



## CHAPTER lxxxiv.

An Act to consolidate with amendments the existing enactments relating to and to confer further powers upon the River Wear Commissioners to authorise those Commissioners to execute works and for other purposes.

A.D. 1922.

[4th August 1922.]

**W**HEREAS the River Wear Commissioners (hereinafter referred to as "the Commissioners") were incorporated by the Wear Navigation and Sunderland Dock Act 1859 and by virtue of that Act and the other Acts mentioned in the First Schedule to this Act are the authority for conserving and improving the River Wear and the port of Sunderland in the county of Durham and are the owners of certain docks quays wharves railways works lands and property and the powers which the Commissioners are entitled to exercise with reference to the said river and port and the said docks quays wharves railways works lands and property are contained in the said Acts which in those and other respects regulate the undertaking of the Commissioners :

And whereas in exercise of the powers conferred by the said Acts the Commissioners have from time to time borrowed on mortgage moneys required by them for the purposes of those Acts and converted into funded debt certain of the moneys so borrowed together with the amount which represented the share capital of the Sunderland Dock Company (whose undertaking was acquired by the Commissioners) and the principal amounts due and owing on the thirty-first day of December one thousand nine hundred and twenty-one in respect

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A.D. 1922. of mortgages granted and funded debt issued by the  
 — Commissioners and then outstanding and constituting  
 in the case of the said mortgages a charge on the con-  
 solidated revenue of the Commissioners and in the case  
 of the funded debt a charge on the rates dues works  
 lands and property of the Commissioners were as follows  
 (namely) :—

	£	s.	d.
First mortgages bearing interest (subject to the provisions of the Wear Navigation and Sunderland Dock (Finance) Act 1920) at various rates ranging from three per centum per annum to five and one half per centum per annum - -	278,536	15	7
Funded debt entitling the holders thereof to annuities thereon as to part thereof at the rate of four and one half per centum per annum and as to the remainder thereof at the rate of three per centum per annum -	545,514	0	0
Second mortgages bearing interest (subject as aforesaid) at various rates ranging from three per centum per annum to five and one half per centum per annum or one per centum above Bank of England discount rate for the time being - - -	1,591,444	17	2

And whereas by virtue of the said Acts and of the purposes for which and terms upon which the said first and second mortgages and funded debt of the Commissioners have been created and issued and subject to certain rights of the Commissioners under the said Acts to attach priorities to mortgages or funded debt subsequently created or issued by them the consolidated revenue of the Commissioners was immediately before the passing of this Act applicable as follows (namely) :—

First In payment of the ordinary current expenditure of the Commissioners;

Secondly In payment of the interest on the said first mortgages pari passu;



Thirdly In payment of the annuities on the said A.D. 1922.  
funded debt *pari passu*;

Fourthly In providing a sinking fund of four  
thousand pounds per annum for paying off prin-  
cipal sums secured by the said first mortgages  
and funded debt and second mortgages respec-  
tively;

Fifthly In payment of the interest on the said  
second mortgages *pari passu*;

Sixthly For any of the purposes of the said Acts :

And whereas in addition to the said mortgages  
and funded debt the Commissioners have from time to  
time borrowed from the Public Works Loan Commis-  
sioners moneys for the purposes of the protecting piers  
referred to in this Act on the security of the rates for  
protecting piers as defined by this Act and of the moneys  
so borrowed there was outstanding on the said thirty-  
first day of December one thousand nine hundred and  
twenty-one the sum of sixty-four thousand six hundred  
and sixty-seven pounds :

And whereas owing to circumstances arising out of  
the recent war the Commissioners incurred certain  
financial obligations to the Treasury and provision was  
(*inter alia*) made by the Wear Navigation and Sunderland  
Dock (Finance) Act 1920 with respect to those obliga-  
tions and the repayment to the Treasury of the money  
advanced by them to the Commissioners :

And whereas shortly before the passing of this  
Act the Commissioners discharged their said obligations  
to the Treasury (including sums secured by mortgages)  
by the payment of a sum in cash advanced to them for  
the purpose by the mayor aldermen and burgesses of  
the borough of Sunderland pursuant to section 10 of the  
said Wear Navigation and Sunderland Dock (Finance)  
Act 1920 on the terms that the repayment of such sum  
and the payment of interest thereon should be secured  
by second mortgages of the Commissioners and it is  
expedient that the said Wear Navigation and Sunderland  
Dock (Finance) Act 1920 should be amended in respect  
of the provisions therein contained as aforesaid :

And whereas the Commissioners are empowered to  
raise by the granting of additional first mortgages the  
further sum of forty-eight thousand six hundred and

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And whereas it is expedient that the said Acts should be unified consolidated and amended as provided by this Act and that such financial provisions as are contained in this Act should be made :

And whereas it is expedient that the agreement (of which a copy is set forth in the Sixth Schedule to this Act) between the North Eastern Railway Company and the Commissioners for the sale to the Commissioners of the land and premises referred to in that agreement should be confirmed and that the said land and premises should be vested by virtue of this Act in the Commissioners and that the Commissioners should be empowered to exercise with reference thereto the powers contained in this Act :

And whereas it is expedient that the Commissioners should be empowered to close the entrance known as the South Outlet from the sea to the docks of the Commissioners and for that purpose to execute the works by this Act authorised and that the powers with reference to the said South Outlet which are contained in this Act should be conferred upon the Commissioners :

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent



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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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the *Wear Navigation and Sunderland Dock (Consolidation and Amendment) Act 1922.*

Short title.

2. The provisions of this Act shall except where otherwise expressly provided come into operation on the date of the passing of this Act.

Commence-  
ment of Act.

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

Act divided  
into Parts.

Part I.—Preliminary.

Part II.—Constitution &c. of the Commissioners.

Part III.—Committee of Survey.

Part IV.—Closing of South Outlet.

Part V.—Charging Powers.

Part VI.—Provisions relating to the Port.

Part VII.—Provisions relating specially to the Docks.

Part VIII.—Licences for Watermen and Foy-boatmen.

Part IX.—Financial Provisions.

Part X.—Miscellaneous Provisions.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act (that is to say) :—

Incorpora-  
tion of Acts.

(1) The Lands Clauses Acts with the following exception and modification (that is to say) :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

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(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Commissioners and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Commissioners Clauses Act 1847 except sections 6 7 17 to 35 46 54 57 84 92 106 and 107 :

(3) The Harbours Docks and Piers Clauses Act 1847 except sections 12 13 and 16 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and a tide and weather gauge) and except sections 25 26 30 50 93 and 95 of that Act :

Provided that—

(a) For the purposes of this Act the expression “the promoters of the undertaking” or “the undertakers” wherever used in any enactment incorporated with this Act shall be deemed to mean the Commissioners;

(b) The expressions “packet boat” or “Post Office packet” and “Post Office bag of letters” wherever used in the Harbours Docks and Piers Clauses Act 1847 shall be deemed to mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act;

(c) Nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers live stock or goods for hire; and

(d) Section 14 of the Harbours Docks and Piers Clauses Act 1847 shall not apply to the Commissioners or their undertaking except so far as regards the repair of the watchhouse and boathouse

already erected and the weighing materials already provided and except so far as regards the provision from time to time (on the requirement of the Commissioners of Customs and Excise) and the repair of any other watchhouse boathouse or weighing materials or of any huts for the use of the officers of customs and excise. A.D. 1922.

5. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (namely):— Interpretation.

The expression "the Commissioners" means the River Wear Commissioners originally incorporated by the Wear Navigation and Sunderland Dock Act 1859 and continued by this Act;

The expression "elected member" means a member of the Commissioners elected by one of the classes of persons mentioned in subsection (3) of the section of this Act of which the marginal note is "Reconstitution of Commissioners";

The expression "the clerk" means the clerk to the Commissioners;

The expressions "the harbour master" and "the dock master" mean respectively the harbour master and the dock master of the Commissioners;

The expression "the docks" means the docks for the time being vested in the Commissioners and the tidal and other basins locks entrances quays wharves warehouses offices buildings approaches railways tramroads and other works lands and conveniences for the time being vested in the Commissioners in connexion with the said docks;

The expression "the river" means so much of the River Wear as extends from the place called South Biddick or Biddick Ford to the sea including the tidal area enclosed or partly enclosed by the protecting piers;

The expression "the port" means the port and haven of Sunderland extending from the promontory or point described on the Admiralty chart number 3104 as Cope Carr Point and on the  $\frac{1}{2500}$  scale



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Ordnance map edition of 1898 (Durham—sheet IV. 15) as Souter Point towards the north-east and so into the sea to five fathoms at low water and from thence in a supposed direct line till it falls opposite to a certain place called Ryhope Dene about two miles towards the south and includes also the docks and the river the limits of the port being for the purpose of better identification delineated on the plan signed by the Right Honourable Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan copies have been deposited in the Private Bill Office of the House of Commons and the Parliament Office of the House of Lords and at the offices of the Board of Trade and of the Minister of Transport and with the Commissioners at their office;

The expression “the quay line” means the line or boundary on each side of the main channel of the river as marked at the date of the passing of this Act on the survey and map or chart made and deposited with the engineer of the Commissioners pursuant to the Act 59 George III. chapter 106 or as altered under the powers of this Act;

