buildings; and

(*b*) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Any person aggrieved by a requirement of the Corporation under the foregoing subsection may appeal to a magistrates' court.

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him of the terms and conditions with which they require him to comply.

(4) Nothing in this section shall be deemed to prohibit the execution in cases of emergency of any such works as may be reasonably necessary but without prejudice to the right of the Corporation to impose such reasonable terms and conditions in accordance with subsection (1) of this section in such manner as if any such works had not been commenced.

(5) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(6) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all material or rubbish removed by the Corporation under this section.

(7) All expenses incurred by the Corporation under subsection (5) of this section may be recovered by the Corporation from the person who has given notice under subsection (1) of this section.

PART IV —*cont.*

(8) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the Corporation (as the case may be) from the owner of the building to be shored up.

(9) In any case where the Corporation in pursuance of subsection (1) of this section require the shoring up of adjacent buildings they shall give notice to the owner thereof of their requirements.

(10) If any person contravenes the provisions of this section or of any term or condition imposed under this section he shall be liable to a penalty not exceeding five pounds.

(11) This section shall not apply to—

(*a*) any plant house orchard house summer house conservatory garden tool house poultry house greenhouse coal shed or cycle shed or other similar structure; or

(*b*) any building belonging to any statutory undertakers and held by them for the purposes of their undertakings:

Provided that the exemption conferred by paragraph (*b*) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

(12) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

Dealing with drains and sewers before demolition of buildings.

18.—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case—

(*a*) by counter-notice served within six weeks from the receipt of a notice under the last foregoing section; or

(*b*) in any demolition order or clearance order made by them under section 11 or section 26 respectively of the Housing Act 1936;

PART IV —*cont.*

require the person giving such notice or the owner or owners of any building to which the demolition order or clearance order applies (as the case may be) either—

(i) to seal any sewer or drain on in or under the site of the building to which the notice or order relates; or

(ii) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and after giving to the Corporation not less than twenty-four hours' notice of their intention to do so to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (i) or paragraph (ii) of this subsection.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to counter-notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) Section 15 of the Housing Act 1936 shall apply in relation to any requirement made under this section in a demolition order under section 11 of that Act as if such requirement was made in such order under Part II of that Act and the Second and Third Schedules to the Housing Act 1936 shall apply in relation to any requirement made under this section in a clearance order under section 26 of that Act as if the power to make such requirement in such order was conferred by that Act.

Culverting streams before development.

19.—(1) Where plans of any proposed work are in accordance with building byelaws deposited with the Corporation the Corporation if they consider that any river or stream whether on the land on which the proposed works are to be carried out or any land abutting on the same should be wholly or partially filled up or covered over or piped or culverted may as a condition of passing the plans require that before any works are commenced any such river or stream shall be wholly or partially filled up or covered up or piped or culverted with all necessary gullies and other means of conveying surface water into and through it.

(2) Any person aggrieved by a requirement of the Corporation under the foregoing subsection may appeal to a magistrates' court.

(3) Nothing in this section shall empower the Corporation to require the execution of works upon the land of any person other than the owner of the land upon which the proposed works are

PART IV —*cont.*

to be carried out without the consent of that person or prejudicially to affect the rights of any person not being the owner of the land upon which the proposed works are to be carried out.

(4) The powers conferred by this section shall not be exercised with respect to any river or stream within the jurisdiction of a land drainage authority except after consultation with that authority.

For preventing obstruction to streams by culverts etc.

20.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work the Corporation may within the borough reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) The Corporation and any person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

(*a*) restrict the exercise by the Corporation of their powers in relation to culverts channels or other works; or

(*b*) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) (*a*) Nothing in this section shall authorise the Corporation to execute any works—

(i) in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission; or

(ii) in under over across along or upon any operational lands within the meaning of the Act of 1947 of any statutory undertakers without the consent of the undertakers concerned.

(*b*) Any consent required by paragraph (*a*) of this subsection shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(5) The Corporation shall not exercise the powers of this section in relation to a culvert channel or other work under a trunk road without the consent of the Minister of Transport and Civil Aviation.

Cleansing of rivers and streams.

21.—(1) (*a*) If any river or stream or any part thereof within the borough is or is likely to become in such a state that the proper

PART IV —*cont.*

flow of water along the same is or may be obstructed or impeded the Corporation may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is or may be obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream and in the event of any person to whom any such notice is lawfully given by the Corporation neglecting to comply with the requirements of such notice within one month from the service on him of such notice the Corporation may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(*b*) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(2) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(3) Nothing in this section shall authorise the Corporation to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of any statutory undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Provisions as to motor vehicles let for hire.

