



CHAPTER xxxiv.

An Act to provide for the consolidation of the rates of the borough of Sunderland to extend the time for the exercise by the mayor aldermen and burgesses of the said borough of certain powers under the Sunderland Corporation (Wearmouth Bridge) Act 1915 and for other purposes.

A.D. 1924.

[14th July 1924.]

WHEREAS the borough of Sunderland (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the parish of Sunderland is co-terminous with the borough and it is expedient to make provision for the consolidation of the rates levied in the borough:

And whereas by the Sunderland Corporation (Wearmouth Bridge) Act 1915 the Corporation for the purposes of the reconstruction widening and improvement under the powers of that Act of the bridge and approaches therein referred to were empowered to enter upon take and use certain lands in the borough and it is expedient to extend the time within which the Corporation may take such lands:

And whereas the Corporation own and work tramways in the borough and neighbourhood and it is expedient to confer upon the Corporation the further power of borrowing money for the purposes of their tramway undertaking contained in this Act:

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Sunderland Corporation Act 1924.*

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Rating provisions.

Part III.—Financial and miscellaneous provisions.

Interpretation.

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

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

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

“The borough” means the borough of Sunderland ;

“The council” means the council of the borough ;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough ;

“The parish” means the parish of Sunderland ;

“The overseers” means the overseers of the parish ;

“The poor rate” means the poor rate of the parish ;

“The consolidated rate” means the poor rate as by Part II. of this Act authorised to be levied and collected; A.D. 1924.

“The Act of 1899” means the Sunderland Corporation Act 1899;

“The Act of 1907” means the Sunderland Corporation Act 1907.

PART II.

RATING PROVISIONS.

4. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-five. Commence-
ment of this
Part of Act.

5.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate. Expenses
to be paid
out of
borough
fund.

(2) The district fund shall be closed and any balance which at the commencement of this Part of this Act is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

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Contribution to borough rate to be paid out of poor rate.

6. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to be called the consolidated rate.

7. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called the consolidated rate but, except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential rating in certain cases.

8. The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say):—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of seventy decimal five per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:

(2) Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say):—

“The owner of tithe rentcharge attached to a benefice shall be liable to pay only seventy decimal five per centum of the amount payable under subsection (1) of the

section of the Sunderland Corporation Act 1924 of which the marginal note is 'Differential rating in certain cases' in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining twenty-nine decimal five per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant":

(3) Provided also that—

(a) during the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land a rate calculated on the basis of twenty-five per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section;

(b) if the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 "two-fifths" shall during the continuance of the latter Act be substituted for "twenty-five per centum" in paragraph (a) of this subsection:

(4) Nothing in this section shall in any way affect—

(a) the share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) the operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half-year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923;

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(c) the operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(d) the amount of the contribution for any purposes to be made by the parish out of the poor rate.

Appeals.

9.—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is “Differential rating in certain cases” claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the borough holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days’ notice in writing of such appeal and of the ground thereof shall have been given by the appellant to the Corporation and the overseers.

(2) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

Form of rate &c. to be prescribed by Minister of Health.

10. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe.

Application of section 133 of Lands Clauses Consolidation Act 1845.

11. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor’s rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor’s rate shall be deemed to be one-third of the amount in the pound of the consolidated rate.

As to recovery of consolidated rate.

12. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

13. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers. A.D. 1924.
Service of demand.

14.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate— Rating of owners instead of occupiers.

(a) where the rateable value of the property does not exceed ten pounds; or

(b) where the premises are let in separate apartments; or

(c) where the rents are collected weekly :

Provided that—

(i) where the rateable value of the property does not exceed ten pounds the owner so rated shall be entitled to a deduction of fifteen per centum from the amount of the rate when paid by him if he shall pay the same within such period as the Corporation may determine not being less than three months after the rate has been demanded;

(ii) where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation may make a further allowance not exceeding fifteen per centum from the amount of the rate when paid by him within such period as the Corporation may determine not being less than three months after the rate has been demanded.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

15.—(1) The overseers may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish (other than Overseers may require returns.