The expression “the meer stones” means the meer stones set down and fixed by order of the surveyor nominated by the Admiralty for the purpose of indicating the limits of the navigation of the river on the sides thereof;

The expression “the tidal basin” means the waterway lying between the river and the gateway at the north end of the Hudson Dock North;

The expression “the South Outlet” means that portion of the works of the Commissioners which is known by that name and is situate eastward or south-eastward of the Hudson Dock North and the Hudson Dock South and includes the existing sea lock and lock channel;

The expression “the protecting piers” means the existing Roker Pier and New South Pier of the Commissioners and the works in connexion therewith and any extension of the said piers and works constructed after the passing of this Act;



The expression "the rates for protecting piers" means the pier dues and the rate or duty referred to in the sections of this Act of which the marginal notes are respectively "Pier dues on vessels" and "Rates on goods for protecting piers";

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The expression "goods" includes live stock minerals merchandise articles and things of all descriptions;

The expression "vessel" includes ship boat lighter hulk and craft of every kind and whether navigated or propelled by steam oil electricity or otherwise and seaplanes hydroplanes and similar craft;

The expression "the coalowners" means the persons whose names are entered in the list of coalowners made under the provisions of Part II. of this Act and for the time being in force;

The expression "the shipowners" means the persons whose names are entered in the list of shipowners made under the provisions of the said Part II. and for the time being in force;

The expression "the shipbuilders" means the persons whose names are entered in the list of shipbuilders made under the provisions of the said Part II. and for the time being in force;

The expression "the engine builders" means the persons whose names are entered in the list of engine builders made under the provisions of the said Part II. and for the time being in force;

The expression "the importers and exporters" means the persons whose names are entered in the list of importers and exporters made under the provisions of the said Part II. and for the time being in force;

The expression "consolidated revenue" means all moneys arising from the rates and duties by this Act authorised to be taken (other than the rates for protecting piers) and all other sums of money receivable by the Commissioners other than moneys properly applicable to capital purposes;

The expression "the first mortgages" means the first mortgages granted by the Commissioners and outstanding on the thirty-first day of December

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one thousand nine hundred and twenty-one for securing principal amounts aggregating two hundred and seventy-eight thousand five hundred and thirty-six pounds fifteen shillings and sevenpence (representing the unredeemed balance of the indebtedness resulting from the consolidation of the debenture debt of the Commissioners as existing prior to the acquisition by them of the undertaking of the said Sunderland Dock Company with the mortgage debt of that company) and any first mortgages granted by the Commissioners after the passing of this Act under the powers thereby conferred and includes (where the context so permits) any mortgages substituted for any of such first mortgages and any first mortgage funded debt created by or under the powers of this Act;

The expression "the funded debt" means the amount for the time being outstanding of (a) the funded debt of the Commissioners representing the unredeemed balance of indebtedness resulting from the funding by the Commissioners of moneys borrowed by them for paying off or purchasing the preference and ordinary share capital of the said Sunderland Dock Company and (b) the other moneys funded by the Commissioners before the passing of this Act under the authority of the Wear Navigation and Sunderland Dock Act 1863;

The expression "the second mortgages" means the mortgages (other than the first mortgages) granted by the Commissioners and outstanding on the thirty-first day of December one thousand nine hundred and twenty-one for securing principal amounts aggregating one million five hundred and ninety-one thousand four hundred and forty-four pounds seventeen shillings and twopence and any mortgages granted by the Commissioners after the said date and before the date of the passing of this Act and includes (where the context so permits) any mortgages substituted for such second mortgages and all mortgages (other than first mortgages) granted under the powers of the section of this Act of which the marginal note is "Power to borrow on security of consolidated



revenue" and any second mortgage funded debt created by or under the powers of this Act; A.D. 1922.

The expression "the borough" means the county borough of Sunderland;

The expression "the corporation" means the mayor aldermen and burgesses of the borough;

"Extraordinary vacancy" means except in the case of a member of the committee of survey referred to in this Act a vacancy caused by death resignation disqualification or cesser from any cause (other than that of going out of office by effluxion of time) to hold office under the provisions of this Act in any capacity;

The expression "daily penalty" means a penalty for each day on which an offence continues after conviction thereof.

6.—(1) As from the date of the passing of but subject to the provisions of this Act the several Acts mentioned in the First Schedule to this Act (other than the *Wear Navigation and Sunderland Dock (Finance) Act 1920*) so far as the same are still in force are hereby repealed. Repeal and modification of Acts.

(2) As from the date of the passing of this Act such of the provisions of the said *Wear Navigation and Sunderland Dock (Finance) Act 1920* as relate to sums advanced by the Treasury to the Commissioners and as require the consent of the Treasury to the doing of anything by the Commissioners shall cease to have effect but except as aforesaid and subject to the provisions of Part IX. (Financial Provisions) of this Act the said Act shall continue to have full force and effect.

7. The limits of this Act and the powers of the Commissioners for carrying the same into execution shall extend to and over and shall comprise the port. Limits of Act.

## PART II.

### CONSTITUTION &C. OF THE COMMISSIONERS.

8. In and for the purposes of this Part of this Act the expression "the appointed day" means the third day. Appointed day.  
Wednesday in the month of January one thousand nine hundred and twenty-three.

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Commis-  
sioners to  
continue in-  
corporated.

**9.**—(1) Notwithstanding the repeal of enactments effected by this Act the several persons who immediately before the passing of this Act constituted or shall from time to time thereafter constitute the Commissioners shall continue and be a body corporate by the name of “the River Wear Commissioners” and by that name shall continue to have perpetual succession and a common seal with power to acquire and hold land for the purposes of this Act without licence in mortmain.

(2) The several persons who were respectively the chairman and other members of the Commissioners immediately before the passing of this Act shall notwithstanding anything contained in any enactment in force at the date of the passing of this Act continue until the appointed day to be the chairman and other members of the Commissioners and to hold office as such as if the enactments mentioned in the First Schedule to this Act had not been repealed by this Act and had provided for their continuance in office until the appointed day but the provisions of this Act shall apply to the said chairman and other members as if they were respectively the chairman and Commissioners elected or appointed under those provisions.

Property to  
continue  
vested in  
Commis-  
sioners.

**10.** Notwithstanding the repeal of any enactment all the estate right title and interest of the Commissioners in and to all real and personal property which was immediately before the passing of this Act vested in the Commissioners shall continue vested in them as if this Act had not been passed.

Existing  
deeds con-  
tracts &c. to  
remain in  
force.

**11.** Notwithstanding the repeal of any enactment—

(1) All deeds conveyances grants assurances assignments leases purchases sales mortgages bonds covenants agreements securities and contracts and all working arrangements entered into or made and subsisting at the passing of this Act and then in force including any agreement or contract modified or varied by any repealed enactment and then in force as so modified or varied and all liabilities and obligations incurred before the passing of this Act and all the provisions of any Act of Parliament (other than any enactment repealed by this Act) relating to the Commissioners or their



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- undertaking and in force at the date of the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of and may be enforced as fully and effectually against or in favour of the Commissioners as they would or might have been enforced against or in favour of the Commissioners if this Act had not been passed :
- (2) The first mortgages the funded debt the second mortgages and the mortgages of the rates for protecting piers existing at the date of the passing of this Act shall continue to carry and shall entitle the several holders thereof to the same rights privileges and priorities and shall be subject to the same regulations incidents and conditions as to redemption and in all other respects as if this Act had not been passed :
- (3) Any action suit prosecution or other proceeding commenced before the passing of this Act either by or against the Commissioners shall not abate or be discontinued or prejudicially affected by this Act but shall continue and take effect both in favour of and against the Commissioners in like manner to all intents as if this Act had not been passed :
- (4) Every officer and servant of the Commissioners appointed or continued in his employment by virtue of or acting under any of the Acts repealed by this Act shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer or servant of the Commissioners as the case may be until he shall vacate or be removed from such office or employment and he shall have the same rights and privileges and be subject to the same conditions of service powers of removal rules regulations pains and penalties as he would have had or been subject to if this Act had not been passed subject nevertheless and without prejudice to any powers authorities obligations pains or penalties vested in him or to which he may be subject under any provisions of this Act :

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- (5) The Commissioners shall for the purposes of this Act be and continue seised and possessed of and entitled to all things in action claims and demands whatsoever of or to which the Commissioners were seised possessed or entitled immediately before the passing of this Act :
- (6) All rates duties and charges tolls fees rents fines forfeitures penalties damages and other sums of money at the passing of this Act due or accruing due to the Commissioners may be collected and recovered by the Commissioners as if this Act had not been passed :
- (7) All books and documents which if this Act had not been passed would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed :
- (8) All plans and books of reference and all corrections and certificates of correction thereof respectively deposited for the purposes of any repealed enactment with any clerk of the peace shall remain in his custody as if they were deposited for the purposes of this Act and in accordance with the provisions of the Act of the first year of Her late Majesty Queen Victoria chapter 83 and the same may be inspected and copies and extracts thereof taken accordingly :
- (9) In every case in which under any repealed enactment any money was before the commencement of this Act paid into the Bank of England or to any trustee or trustees as purchase or compensation money or on any account the money or the stocks funds or securities in or upon which the same is from time to time by the order of the Chancery Division of the High Court of Justice or otherwise invested and the interest dividends and annual produce thereof shall after the commencement of this Act be applied and disposed of pursuant to such repealed enactment :
- (10) All byelaws rules regulations and rates made or imposed by the Commissioners and en-



forceable by them immediately before the passing of this Act shall so far as they are not inconsistent with the provisions of this Act and until repealed altered or superseded remain in force in like manner and to the like extent as if this Act had not been passed. Provided that all such byelaws rules and regulations or rates as aforesaid shall so far as applicable extend and apply to and be enforceable with reference to the whole of the port :

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- (11) Everything before the passing of this Act done suffered and confirmed respectively shall be as valid as if this Act had not been passed.