22.—(1) In addition to their powers under the Town Police Clauses Act 1847 the Corporation may make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that—

(*a*) this section shall not apply to any such vehicle which is kept by any person in connection with any business

PART V —*cont.*

carried on by such person as funeral director or owner of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in section 39 of the Road Traffic Act 1956 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles;

(*b*) nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

(2) The confirming authority for the purpose of section 250 of the Act of 1933 shall as respects byelaws made under this section be the Secretary of State.

Underground car parks.

23.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground car park or the alteration of a building for use as an underground car park the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

(*a*) the construction of the underground car park and the approaches thereto and the materials to be used in such construction;

(*b*) the provision of adequate means of ventilation to the underground car park;

(*c*) the provision of electrical and mechanical and heating equipment in the underground car park;

(*d*) the provision of fire equipment and appliances in connection with the underground car park;

(*e*) the provision of safe and adequate means of ingress to and egress from the underground car park;

(*f*) the provision of adequate means of access to the underground car park for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

PART V —*cont.*

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

(*a*) whether the work is such as is mentioned in subsection (1) of this section; or

(*b*) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (*a*) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground car park have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is not being observed the Corporation may by notice to the owner or occupier of the underground car park prohibit its use as an underground car park until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground car park or permits it to be used as an underground car park without giving effect to or securing the observance of any proposal specified in the notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further provision as to underground car parks.

24.—(1) Without prejudice to the provisions of section 23 (Underground car parks) of this Act the Corporation may by notice to the owner or occupier of any underground car park in the borough which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground car park as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any underground car park as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (*b*) to (*f*) of subsection (1) of the said section 23 as the Corporation think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART V —*cont.*

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement made by the Corporation under this section.

Interpretation and powers of entry for purposes of last two foregoing sections.

25.—(1) In section 23 (Underground car parks) and section 24 (Further provision as to underground car parks) of this Act the expression " underground car park " means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of the said sections 23 and 24 shall be provisions which it is the duty of the Corporation to enforce.

Safety of stands.

26.—(1) As from the appointed day no person shall commence to erect in the borough a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention so to do accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section.

PART V —*cont.*

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand but only subject to—

(*a*) such modifications of the plan and section and particulars submitted to them; and

(*b*) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Corporation shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Corporation have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a magistrates' court.

(6) If any person—

(*a*) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

(*b*) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice; or

PART V —*cont.*

(*c*) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time; or

(*d*) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(8) The provisions of this section shall not apply to any stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(9) In this section the expression " stand " includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

Extension of section 197 of Sunderland Corporation Act 1935.

27. The Sunderland Corporation Act 1935 shall have effect as if—

(1) in section 197 (Prohibition of touting hawking etc. on esplanades sea-shore etc.) after the words " from the sea-shore " there were inserted the words " or in any street or part of a street not being a street belonging to or repairable by the commission to which this section may be applied by byelaws made by the Corporation under this section ":

Provided that—

(*a*) the said section 197 shall not in its application to any street or part of a street to which it may be applied by byelaws made under that section extend or apply—

(i) with respect to the exhibition in any such street or part thereof to which such byelaw relates of any advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply; or

PART V —*cont.*

(ii) to any trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on any such street or part thereof in respect of any trading conducted by him in the course of that business unless he permits any receptacle used by him to occupy a stationary position in such street or part thereof for an unreasonable time;

(*b*) for the purposes of subsection (1) of the said section 197 as applied to any street by byelaws made under that section the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business;

(2) in paragraph (*b*) of subsection (1) of section 286 (Confirming authority for byelaws) for the words " a Secretary of State " there were substituted the words " and the section of this Act of which the marginal note is ' Prohibition of touting hawking etc. on esplanades sea-shore etc.' the Secretary of State ".

PART VI

PREMISES USED FOR SALES BY AUCTION

Definitions for this Part of Act.

28.—(1) In this Part of this Act—

the expression " premises " includes land;

the expression " prescribed articles " means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

the expression " sale by auction " includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

(2) This Part of this Act applies to any sale by auction on ny premises in the borough of any prescribed article whether or ot in combination with the sale by auction of any other articles r things.

Registration of premises used for sales by auction.