A.D. 1924; — land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the schedule to this Act and containing the particulars therein mentioned or referred to :

Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation for rating) the powers conferred by this section shall only be exercised:—

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers shall whenever required by the assessment committee of the Sunderland Poor Law Union produce from time to time to such committee returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require the London and North Eastern Railway Company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations or any stalls kiosks or automatic machines at any railway station.

Amend-
ment of
consoli-
dated rate.

16. In addition and without prejudice to any other powers which may be exercised by them the overseers of the parish may amend the consolidated rate of the

parish by inserting therein the name of any person claiming or entitled to have his name inserted or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been assessed or by raising or reducing the sum at which any person has been assessed if it appears to the overseers that he has been under-rated or over-rated or by making any other alteration which would make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the rate : A.D. 1924.

Provided that—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;
- (2) An amended rate shall not be payable by any person the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him.

PART III.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

17.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act the sum or sums of money requisite for that purpose and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act. Power to borrow.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such moneys as they may from time to time require for the purposes of their tramway undertaking :

(b) The Corporation may also with the consent of the Minister of Health borrow such further money as

A.D. 1924. — may be necessary for any of the other purposes of this Act :

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent such money is borrowed.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purpose mentioned in subsection (1) of this section the borough fund and borough rate;

As regards money borrowed with the consent of the Minister of Transport or the Minister of Health such revenue fund or rate as may be prescribed by the Minister with whose consent such money is borrowed.

(4) The expression “the prescribed period” in any of the sections of the Acts of 1899 and 1907 extended and applied to and for the purposes of this Act shall be deemed to refer to the period of five years mentioned in subsection (1) of this section and to any period which may be prescribed under the provisions of subsection (2) (c) of this section.

(5) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 55 (Power to use one form of mortgage for all purposes) of the Act of 1907.

Application
of pro-
visions of
Acts of
1899 and
1907.

18. The following provisions of the Act of 1899 and of the Act of 1907 shall subject as regards mortgages granted under section 55 (Power to use one form of mortgage for all purposes) of the Act of 1907 to the provisions of that section extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely) :—

THE ACT OF 1899.

- Section 59 (Provision as to mortgages);
- Section 68 (Protection of lenders from inquiry);
- Section 69 (Annual return to Local Government Board with respect to sinking fund);
- Section 70 (Audit of accounts).

THE ACT OF 1907.

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- Section 48 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 49 (Mode of raising money);
- Section 51 (Mode of payment off of money borrowed);
- Section 52 (Sinking fund);
- Section 59 (Expenses of execution of Act);
- Section 66 (Inquiries by Local Government Board) Provided that for the purposes of this Act sub-section (2) of the said section 66 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein;
- Section 72 (Recovery of demands);
- Section 74 (Application of section 265 of Public Health Act 1875).

19. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

Accounts of tramway undertaking to be furnished to Minister of Transport.

20. The powers conferred upon the Corporation by the Sunderland Corporation (Wearmouth Bridge) Act 1915 (as extended by Orders of the Minister of Transport dated the twenty-ninth day of June nineteen hundred and eighteen the thirtieth day of June nineteen hundred and nineteen the fourteenth day of July nineteen hundred and twenty the seventh day of September nineteen hundred and twenty-one the sixth day of July nineteen hundred and twenty-two and the seventh day of November nineteen hundred and twenty-two) for the compulsory purchase of the lands required for the purposes of that Act are hereby revived and extended and may be exercised by the Corporation during but not after a period of three years from the passing of this Act.

Revival and extension of time for purchase of lands under Act of 1915.

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—
Costs of Act.

21. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the
foregoing Act.

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RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
PARTICULARS TO BE RENDERED UNDER THE SUNDER-
LAND CORPORATION ACT 1924.

1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used - - - - -	
2. Full Christian name and surname of occupier - - - - -	
3. Name and address of owner or immediate lessor - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)	
4. Whether the property is occupied— (a) Wholly as a private resi- dence - - - - - (a) Or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - (b) Or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - (c) (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) (d)	
5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -	
6. Amount of rent - - - - - £ per or if ground rent only is paid state its amount - - - - - £ per	

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<p>7. Whether the property is held under lease or agreement for a period of years - - - - - Or by the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - - - (b) Term of years for which granted - - - - - (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - - - - - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - - - - - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . . . Borne by the (b) £ . . . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

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