**12.—**(1) The Commissioners shall for the purposes of their powers and duties under this Act or otherwise with respect to the administration preservation or improvement of the port have power—

Power to  
Commis-  
sioners to  
acquire  
lands pro-  
mote Bills  
&c.

- (a) To manage alter remove or enlarge any building and to sell exchange or otherwise alienate any land or buildings for the time being vested in them; and
- (b) To acquire hire erect and furnish such buildings and offices as they may require; and
- (c) To acquire purchase or take on hire or exchange land; and
- (d) To grant leases of any land or buildings for the time being vested in them upon such terms and conditions and subject to such reservations as they may think fit and with or without a fine or premium; and
- (e) To promote support or oppose any Bill in Parliament or any Provisional or other order and to prosecute or defend legal proceedings :

Provided that nothing in this section shall be construed as conferring on the Commissioners power—

- (i) In the case of any land or buildings vested in them subject to any right or interest therein of any other person or to the performance of any obligation in force at the date of alienation and to be performed by the Commissioners

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under any Act deed agreement or other instrument to alienate such land or buildings otherwise than subject to such right interest or obligation; or

- (ii) In the case of land or buildings vested in them subject to any restriction on alienation to alienate the land or buildings in contravention of that restriction.

(2) The clerk or any officer or member of the Commissioners acting under a general or special resolution of the Commissioners may authorise the institution and carrying on or the defence of any proceeding which the Commissioners are authorised to institute carry on or defend. Any information or complaint under the provisions of this Act or any other Act whether local or general applying to the Commissioners or any byelaws or regulations made thereunder may be laid and made by an officer or member of the Commissioners or by the clerk.

Annual  
meetings of  
Commis-  
sioners.

**13.** The Commissioners shall hold their annual meeting on the third Wednesday in the month of March of every year at such time as they may from time to time appoint and their annual meeting for the year one thousand nine hundred and twenty-three shall be held on the third Wednesday in the month of March in that year.

Ordinary  
monthly  
meetings of  
Commis-  
sioners.

**14.** The Commissioners shall meet monthly on such days in every year as they may from time to time appoint or failing such appointment on the third Wednesday in each month and those meetings shall be their ordinary meetings and they shall hold their first ordinary meeting after the appointed day on the third Wednesday in the month of February one thousand nine hundred and twenty-three.

Place for  
meetings of  
Commis-  
sioners.

**15.** The Commissioners shall hold their meetings at such convenient places in the borough and at such times as they from time to time think fit.

Reconstitu-  
tion of Com-  
missioners.

**16.—(1)** Notwithstanding anything contained in the section of this Act of which the marginal note is "Commissioners to continue incorporated" all the Commissioners who were in office immediately before the appointed day shall on that day retire from office.

(2) On and after the appointed day the Commissioners shall consist of twenty-six members of whom



eighteen shall be elected members four shall be appointed members and four shall be co-opted members The said members shall be elected or appointed at the times and in the manner provided by this Part of this Act.

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(3) The elected members shall be elected as follows :—

By the coalowners	-	-	-	-	-	5
By the shipowners	-	-	-	-	-	3
By the shipbuilders	-	-	-	-	-	3
By the importers and exporters	-	-	-	-	-	2
By the engine builders	-	-	-	-	-	1
By the holders of the first mortgages	-	-	-	-	-	1
By the holders of the funded debt	-	-	-	-	-	1
By the holders of the second mortgages	-	-	-	-	-	2

(4) Of the appointed members one shall be appointed by the Minister of Transport and three shall be appointed by the corporation.

(5) The co-opted members shall be elected by the elected members and the appointed members and one of the co-opted members shall be a member of the corporation as constituted at the date of such election.

**17.—**(1) For the purposes of this Act the clerk shall on or before the first day of November in the year one thousand nine hundred and twenty-two and the first day of November in every subsequent third year make and deliver to the Commissioners lists to be called respectively “ the list of coalowners ” “ the list of shipowners ” “ the list of shipbuilders ” “ the list of engine builders ” and “ the list of importers and exporters.”

Clerk to prepare lists of coalowners &c. entitled to vote.

(2) The clerk shall enter in each of the said lists the number of votes to which the persons named in that list are respectively entitled under the provisions of this Act and shall sign at the foot of each of the said lists a certificate of its accuracy.

(3) The Commissioners shall keep at their office the lists so made.

**18.** The clerk shall enter in the list of coalowners the names of all persons being respectively coalowners who in the period of twelve months ending with the thirtieth day of June next preceding the making of the list shipped at least ten thousand tons of coal coke and cinders or of any of those commodities in the port and the quantities of coal coke or cinders so shipped by them respectively during the said period.

Further particulars to be entered in list of coal-owners.

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Further  
particulars  
to be  
entered in  
list of ship-  
owners.

**19.** The clerk shall enter in the list of shipowners the names of all persons being respectively registered in the books of the Custom House at Sunderland as the owners on the thirtieth day of June next preceding the making of the list of a vessel or vessels registered at the port of not less than one hundred tons net register in the whole or of a share equivalent to not less than one hundred tons net register in any vessel or vessels so registered with the names and registered tonnage respectively of the vessels and (in the case of any such part owner as aforesaid) the extent of his share in the vessel or vessels.

Further  
particulars  
to be  
entered in  
list of ship-  
builders.

**20.** The clerk shall enter in the list of shipbuilders the names of all persons carrying on the business of a shipbuilder who in the period of twelve months ending with the thirtieth day of June next preceding the making of the list or in any of the four periods of twelve months next preceding that period respectively paid to the Commissioners launching dues to the amount in the whole of twenty-five pounds or upwards and the total amounts so paid by those persons respectively during each of the said periods in which they respectively paid to the Commissioners launching dues to such an amount as aforesaid with the dates on which such payments were made.

Further  
particulars  
to be  
entered in  
list of  
engine  
builders.

**21.** The clerk shall enter in the list of engine builders the names of all persons carrying on the business of a builder of marine engines within the parliamentary borough of Sunderland or within ten miles from any part of the boundary of that parliamentary borough who in the period of twelve months ending with the thirtieth day of June next preceding the making of the list or in any of the four periods of twelve months next preceding that period respectively paid to the Commissioners such duties on shipment of machinery as are mentioned in the Third Schedule to this Act to the amount in the whole of twenty-five pounds or upwards and the total amounts so paid by those persons respectively during the latest of the said periods in which they respectively paid to the Commissioners duties on shipment of machinery to such an amount as aforesaid with the dates on which such payments were made.

Further  
particulars  
to be

**22.** The clerk shall enter in the list of importers and exporters the names of all persons having a recognised place of business within the parliamentary borough of



[12 & 13 GEO. 5.] *Wear Navigation and [Ch. lxxxiv.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

Sunderland or within ten miles from any part of the boundary of that parliamentary borough who in the period of twelve months ending with the thirtieth day of June next preceding the making of the list respectively paid to the Commissioners any of the rates or duties mentioned in the Third Schedule to this Act to the amount in the whole of twenty-five pounds or upwards and the total amounts so paid by those persons respectively during the said period. Provided that there shall not be entered in the list of importers and exporters the name of any person entitled to have his name entered in the list of engine builders unless in the said period of twelve months he shall have paid such rates or duties as aforesaid in respect of any goods other than machinery and then only in respect of the rates or duties so paid.

A.D. 1922.

entered in  
list of  
importers  
and  
exporters.

**23.**—(1) No person shall be qualified for election as an elected member by the coalowners unless his name or the name of the firm of which he is a member or of the company by which he is nominated under the provisions of the section of this Act of which the marginal note is “Qualification held by companies” is entered in the list of coalowners in force at the date of the election.

Qualifica-  
tion of  
elected  
members.

(2) No person shall be qualified for election as an elected member by the shipowners unless his name or the name of the firm of which he is a member or of the company by which he is nominated as aforesaid is entered in the list of shipowners in force at the date of the election.

(3) No person shall be qualified for election as an elected member by the shipbuilders unless his name or the name of the firm of which he is a member or of the company by which he is nominated as aforesaid is entered in the list of shipbuilders in force at the date of the election and it appears from that list that in the period of twelve months ending with the thirtieth day of June next before the making of the list or in any of the four periods of twelve months next preceding that period he or such firm or company as aforesaid paid to the Commissioners launching dues to the amount of at least one hundred pounds.