29.—(1) As from the appointed day no premises in the borough all be used for the conduct of any sale by auction to which is Part of this Act applies unless they are registered under this ction for that purpose by the Corporation.

PART VI —*cont.*

(2) Subject to the following provisions of this section the Corporation shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section.

(3) If—

(*a*) it appears to the Corporation—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction;

(*b*) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Corporation shall if they propose to take the matter into consideration serve on the applicant or occupier as the case may be a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to do so and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or as the case may be cancel the registration of the premises.

(4) If a person on whom notice is served under the last preceding subsection fails to show cause to the satisfaction of the Corporation they may refuse the application or as the case may be cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(5) A person aggrieved by a decision of the Corporation under this section to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(6) (*a*) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Corporation notice in writing thereof.

(*b*) If a person required to give notice under this subsection fails to do so he shall be liable to a penalty not exceeding five pounds.

PART VI —*cont.*

(7) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(8) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the borough which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

Exemptions.

30. Notwithstanding anything in the last foregoing section sales by auction to which this Part of this Act applies of the under-mentioned classes may be conducted on premises which are not registered under that section:—

(*a*) sales at intervals of not less than six months of property so long as no substantial part of the property was brought on to the premises for the purposes of the sale;

(*b*) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation.

Offences by bodies corporate.

31. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

As to section 287 of Act of 1936.

32. For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this Part of this Act shall be provisions which it is the duty of the Corporation to enforce.

PART VII

MISCELLANEOUS

Protective clothing for persons in slaughter-houses.

33.—(1) Every person who employs a person in any slaughter-house shall cause such person while engaged in a slaughterhouse within the borough in carrying meat to wear and every person while so engaged shall wear a clean and washable overall and a clean and washable head covering.

PART VII —*cont.*

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

(3) The provisions of this section shall not apply to meat which is packed in hampers or other strongly constructed and impervious cases or is adequately wrapped in jute or some other stout fabric so as to protect it from contamination.

(4) This section shall cease to have effect upon the coming into operation of any regulations made under section 13 of the Food and Drugs Act 1955 and relating to the wearing of protective clothing by persons handling meat in slaughterhouses.

(5) In this section the expression "slaughterhouse" has the same meaning as in section 135 of the Food and Drugs Act 1955.

Deficient weight measure or number.

34.—(1) If any person in the borough—

(*a*) sells or delivers or makes up or exposes for sale or delivery by weight or measure; or

(*b*) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers;

any article or articles of which the weight measure or number (as the case may be) is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and for any subsequent offence to a penalty not exceeding ten pounds.

(2) Any inspector of weights and measures of the Corporation on production if required of his authority under the Weights and Measures Acts 1878 to 1936 may at all reasonable times—

(*a*) enter any building or other place in the borough in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers; or

(*b*) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers in the borough; or

(*c*) stop any person who he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery in the borough;

and weigh measure or number any such article or articles or require any such article or articles to be weighed measured or numbered in his presence.

PART VII —*cont.*

(3) If the inspector of weights and measures has reasonable cause to believe that the weight measure or number of any such article or articles is less than the weight measure or number thereof which has been represented by the person who has sold delivered or made up set apart kept or exposed the same for sale or delivery he may for the purposes of proceedings under subsection (1) of this section seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(4) For the purposes of section 288 of the Act of 1936 as applied by this Act action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing speed when approached by such inspector shall be deemed to be obstruction.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any pre-packed article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a defence for the defendant to prove to the satisfaction of the court either—

(*a*) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency; or

(*b*) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency; or

(*c*) in case of a pre-packed article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

(7) A person against whom proceedings are brought in respect of an offence against this section (hereafter in this section referred to as " the original defendant ") shall upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has

PART VII —*cont.*

been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

(*a*) the prosecution as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made or his servant or agent has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions or the Corporation.

(11) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

(12) In this section—

(*a*) the expression "pre-packed article" means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be pre-packed unless the contrary is proved;

PART VII —*cont.*

(*b*) the expression " coke " includes coke and any solid fuel derived from coal or of which coal or coke is a constituent;

(*c*) references to a subsequent offence refer to an offence committed after previous conviction for an offence under this section.

Modification of mortgages by endorsement under hand.

35. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

Expenses of public ceremonies etc.

36.—(1) The Corporation may make reasonable payments for or in connection with the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation including payments for travelling expenses.

(2) Section 1 of the Local Authorities (Expenses) Act 1956 shall in relation to the Corporation have effect as if in paragraph (*a*) thereof the words " of any members or officers " were omitted.