(4) No person shall be qualified for election as an elected member by the engine builders unless his name or the name of the firm of which he is a member or of the company by which he is nominated as aforesaid is entered

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A.D. 1922. in the list of engine builders in force at the date of the election.

(5) No person shall be qualified for election as an elected member by the importers and exporters unless his name or the name of the firm of which he is a member or of the company by which he is nominated as aforesaid is entered in the list of importers and exporters in force at the date of the election and it appears from that list that in the period of twelve months ending with the thirtieth day of June next before the making of the list he or such firm or company as aforesaid paid to the Commissioners any of the rates or dues mentioned in the Third Schedule to this Act to the amount in the whole of at least one hundred pounds.

(6) No person shall be qualified for election as an elected member by the holders of the first mortgages or of the funded debt or of the second mortgages respectively unless it appears from the registers of the Commissioners that on the thirtieth day of June next before the date of the election he was the holder of first mortgages or of any portion of the funded debt or of second mortgages (as the case may be) to the amount of at least one thousand pounds.

Scale of  
voting at  
election of  
elected  
members.

24. The following provisions shall apply with respect to voting at elections of elected members (that is to say): —

(1) The coalowners shall be entitled to vote according to the following scale (that is to say)—

Every person who in the period of twelve months ending with the thirtieth day of June next before the making of the list of coalowners has shipped in the port ten thousand tons or upwards of coal coke and cinders or of any of those commodities shall have one vote for the quantity so shipped up to fifty thousand tons an additional vote for the next complete fifty thousand tons above the first fifty thousand tons and a further vote for each complete one hundred thousand tons above the first one hundred thousand tons:

(2) The shipowners shall be entitled to vote according to the following scale (that is to say) —

Every person who on the thirtieth day of June next before the making of the list of



shipowners was registered in the books of the Custom House at Sunderland as the owner or part owner of a vessel or vessels registered at the port shall have one vote in respect of such vessel or vessels up to one hundred tons net register tonnage in the whole and one additional vote for each complete two hundred and fifty tons net register tonnage of such vessel or vessels above the first one hundred tons. Provided that as respects the rights of voting of a part owner the foregoing scale shall apply as if he were the owner of the number of tons which bears to the entire register tonnage of the vessel or vessels of which he is part owner the same proportion as his share in the vessel or vessels bears to the entire vessel or vessels : A.D. 1922.

- (3) The shipbuilders shall be entitled to vote according to the following scale (that is to say)—

Every person who in the period of twelve months ending with the thirtieth day of June next before the making of the list of shipbuilders has paid to the Commissioners launching dues to an amount exceeding twenty five pounds shall have one vote for the amount so paid up to one hundred pounds and one additional vote for each complete one hundred pounds so paid above the first one hundred pounds. Provided that if any of the shipbuilders shall not in the said period have paid launching dues to an amount exceeding twenty-five pounds the latest of the four periods of twelve months next preceding that period in which he shall have paid launching dues to an amount exceeding twenty-five pounds shall in his case be substituted for the period first referred to in this subsection :

- (4) The engine builders shall be entitled to vote according to the following scale (that is to say) :—

Every person who in the period of twelve months ending with the thirtieth day of June next before the making of the list of engine builders has paid dues on shipment of

[Ch. lxxxiv.] *Wear Navigation and* [12 & 13 GEO. 5.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

machinery to an amount exceeding twenty-five pounds shall have one vote for the amount so paid up to fifty pounds and one additional vote for each complete fifty pounds so paid above the first fifty pounds. Provided that if any of the engine builders shall not in the said period have paid dues on shipment of machinery to an amount exceeding twenty-five pounds the latest of the four periods of twelve months next preceding that period in which he shall have paid dues on shipment of machinery to an amount exceeding twenty-five pounds shall in his case be substituted for the period first referred to in this subsection :

- (5) The importers and exporters shall be entitled to vote according to the following scale (that is to say)—

Every person who in the period of twelve months ending with the thirtieth day of June next before the making of the list of importers and exporters has paid to the Commissioners any of the rates or duties mentioned in the Third Schedule to this Act to an amount exceeding twenty-five pounds shall have one vote for the amount so paid up to one hundred pounds and one additional vote for each complete one hundred pounds so paid above the first one hundred pounds :

- (6) The holders of the first mortgages and of the funded debt and of the second mortgages shall be entitled to vote according to the following scale (that is to say)—

Every person who on the thirtieth day of June next before the date of the election was the registered holder of first mortgages or of any portion of the funded debt or of second mortgages (as the case may be) to the amount of one hundred pounds or upwards shall have one vote for each one hundred pounds so held by him :

Provided that for the purpose of determining the number of votes to which a holder of first mortgages or of any portion of the



funded debt or of second mortgages is entitled A.D. 1922.  
at any meeting of holders of any one of those  
classes of security there shall not be taken  
into account any amount held by him of any  
other of the said classes of security :

- (7) Provided that except in the case of a holder of first mortgages or of any portion of the funded debt or of second mortgages no person shall have more than six votes at any meeting for the election of elected members.

**25.**—(1) Where the qualification for election as an elected member or for voting at any election as prescribed by the foregoing provisions of this Part of this Act is held by a company that company shall be entitled by writing under the hand of a director or the secretary or manager thereof to nominate some person or persons to represent them for all or any of the purposes of this Part of this Act. Qualifica-  
tion held by  
companies.

(2) Forthwith after making any such nomination the company making the same shall give to the Commissioners notice in writing thereof and any such nomination shall continue in force until revoked by notice in writing addressed to the Commissioners.

(3) Any person or any of the persons so nominated shall so long as the nomination shall continue in force be deemed for all purposes of this Part of this Act to be the person holding the qualification held by the company nominating him. Provided that if two or more persons shall claim to act in one and the same matter on behalf of the company nominating them the Commissioners shall decline to admit the claim of such persons so to act and shall refer the question to the company concerned who shall by writing under their common seal addressed to the Commissioners direct which (if any) of the said persons shall be entitled to represent them in the matter.

**26.**—(1) The first appointment of appointed members after the passing of this Act shall be made before the appointed day and subsequent appointments shall be made in the year one thousand nine hundred and twenty-six and every subsequent third year in the period between the third Wednesday in January in that year and the first ordinary meeting of the Commissioners held after the triennial election of Commissioners in that year. As to  
appointed  
members.

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
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(2) Forthwith after the appointment of any appointed member the Minister of Transport or the corporation (as the case may be) shall send to the Commissioners notice in writing of his appointment.

Election of  
co-opted  
members.

**27.** At the first ordinary meeting of the Commissioners held after the appointed day and at the first ordinary meeting of the Commissioners held after each triennial election (each of which meetings shall be attended by the elected members and the appointed members only) the members present shall elect the four co-opted members who shall be members of the Commissioners as from the date of such election until the date for retirement from office under the provisions of this Act. Provided that no person shall be capable of being elected as a co-opted member unless the Commissioner intending to propose him for election shall have given to the clerk notice in writing of such his intention not less than ten days before the date of the meeting.

Nominees of  
companies  
to cease to  
be Commis-  
sioners on  
revocation  
of nomina-  
tion.

**28.** A Commissioner whose qualification for election consisted of a nomination made by a company under the provisions of the section of this Act of which the marginal note is "Qualification held by companies" shall cease to be a Commissioner if and when that nomination is revoked and thereupon an extraordinary vacancy shall be deemed to have occurred in the office of Commissioner elected by the class of electors by whom he was elected.

Chairman  
and vice-  
chairman of  
Commis-  
sioners.

**29.—(1)** At the first ordinary meeting of the Commissioners held after the appointed day and at the first ordinary meeting of the Commissioners held after each triennial election the members present shall elect one of the Commissioners as chairman of the Commissioners and the person so elected shall (subject to his continuing to be a Commissioner) be the chairman of the Commissioners until the next succeeding annual meeting of the Commissioners when he shall retire from office as chairman.

(2) At the annual meeting of the Commissioners held in the year one thousand nine hundred and twenty-three and at the annual meeting in every subsequent third year the members present shall elect one of the Commissioners as chairman of the Commissioners and another of the Commissioners as vice-chairman of the Commissioners. The persons respectively elected as chairman and vice-chairman under the provisions of this



subsection shall (subject to their respectively continuing to be Commissioners) continue in office until the first ordinary meeting of the Commissioners held after each triennial election and shall then retire from office. Provided that nothing herein contained shall preclude the Commissioners from re-electing as chairman at the first mentioned annual meeting the person elected pursuant to subsection (1) of this section or from re-electing at any subsequent triennial annual meeting the retiring chairman and vice-chairman or either of them. A.D. 1922.

(3) The person for the time being holding office as vice-chairman of the Commissioners shall have and may exercise in the absence of the chairman of the Commissioners all the powers of the chairman.

(4) The provisions of section 37 of the Commissioners Clauses Act 1847 shall extend and apply to the filling up of vacancies in the office of vice-chairman and the said section as so extended shall in its application to the Commissioners be read and have effect subject to the provisions of this section.

**30.**—(1) Any extraordinary vacancy among the Commissioners occurring before the appointed day shall not be filled up. As to extraordinary vacancies.