PART VIII

GENERAL

Local inquiries.

37.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression " department " in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression " Minister of the Crown " has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

PART VIII —*cont.*
Arbitration

38. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (1) of section 16 (Recovery of cost of providing lighting equipment in private streets)	The Minister.
Subsection (4) of section 20 (For preventing obstruction to streams by culverts etc.)	The Minister of Agriculture Fisheries and Food.
Subsections (2) and (3) of section 21 (Cleansing of rivers and streams)	The Minister of Agriculture Fisheries and Food.

The appointed day.

39.—(1) For the purposes of this Act the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

(*a*) of the passing of any such resolution and of the date fixed thereby; and

(*b*) of the general effect of the provisions of this Act coming into operation as from that date;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(*a*) a copy of any such newspaper containing any such notice; or

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the

PART VIII —*cont.*

registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

(*a*) immediately before that day was carrying on that business or using any premises for that purpose; and

(*b*) had before that day duly applied for the registration required by that provision;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 41 (Appeals) of this Act.

Restriction on right to prosecute.

40. Proceedings in respect of an offence created by or under this Act (except section 22 (Provisions as to motor vehicles let for hire) and section 34 (Deficient weight measure or number) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

41.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(*a*) involves the execution of any work or the taking of any action; or

(*b*) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business and use those premises for that purpose.

PART VIII —*cont.*

Protection of members and officers from personal liability.

42. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their officers from personal liability shall enure for the benefit of any member of the council and any officer of the Corporation or other person acting under their direction in relation to the execution by the Corporation or such officer or person of the provisions of any local enactment for the time being in force in the borough.

Application of general provisions of Act of 1936.

43.—(1) The sections of the Act of 1936 mentioned in Part I of the Second Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say):—

Part III (Streets);

Part IV (Public health);

and to the following sections of this Act (that is to say):—

Section 23 (Underground car parks);

Section 24 (Further provision as to underground car parks).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part VI (Premises used for sales by auction) of this Act and to sections 23 (Underground car parks) 24 (Further provision as to underground car parks) and 26 (Safety of stands) of this Act.

Repeal.

44. The enactments mentioned in Part II of the First Schedule to this Act are hereby repealed.

Works below high-water mark.

45. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and Civil Aviation and subject to such conditions and restrictions as the Minister of Transport and Civil Aviation may prescribe before such work is begun.

Saving for town and country planning.

46. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

PART VIII —*cont.*

Costs of Act.

47.—(1) 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.

(2) The Corporation may borrow without the consent of any sanctioning authority the sum requisite for the payment of the said costs charges and expenses and they shall repay all moneys so borrowed within such periods as the Corporation may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed by this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

Section 4.

SCHEDULES

FIRST SCHEDULE

PART I

ENACTMENTS RELATING TO FERRY REPEALED

Act	Section	Marginal note	Extent of repeal
The Borough of Sunderland Act 1851	XXVIII	Corporation to maintain Bridge and Ferry	The whole section.
The Wearmouth Bridge Act 1857	XIV	Corporation to maintain Bridge and Ferries	The words "and also the Ferries and provide repair and maintain sufficient and proper Ferry Boats for the Ferries" the word "respectively" where it first occurs and the words "and the Ferries respectively".
	XVI	Description of works	The words "and Ferries" the words "They may maintain" to "such Landing Places" and the words "They may cause" to "think proper".
	XXIV	As to certain Limits of Deviation for Ferries	The whole section.
	XXIX	No Ferry Boat to be navigated by fixed Chain	The whole section.

1ST SCH. —*cont.*

Act	Section	Marginal note	Extent of repeal
The Wearmouth Bridge Act 1857—*continued*	XL	Power to erect Toll House and to take Tolls at Bridge	The whole section.
	XLI	As to Fraction of a Half-penny in Tolls	The whole section.
	XLII	Tolls to be charged equally	The whole section.
	XLIII	Exemption from Tolls	The whole section.
	XLIV	List of Tolls to be exhibited on a Board	The whole section.
	XLV	Tolls to be taken only whilst Board exhibited	The whole section.
	XLVI	Power to reduce and take off Tolls	The whole section.
	XLVII	Power to stop any Person refusing to pay Toll	The whole section.
	XLVIII	Penalty for evading Toll	The whole section.
	XLIX	Penalty on Persons taking off Horses or carrying Goods in order to avoid Payment of Tolls	The whole section.
	L	Penalty for conveying Articles &c. across River in Boats within certain Limits	The whole section.

1ST SCH. —*cont.*

Act	Section	Marginal note	Extent of repeal
The Wearmouth Bridge Act 1857—*continued*	LI	For punishing Toll Collectors misbehaving	The whole section.
	LII	Delivery of Matters in Possession or Custody of Toll Collector at Removal	The whole section.
	LIII	No Person to gain a Settlement by renting Tolls or Residence in Toll Houses	The whole section.
	LIV	Corporation may take the accustomed Charges and other Tolls for Use of Ferries	The whole section.
	LV	Corporation may appoint Collectors of Ferry Tolls	The whole section.
	LVI	Power to reduce Ferry Tolls	The whole section.
	LVII	Power to lease the Tolls	The whole section.
	LVIII	Lessees to be deemed Collectors	The whole section.
	LIX	Power to determine Lease of Tolls	The whole section.
	LX	Lessees making default to be removed	The whole section.
	LXI	Byelaws may be made as to Use of Ferries &c.	The whole section.
	LXII	10 & 11 Vict. c. 27 incorporated	The whole section.

1ST SCH. —*cont.*

Act	Section	Marginal note	Extent of repeal
The Wearmouth Bridge Act 1857—*continued*	LXXV	Saving Rights of Sir H. Williamson in Sunderland Ferry	The whole section.
	LXXVI	Saving Rights annexed to certain Farms and Houses in Monk Wearmouth Southwick and Fullwell	The whole section.
	LXXVII	Penalty on Persons illegally taking the Benefit thereof	The whole section.
Borough of Sunderland Act 1885	64	Power to Corporation to establish new ferries	The whole section.
	65	For protection of River Wear Commissioners	The whole section.
	66	Works on foreshore not to be constructed without consent of Board of Trade	The whole section.
	67	Corporation to regulate the use of the ferries	The whole section.
	68	Publication of byelaws	The whole section.

PART II

ENACTMENTS REPEALED FROM PASSING OF ACT

Section 44.

Act	Section	Marginal note
The Wearmouth Bridge Act 1857	LXIII	Money may be borrowed on Security of Tolls.
	LXIV	Part of 10 & 11 Vict. c. 16 incorporated.

1ST SCH. —*cont.*

Act	Section	Marginal note
The Wearmouth Bridge Act 1857—*continued*	LXV	Application of Money raised.
	LXVI	Corporation to keep distinct Accounts of Receipts and Payments under Act.
	LXVII	Application of Moneys standing to the Wearmouth Bridge Account.
	LXVIII	Application of Moneys received from Bridge.
	LXIX	Application of Moneys received from Ferries.
	LXX	When the Bridge to be Toll-free.
	LXXI	Application of Reserve Fund.
	LXXII	Investment of the reserved Funds.
Sunderland Ferry Act 1867	14	Application of Ferries Reserved Fund to Improvements.
	15	Constitution of Ferries Fund.
	16	Power to borrow Money at Interest.
	17	Arrears may be enforced by Appointment of a Receiver.
	18	Borrowed Money to be repaid in Forty Years.
	19	Sinking Fund for Repayment of existing Debts.
	20	Power to reborrow subject to Exceptions.
	21	Application of Monies.
	22	Amendment of Section 70 of Act of 1857.
	23	Application of Capital.
	24	Priority of existing Mortgages.
	31	Rents &c. to go to Ferries Fund.
Borough of Sunderland Act 1885	63	Amalgamation of bridge and ferry accounts.

SECOND SCHEDULE

Section 43.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of " provide ".
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS III AND IV AND SECTIONS 23 AND 24 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO PARTS III IV AND VI AND SECTIONS 23 24 AND 26 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Borough of Sunderland Act 1851	14 & 15 Vict. c. lxvii.
Wearmouth Bridge Act 1857	20 & 21 Vict. c. xxxix.
Sunderland Ferry Act 1867	30 Vict. c. lxxix.
Public Health Act 1875	38 & 39 Vict. c. 55.
Borough of Sunderland Act 1885	48 & 49 Vict. c. clxxxiii.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5 c. 21.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Sunderland Corporation Act 1935	25 & 26 Geo. 5 c. cxxv.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Sunderland Corporation Act 1939	2 & 3 Geo. 6 c. lxvi.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
British Transport Commission Act 1954 ...	2 & 3 Eliz. 2 c. lv.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ...	4 & 5 Eliz. 2 c. 36.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.

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