(2) In every case of an extraordinary vacancy happening after the appointed day in the office of Commissioner elected by the coalowners or the shipowners or the shipbuilders or the engine builders or the importers and exporters or the holders of the first mortgages or of the funded debt or of the second mortgages or in the office of a co-opted member the Commissioners shall convene a special meeting of the proper body for the election by them of a Commissioner or Commissioners to supply the vacancy. Provided always that it shall not be imperative on the Commissioners to convene any such meeting to be held in any month other than the month of January or July.

(3) In every case of an extraordinary vacancy in the office of Commissioner appointed by the Minister of Transport or by the corporation the Commissioners shall within one month after they have notice of such vacancy give notice thereof to the Minister of Transport or to the town clerk of the borough (as the case may require) and

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A.D. 1922. — such vacancy shall be supplied by the Minister of Transport or by the corporation as soon as practicable after the occurrence of the vacancy.

As to votes  
of partners  
and joint  
owners.

**31.** In every case of more than one person being coalowners or shipowners or shipbuilders or engine builders or importers or exporters in partnership and in every case of more than one person being registered as joint owners of any vessel or share in a vessel and in every case of more than one person being registered in the registers of the Commissioners as joint holders of first mortgages or of any portion of the funded debt or of second mortgages those persons respectively shall with respect to the scale of votes be deemed one person and—

(a) in case of partnership the member whose name stands first in the firm or in his absence one of the members authorised in writing by the other member or members of the firm or by a majority of them;

(b) in the case of joint owners of a vessel or share in a vessel the person whose name stands first on the list of shipowners or in his absence one of such owners authorised in writing by the other owner or owners or by a majority of them; and

(c) in the case of joint holders of first mortgages or of any portion of the funded debt or of second mortgages the person whose name stands first in the register or in his absence one of such joint holders authorised in writing by the other joint holder or holders or by a majority of them;

shall alone be entitled to vote at the election of Commissioners and shall have the number of votes to which he would have been entitled if he had been the sole owner of the voting qualification.

Lists to be  
printed and  
published.

**32.** The Commissioners shall print the certified lists of coalowners and shipowners and shipbuilders and engine builders and importers and exporters and on every day during the seven days ending with the fourteenth day of November one thousand nine hundred and twenty-two and during the seven days ending with the fourteenth day of November in every subsequent third year a printed copy of each of the said lists shall be posted by the Commissioners at the entrance to their principal office in the borough and printed copies thereof shall be



kept at that office for public inspection and on payment of a reasonable sum for the same not exceeding one shilling the Commissioners shall deliver a copy of any printed list to any person requiring it. A.D. 1922.

**33.**—(1) The Commissioners shall at an ordinary or special meeting held before the appointed day appoint three of their number to be the revisors of the lists of coalowners and of shipowners and of shipbuilders and of engine builders and of importers and exporters first made after the passing of this Act and the Commissioners so appointed shall (notwithstanding any other provision of this Act) have and perform with reference to those lists all the powers and duties of revisors under this Act. First appointment of revisors of lists.

(2) The three Commissioners so appointed shall elect one of their number to be the chairman of the revisors and the person so elected shall notwithstanding any other provision of this Act have and perform all the powers and duties of the chairman of the revisors under this Act.

**34.** On or within one month before the first day of September one thousand nine hundred and twenty-five and on or within one month before the first day of September in every subsequent third year the Commissioners shall appoint two of their number to be two of the revisors of the lists of coalowners and of shipowners and of shipbuilders and of engine builders and of importers and exporters and the two persons so appointed shall on or before the fourteenth day of October next after their appointment appoint a third person being a person whose name is on one of the said lists for the year ending with the thirtieth day of June in that year to be the third of those revisors and to be the chairman of the revisors and the three persons so appointed shall be the revisors of the lists. Subsequent appointments of revisors of lists.

**35.** The revisors shall during the seven days next before the first day of December one thousand nine hundred and twenty-two and the seven days next before the first day of December in every subsequent third year revise at the Commissioners office the lists of the coalowners and of the shipowners and of the shipbuilders and of the engine builders and of the importers and exporters giving not less than three nor more than seven days' public notice by advertisement in some newspaper or newspapers circulating in the borough of every such Revision of lists.

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A.D. 1922. revision Provided always that in the case of the decease or failure to act of any of the revisors the others or other of them may make or complete the revision.

Claims and objections before revisors.

**36.** On every such revision any person whose name is omitted from any list may in person or by his agent claim to have his name inserted therein and any person whose name is inserted in any list may in person or by his agent claim to have the number of votes attributed therein to him corrected and may object to any other person as not being entitled to have his name retained therein or as not being entitled to the number of votes attributed to him therein.

Revisors to correct lists.

**37.** The revisors shall retain the name of any person or the number of votes so objected to if the objection be not established to their satisfaction and shall insert the name of any person shown to their satisfaction to be entitled to have his name inserted therein and shall retain the name of every person to whom and every number of votes to which an objection is not made and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name therein and shall correct the number of votes inaccurately attributed therein to any person on such inaccuracy being shown to their satisfaction.

Revisors to sign lists.

**38.** The decision of the revisors acting in the revision or the majority of them shall be final and conclusive and the revisors shall forthwith after any revision sign their names at the foot of each list revised and if any revisor shall refuse to sign or wilfully make default in signing any list he shall be liable to a penalty not exceeding fifty pounds.

Production to revisors of books &c.

**39.** For the revision of the lists the Commissioners shall produce to the revisors such of the books and accounts of the Commissioners as are proper and sufficient to enable the revisors to revise the lists and shall afford to them all reasonable and proper facilities in that behalf.

Evidence of revised lists.

**40.** Every list purporting to be a list revised according to this Act and to be signed as by this Act provided shall without proof of any matter other than the signatures thereto be *primâ facie* evidence of the same being a list revised according to this Act and of all the provisions of this Act in any way relating to the revised list having been duly complied with.



41. Every revised list shall be in force until the revision of the then next list and the persons whose names appear on any revised list from time to time in force shall be the persons entitled to vote in the election of Commissioners and shall at every such election be respectively entitled to such a number of votes as appears by such list.

A.D. 1922.  
—  
Duration of  
revised lists.

42. Every revised list shall forthwith after the revision thereof be printed and published by the Commissioners and every person whose name appears therein shall be entitled to a copy thereof on paying for every copy such a sum not exceeding one shilling as the Commissioners think reasonable.

Revised  
lists to be  
printed and  
published.

43.—(1) On the third Wednesday in January one thousand nine hundred and twenty-three and on the third Wednesday in January of every subsequent third year the coalowners and the shipowners and the shipbuilders and the engine builders and the importers and exporters and the holders of the first mortgages and of the funded debt and of the second mortgages respectively shall meet for the election of the Commissioners to be elected by them respectively under the provisions of this Act. Every such meeting shall be held at such convenient place in the borough as the Commissioners shall from time to time appoint and between the hours of ten in the forenoon and four in the afternoon and the Commissioners shall give not less than four nor more than ten days' public notice by advertisement in some newspaper or newspapers circulating in the borough specifying the time and place thereof.

Meetings for  
election of  
Commis-  
sioners.

(2) At every such meeting as is referred to in subsection (1) of this section a person appointed by the meeting shall preside as chairman and shall receive the votes and act in all respects as chairman of the meeting and the only business to be transacted or discussed at any such meeting shall be the election of Commissioners.

(3) The persons to be from time to time elected at any such meeting as aforesaid shall be elected by a majority of the votes of the persons present personally or by proxy and entitled to vote at the meeting for the election and the votes shall be given in writing under the hands of the voters. Provided that in every case of an equality of votes the chairman of the meeting shall

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A.D. 1922. — when requisite to decide the election have an additional or casting vote.

(4) At any such meeting as aforesaid no vote shall be given by proxy unless the document appointing the proxy shall have been transmitted to and received by the clerk to the Commissioners forty-eight hours at least before the time of holding the meeting.

(5) Every document appointing a proxy to vote for the election of Commissioners under the provisions of this section shall specify—

- (a) the name and address of the person appointing the proxy;
- (b) the name or names of the proxy or alternative proxies appointed;
- (c) the capacity in which the appointor is entitled to vote; and
- (d) the date of the meeting in respect of which the proxy is given

and shall be liable to the same stamp duty as an instrument appointing a proxy to vote at any one meeting of the proprietors of a joint stock company is by law now liable to. Provided always that the said document shall be used only at the meeting with respect to which it was given or at some adjournment thereof.

Triennial  
retirement  
of Com-  
missioners.

**44.**—(1) On the third Wednesday in January one thousand nine hundred and twenty-six and on the third Wednesday in January of every subsequent third year all the Commissioners (other than the co-opted members) shall retire from office and new Commissioners shall be elected or appointed in their stead as by this Act provided. Provided that any Commissioner so retiring as aforesaid shall (if he retains his qualification) be eligible for re-election or re-appointment.

(2) The co-opted members shall retire from office immediately before the first ordinary meeting of the Commissioners held after each such Wednesday as aforesaid. Provided that any of the co-opted members so retiring as aforesaid shall be eligible for re-election.

Acts of  
Commis-  
sioners to be  
valid though  
whole num-  
ber not in  
office.

**45.** Notwithstanding anything in this Act or any Act incorporated therewith the exercise by the Commissioners of any of their powers or authorities shall not be dependent upon the whole number of the Commissioners being in office.



46. Notwithstanding anything in any Act incorporated with this Act a person shall not be disqualified for being a Commissioner or be deemed to be concerned or participate in any manner in any contract or in the profit thereof or of any work to be done under the authority of this Act or of any Act incorporated therewith by reason only of his having any share or interest in—

A.D. 1922.  
—  
Certain con-  
tracts not  
to dis-  
qualify.

- (a) any lease sale or purchase of land or any agreement for the same or for compensation for damage to land; or
- (b) any agreement for the loan of money or any security for the payment of money only; or
- (c) any newspaper in which any advertisement relating to the affairs of the Commissioners or their undertaking is inserted; or
- (d) any company incorporated by Act of Parliament or Royal Charter or under the Companies Acts 1908 to 1917 or any Act amending or extending those Acts; or
- (e) any agreement for the use in the ordinary course of business or trade as a customer of the Commissioners of any of the premises or property of the Commissioners or for the employment in the ordinary course of business or trade as a customer of the Commissioners of any of the officers or servants of the Commissioners:

Provided that no Commissioner shall vote on any question relating to any contract or work in which he is concerned by reason of his having any share or interest as aforesaid and if he shall so vote his vote shall not be counted.

### PART III.

#### COMMITTEE OF SURVEY.

47.—(1) The Commissioners who at the date of the passing of this Act constitute the committee of survey of the Commissioners shall until the appointed day continue to hold office as such and notwithstanding the repeal of enactments effected by this Act to exercise and perform the powers and duties vested in or imposed upon them at the date of the passing of this Act in all respects as if this Act had not been passed but on the appointed day

As to  
existing  
committee  
of survey.

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A.D. 1922. — they shall retire from office as members of the said committee and the said committee shall be thereupon dissolved.

(2) After the appointed day and until the election of the first committee of survey as provided by the section of this Act of which the marginal note is "New committee of survey to be appointed" the clerk and the engineer for the time being of the Commissioners shall have and may exercise all the rights and powers and shall perform all the duties of the committee of survey.

New com-  
mittee of  
survey to be  
appointed.

48.—(1) The Commissioners may at their annual meeting held in the month of March in the year one thousand nine hundred and twenty-three and in each subsequent third year elect choose and appoint not less than seven of the Commissioners to be a committee for the purposes hereinafter mentioned which committee shall be called "the committee of survey."

(2) The said committee or any three or more of them may use and exercise the several powers and authorities vested in them in and by this Act for the term of three years only or until other persons shall be chosen in their place by virtue of this Act.

(3) All instruments or nominations of any persons as members of the said committee shall be entered in a book to be kept by the clerk for that purpose.

(4) Every person appointed a member of the said committee in pursuance of this section shall on or before the next public meeting of the Commissioners after such appointment and notice thereof in writing under the hand of the clerk given to him or left at his usual place of abode accept the said trust and subscribe an instrument in writing to be provided for that purpose acknowledging his said acceptance and that he is willing to act therein and in default thereof such appointment shall be void and of none effect.

(5) In case of any vacancy or vacancies which may arise in the said committee during the period for which they had been originally appointed by the death refusal to act resignation bankruptcy or insolvency of any of the said committee or by any member of the said committee ceasing to be a Commissioner then and so often as such vacancy or vacancies shall occur the Commissioners



may at any of their meetings appoint as aforesaid any other Commissioner or Commissioners to supply such vacancy or vacancies for the remainder of the said term who shall have the same powers and authority as if he or they had been originally chosen a member or members of the said committee. A.D. 1922.

(6) The Commissioners may from time to time confer on the said committee such of the powers of the Commissioners as they think expedient relative to the repair of quays the removal of obstructions and the abatement of any nuisance and may make such regulations with respect to the exercise by the said committee of any of those powers and either with or without any preliminary report to the Commissioners as the Commissioners think fit.

**49.**—(1) It shall be the duty of the owner and occupier of every wharf staith and ballast or other quay within the limits of the port to keep such wharf staith or quay in good repair and in proper order and condition. Wharves to be kept in repair &c.

(2) No person shall cause or permit any nuisance in the river or any obstruction to the navigation thereof.

**50.**—(1) The said committee of survey or any three or more of them shall once at least in every year survey and view the river and any nuisances therein or obstructions to the navigation thereof and the several wharves staiths and ballast and other quays within the limits of the port. Committee to survey river at least once a year and report to Commissioners.

(2) The said committee shall submit to the Commissioners at the monthly meeting of the Commissioners which shall be held next after such survey and view as aforesaid a report as to any such nuisances or obstructions as aforesaid and as to any such wharf staith or quay as aforesaid which shall be out of repair or in defective order or condition.

(3) The engineer of the Commissioners shall attend the said Committee on their said several views and surveys to make minutes for them and to give his advice and opinion as to matters relating to the navigation and other matters aforesaid.

(4) The Commissioners shall and may pay and allow out of the consolidated revenue as part of the expenses of management of the port the reasonable expenses of

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A.D. 1922. the said committee and engineer when attending and going on their said surveys as aforesaid.

Power to  
Commis-  
sioners to  
require  
removal of  
obstruc-  
tions repair  
of quays &c.

**51.**—(1) The Commissioners may upon any such report to them by the committee of survey as aforesaid by notice in writing addressed to the person causing or permitting any such nuisance or obstruction as aforesaid or to the owner or occupier of any wharf staith or quay found by the said committee to be out of repair or in defective order or condition require such person owner or occupier within such reasonable period as may be specified in the notice to abate such nuisance or to remove such obstruction or to repair or put into proper order or condition such wharf staith or quay (as the case may be) and if any person shall refuse or neglect to comply with any such requirement within the period specified in the notice and to the reasonable satisfaction of the Commissioners he shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds. Provided that the Commissioners may if they think fit at any time after the expiration of the period specified in any notice in respect of which there shall have been any such refusal or neglect as aforesaid either in lieu of or in addition to instituting proceedings for a penalty under the provisions of this section themselves execute all such works and do all such things as may be necessary for abating the nuisance or removing the obstruction or repairing or putting into proper order or condition the wharf staith or quay referred to in the notice and may recover from the person in default the expenses incurred by them in so doing. Provided also that the court before whom any proceedings for the recovery of any penalty or any expenses so incurred shall be instituted by the Commissioners under the provisions of this section shall consider any representations made to them by the person against whom such proceedings are taken and may make such order in the matter as to the court seems proper.

(2) When an owner of any lands wharf staith or quay incurs any penalty expenses or costs under the provisions of this section then if the liability therefor was incurred by him through the act permission or default of any occupier or tenant of such lands wharf staith or quay such owner may subject to the terms of any contract between the parties recover from that occupier or tenant



his executors or administrators by proceedings in any court of competent jurisdiction the amount of the penalty expenses or costs so incurred as aforesaid. A.D. 1922.

(3) When an occupier or tenant of any wharf staith or quay incurs any penalty expenses or costs under the provisions of this section in any case in which under the terms of the lease or agreement for tenancy the owner of such wharf staith or quay is under obligation to keep in repair or to bear the cost of keeping in repair such wharf staith or quay the occupier or tenant shall be entitled to recover from the owner in any court of competent jurisdiction the amount of the penalty expenses or costs so incurred as aforesaid.

(4) The owner of any lands wharf staith or quay which are or is leased to or in the occupation of any other person and the agents servants and workmen of such owner may enter and continue upon such lands wharf staith or quay for the purpose of complying with any requirement of the Commissioners under the provisions of this section without being deemed guilty of trespass.

#### PART IV.

##### CLOSING OF SOUTH OUTLET.

**52.** Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for that purpose. Power to execute works.

The works hereinbefore referred to and authorised by this Act will be situated in the borough and are as follows :—

Work No. 1 An extension of the Southwest Breakwater Pier at the southern side of the South Outlet such extension commencing by a junction with the existing pier at the eastern extremity thereof and terminating by a junction with the Northeast Pier on the eastern side of the South Outlet at the southern extremity of that pier;

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

Work No. 2 An embankment or wall commencing by a junction with the Dolphin Jetty in the South Outlet at the eastern extremity of that jetty and terminating by a junction with the said Southwest Breakwater Pier at a point six hundred feet or thereabouts measured in a westerly direction from the eastern extremity of that pier;

Work No. 3 An embankment or wall commencing by a junction with the existing wall in the South Outlet at a point fifty feet or thereabouts southward of the south-eastern corner of the hydraulic engine house of the Commissioners and terminating by a junction with the said Dolphin Jetty at the shoreward or western end of the said jetty.

Subsidiary  
works and  
powers.

**53.** Subject to the provisions of this Act the Commissioners may in connection with the works by this Part of this Act authorised and for the purposes of this Part of this Act exercise all or any of the powers and carry into effect all or any of the objects following (that is to say) :—

- (1) They may close and discontinue the existing passage between the South Outlet and the Hendon Dock and may fill up the site of the said passage :
- (2) They may reclaim and fill up so much of the South Outlet as is situate south-westward of the Work No. 2 by this Act authorised and westward of the Work No. 3 by this Act authorised and may use for any purposes of their undertaking the land so reclaimed :
- (3) They may for the purposes of the works by this Act authorised and for the purpose of making temporary works and conveniences in connection therewith place temporarily coffer dams and piles and may erect such temporary piers landing places staging and other works in upon or over the South Outlet or the sea adjoining the same as may be necessary or convenient for any of the purposes aforesaid.

Deviation.

**54.** In the execution of the works by this Part of this Act authorised or any part thereof the Commissioners may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits



of deviation shown thereon and vertically from the levels shown on the deposited sections to any extent not exceeding twenty feet upwards or downwards : A.D. 1922.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

**55.** Subject to the provisions of this Act the Commissioners may by means of the Work No. 1 by this Act authorised close the entrance from the sea into the South Outlet and discontinue the use as a sea communication of the South Outlet or so much thereof as they may from time to time think fit. Provided that notwithstanding anything in this Act the Commissioners may use as a dock with access from the Hudson Dock by means of the existing sea lock and lock channel the South Outlet or any part or parts thereof and that if and so long as the South Outlet or any part or parts thereof shall be so used the provisions of this Act relating to the docks shall apply to the South Outlet or such part or parts thereof as aforesaid. Power to discontinue South Outlet as a sea communication.

**56.** The Commissioners may appropriate and use for the purposes of the works authorised by this Part of this Act such of the lands belonging to them as may be required for those purposes. Power to Commissioners to appropriate lands.

## PART V.

### CHARGING POWERS.

**57.** The Commissioners may demand receive and recover from the respective masters or owners of vessels entering or leaving the port (except any vessel entering the port for safety or refuge only and leaving the port without breaking bulk or taking in any fresh loading there) not exceeding the following rates and duties (that is to say) :— Tonnage duty on vessels entering or leaving the port.

For every vessel clearing or leaving the port for any port or place in the British Islands if the registered tonnage of such vessel does not exceed two hundred tons twopence per register ton and if the registered tonnage of such vessel exceeds two hundred tons then threepence per register ton ;

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

For every vessel entering the port with cargo from any port or place other than a port or place in the British Islands sixpence per register ton ;

For every vessel clearing or leaving the port whether with or without cargo for any port or place other than a port or place in the British Islands sixpence per register ton :

Provided that the master or owner of any vessel in respect of which an inward rate or duty of sixpence per register ton shall have been paid shall not be liable to a higher outward rate or duty than threepence per register ton in respect of that vessel on the occasion of her leaving the port next after the payment of such inward rate or duty.

Pier dues on  
vessels.

**58.** The Commissioners may demand receive and recover from the master or owner of every vessel entering or leaving the port dues (to be called "pier dues") not exceeding the following (that is to say):—

For every vessel entering or leaving the port from or for any port or place in the British Islands twopence per register ton ;

For every vessel entering or leaving the port from or for any port or place other than a port or place in the British Islands fourpence per register ton :

Provided that the master or owner of any vessel in respect of which an inward due of fourpence per register ton shall have been paid shall not be charged with any outward due in respect of that vessel on the occasion of her leaving the port next after the payment of such inward due and that the master or owner of any vessel in respect of which an inward due of twopence per register ton shall have been paid shall only be charged with an outward due in respect of that vessel on the occasion of her leaving the port next after the payment of such inward due if she then leaves for any port or place other than a port or place in the British Islands and then only to the extent of twopence per register ton in addition to the inward due paid by him.

Power to  
take light-  
house dues.

**59.** The Commissioners may demand receive and recover from the master or owner of every vessel which shall enter or leave the port rates or duties (to be called "lighthouse dues") not exceeding one halfpenny per register ton :.



Provided that the Commissioners shall not under the powers of this section demand or take lighthouse dues for any vessel leaving the port if such dues were paid in respect of such vessel on the last occasion of her entry into the port before such leaving. A.D. 1922.

**60.** The Commissioners may demand receive and recover from the master or owner of every vessel loading in any part of the river (except those parts thereof or places therein where dock dues on vessels are chargeable by the Commissioners) dues (to be called "loading dues") not exceeding the following (that is to say):— Loading  
dues.

For every vessel clearing for any port or place in the British Islands twopence per register ton;

For every vessel clearing for any port or place in Europe between the North Cape (including the Baltic Sea) and Gibraltar or in the Arctic Ocean east of the North Cape or within the Mediterranean or in the Azores Madeira or the Canary Islands or the east coast of North America between Hudson Straits and Florida or the Gulf of Mexico fourpence per register ton;

For every vessel clearing for any other port or place than the ports or places hereinbefore referred to sixpence per register ton.

**61.**—(1) The Commissioners may demand receive and recover from the master or owner of every vessel which shall enter the port for safety or refuge only and which shall leave the port without breaking bulk or taking in any fresh loading there a rate or duty (to be called "refuge duty") of threepence per register ton on each occasion of such entry. Power to  
take refuge  
duty.

(2) No vessel liable to the said rate or duty shall be cleared at or depart from the port till such rate or duty shall be paid.

**62.** The Commissioners may demand receive and recover from the master or owner of every vessel (other than a vessel built in the port and not having been registered) using any moorings belonging to the Commissioners in any part of the river (except those parts thereof or places therein where dock dues on vessels are chargeable by the Commissioners) dues (to be called Dues for  
use of  
moorings..

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. — “mooring dues”) not exceeding the following (that is to say):—

For each four weeks or part of four weeks during any period not exceeding sixteen weeks after the expiration of the first eight weeks from the date of commencement of user of any such moorings one halfpenny per register ton;

For each four weeks or part of four weeks beyond such period of sixteen weeks one penny per register ton:

Provided that the charge for any such period of four weeks or part of four weeks shall not be less than five shillings. Provided also that so long as any vessel remains in the river the periods for which such moorings are used (whether continuous or not) shall be aggregated for the purposes of this section.

And in addition to paying mooring dues the master or owner of every vessel discharging cargo at such moorings shall pay the following dues (that is to say):—

Where the vessel has entered the port from any port or place in the British Islands twopence per register ton;

Where the vessel has entered the port from any other port or place fourpence per register ton.

Rates for  
use of docks.

**63.** The Commissioners may demand receive and recover from the master or owner of every vessel entering or leaving any of the docks rates not exceeding the several rates specified in the Second Schedule to this Act per register ton for each and every time she enters or leaves such dock and every such master or owner shall pay the said tonnage rates on the vessel leaving the dock notwithstanding that he may have paid or been liable to pay the tonnage rate when she entered the dock:

Provided that the Commissioners shall not under the powers of this section at any time demand or take from the master or owner of any vessel entering and leaving any of the docks without delivering or loading cargo more than a single tonnage rate (which shall cover both entering and leaving) unless such vessel shall remain longer in the dock than twenty-four hours.

Vessel  
remaining  
in dock

**64.** If any vessel using any of the docks (except inward-bound vessels with cargoes which or any part



of which shall be delivered in such dock) shall remain in the dock for any longer space of time than fourteen days or in the case of such inward-bound vessels as aforesaid for any longer space than thirty days (such periods to be respectively computed from the time of going into the dock) there shall be paid and payable to the Commissioners by the master or owner of every such vessel a further rate not exceeding twopence halfpenny per register ton for every week (and so in proportion for any period less than a week) during which any such vessel shall remain in the said dock beyond such respective periods as aforesaid. Provided always that such additional rates shall not be payable for any such vessel which shall have been prevented from leaving the dock by an embargo of the Government.

A.D. 1922.

beyond  
certain  
period  
liable to  
further rate.

**65.** The Commissioners may demand receive and recover from the master or owner of every vessel which shall be locked into or out of the Hudson Dock by means of the lock constructed between that dock and the half tide basin of the South Outlet a rate or duty not exceeding one penny per register ton of such vessel.

Rate on  
vessels  
locked into  
or out of  
Hudson  
Dock.

**66.** The Commissioners may demand receive and recover from the builder owner or master of every vessel built and launched in the port rates (to be called "launching dues") not exceeding eightpence per register ton of such vessel.

Rates on  
vessels  
launched  
&c. in port.

**67.—(1)** The Commissioners may demand receive and recover from the master or owner of every tug vessel (not being a tug vessel provided by the Commissioners) entering or leaving the port in attendance on any vessel the sum of twenty shillings (to be called "tugboat dues") on each occasion of such entry or leaving:

Dues on  
tugs  
launches  
&c.

Provided that the owner of any tug vessel shall be entitled to commute the payments to be made under the provisions of this section in respect of such tug vessel in any one year by the payment in advance of such sum as may be agreed between such owner and the Commissioners not exceeding fifteen shillings per indicated horsepower of such tug.

**(2)** The Commissioners may demand receive and recover from every owner of every steam launch petrol launch electric motor vessel or other vessel of any

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. description using the port and not otherwise liable to be charged rates or duties under this Act does not exceeding the following (that is to say) :—

For each occasion of entering the port ten shillings;  
For the use of the port for one year two pounds two shillings :

Provided that the payment of the charge for one year in respect of any such vessel shall include the charge for entering the port in that year and that the charge for entering the port shall include the free use of the port for any period not exceeding one month dating from such entry.

Dues and charges for use of graving docks.

**68.** The Commissioners may in respect of the use of any graving dock of the Commissioners demand receive and recover from the master or owner of every vessel entering such dock the sum of ten pounds and in addition thereto a rate calculated upon the gross register tonnage of such vessel of three halfpence per ton for every tide including the tides of entry and exit during which such vessel shall remain in such graving dock.

Tolls &c. on railways.

**69.** The Commissioners may demand receive and recover in respect of the use of their railways and the works connected therewith such tolls as they think reasonable and for the conveyance by any person other than the Commissioners of goods or merchandise over the same respectively such rates and charges not exceeding fourpence per ton of such goods or merchandise as they deem reasonable.

Locomotive tolls and charges for special services.

**70.** The Commissioners may use locomotive engines and wagons on any of their railways or tramways and may take such tolls and charges in respect thereof and for haulage or conveyance and other special services rendered by the Commissioners as they think reasonable.

Power to provide towing vessels and rates to be taken for use thereof.

**71.** The Commissioners may provide such vessels for towing and assisting vessels entering into using or going out of the docks or using the port as they shall think expedient and may take such reasonable rates for the use of the vessels so provided as the Commissioners shall appoint.

Charges for mooring un-mooring &c. vessels.

**72.** The Commissioners may make such reasonable charges as they may think fit for the moving mooring and un-mooring of vessels within the docks.



[12 & 13 GEO. 5.] *Wear Navigation and [Ch. lxxxiv.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

**73.** The Commissioners may demand receive and recover from the owner or shipper of all goods mentioned in the Third Schedule to this Act shipped or unshipped loaded or unloaded in the port dues in respect of such goods not exceeding the several dues specified in the second column of that schedule.

A.D. 1922.

Port dues  
on goods.

**74.** The Commissioners may demand receive and recover from the owner or shipper of all goods mentioned in the said Third Schedule loaded or delivered from or upon the quays or wharves of the Commissioners or shipped or unshipped within the docks rates in respect of such goods not exceeding the several rates specified in the third column of that schedule.

Dock rates  
on goods.

**75.** The Commissioners may demand receive and recover from the owners of all coal coke and cinders shipped on board any vessel in the port or carried within the port on board of any vessel a sum not exceeding—

Duties on  
coal coke  
and cinders.

(a) in respect of coal coke or cinders exported from the port threepence per ton; and

(b) in respect of coal coke or cinders not borne beyond the limits of the port three halfpence per ton;

and so in proportion for any quantity of coal coke or cinders less than a ton.

**76.—**(1) The Commissioners shall supply the necessary labour for moving the wagons and shipping all coal coke and cinders shipped in any of the docks and shall not demand or take in respect of coal coke or cinders shipped in any of the docks and for the use of any drops and spouts requisite for such shipment and for such labour as aforesaid any greater rate or duty in the aggregate than one shilling per ton for coal and one shilling and sixpence per ton for coke or cinders without the sanction of the Minister of Transport (which sanction shall not be applied for until the Commissioners shall have given one month's notice in some newspaper or newspapers circulating in the borough of their intention to make such application and which application any coalowner or shipper of coal coke or cinders shall be at liberty to oppose) nor unless the dues and rates which they demand and take under the Third Schedule to this Act are the full dues and rates by that schedule authorised to be taken.

Restriction  
of rates on  
coal &c.

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

(2) The rates or duties payable under the provisions of this section shall be paid to the Commissioners by the owners or shippers of such coal coke or cinders as aforesaid.

For ascer-  
taining  
quantity of  
coal shipped.

**77.**—(1) For the purpose of ascertaining the quantity of coal coke and cinders shipped within the limits of the port every owner of such coal coke or cinders shall be bound within ten days after the end of each month to send to the office of the Commissioners a true statement in writing under his hand or the hand of some agent of all coal coke and cinders shipped by him during such month and specifying the number of tons shipped on board of or delivered into each vessel and whether such coal coke or cinders were exported from the port or were not borne beyond the limits thereof.

(2) Any such owner as aforesaid who shall fail to make such return or who shall give a false account of such coal coke or cinders shipped by him shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds in addition to any penalties for which he may be liable for evading the payment of the rates payable in respect of such coal coke or cinders.

As to goods  
not enumer-  
ated.

**78.** As to such goods as are not specified in the Third Schedule to this Act the Commissioners may demand receive and recover from the owner or shipper of such goods such dues and rates on such goods as they think reasonable.

Rates on  
goods for  
protecting  
piers.

**79.** The Commissioners may in consideration of the construction by them of the protecting piers demand receive and recover from the owner of all goods shipped or unshipped loaded or unloaded in the port a rate or duty in respect of such goods not exceeding one-fifth part of the total amount of the rates and duties from time to time payable under the other provisions of this Act in respect of such goods.

Rates for  
warehouses  
cranes &c.

**80.** The Commissioners may demand receive and recover for the use of any warehouses wharves engines cranes weighing-machines and shears belonging to them from the owner or person having charge of any goods deposited therein or loaded or unloaded weighed or measured by means thereof such reasonable rates as the Commissioners shall for the time being appoint.



**81.** Each of the rates or duties chargeable under the powers of this Part of this Act in respect of any vessel or of any goods shall (except where otherwise expressly provided) be paid in addition to any other rates or duties so chargeable in respect of that vessel or those goods and (as respects every such vessel) for each voyage.

A.D. 1922.

—  
Rates or  
duties to be  
cumulative.

**82.** All rates duties and charges from time to time payable to the Commissioners shall be paid at the office or offices appointed or to be appointed by the Commissioners for that purpose without any previous demand being made of such rates duties or charges by the Commissioners.

Mode of  
paying  
rates.

**83.** The Commissioners may from time to time vary the rates and duties or any one or more of the rates and duties respectively by this Part of this Act authorised to be taken in such manner and to such extent as they think expedient by reducing or raising the same or any of them. Provided that the rates and duties shall not in any case exceed the amount which the Commissioners are by this Part of this Act authorised to take. Provided also that the rates and duties shall at all times be charged equally to all persons in like circumstances in respect of the same description of vessel and the same description of goods and shall not be so reduced as to prejudice the security of the interest and annual sums for the time being charged upon the consolidated revenue and if any such reduction shall be found to have diminished the consolidated revenue so that the same shall be insufficient to pay such interest and annual sums when due the Commissioners shall thereupon raise the rates and duties to such an extent (not exceeding the rates and duties authorised by this Part of this Act) as shall prevent the recurrence of such insufficiency.

Power to  
vary rates.

## PART VI.

### PROVISIONS RELATING TO THE PORT.

**84.** Subject to the provisions of this Act it shall be lawful for the Commissioners from time to time to do all or any of the things following that is to say they may—

Power to  
dredge &c.

- (a) dredge cleanse and scour the port;
- (b) alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of the river;

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

- (c) reduce or remove any shoals shelves banks or other accumulations in the port;
- (d) shorten any bend or remove any angle in the course of the river and for such purpose enter into agreements with the owners of land adjoining or in or near to the river for the purchase of land or otherwise to enable them to effect the same.

Power to  
make and  
maintain  
works for  
improve-  
ment of  
navigation  
&c.

**85.** Subject to the provisions of this Act it shall be lawful for the Commissioners from time to time—

- (a) to make such works within the limits of the port as shall be necessary for promoting and preserving the navigation of the port and for that purpose to remove any rocks sand or rubbish or other matter which shall obstruct the navigation of the port or the improvement thereof;
- (b) to remove all stones gravel sand or other obstructions whatsoever which may in any way impede the navigation of the port or the improvement or use of the port;
- (c) to build erect make and maintain upon any lands for the time being belonging to the Commissioners within the limits of the port any groynes quays wharves timber ponds graving docks jetties drops spouts cranes slips crabs capstans mooring anchors or mooring frames mooring chains dolphins and other engines posts stoops landing-places weighing beams warehouses buildings approaches roads yards sidings and other works conveniences machinery and apparatus for the purpose of carrying on maintaining promoting preserving and repairing the free navigation and use of the port and rendering the port safe and commodious;
- (d) to maintain repair enlarge alter and amend or at their discretion to discontinue all or any of the works hereby authorised to be made and any like works already made by or vested in the Commissioners as and where and from time to time as often as shall be proper and convenient;
- (e) within the limits of the port to make amend widen turn alter or enlarge any ways passages



or other conveniences for the carrying and conveying of any material within the limits of the port; A.D. 1922.

- (f) to carry and convey any material in over and upon any lands or grounds within the said limits (subject in the case of lands or grounds not belonging to or in the occupation of the Commissioners to the consent of the owners and occupiers of such lands or grounds) in order to the making carrying on improving and perfecting of the said works and navigation and for altering repairing and maintaining the same and also to lay work and manufacture the said materials upon any lands belonging to the Commissioners;
- (g) to take and carry away soil sand clay stones rock gravel and other materials necessary or expedient for making carrying on altering and continuing the said works in or from any ground of any person willing to sell or dispose of the same;
- (h) to embank and reclaim land from the sea and construct the works necessary for that purpose;
- (i) to divert any sewers drains or watercourses which would interfere with the construction of any of the said works. Provided that before diverting any sewer drain or watercourse the Commissioners shall where necessary cause to be made and built a good and sufficient sewer drain or watercourse in substitution for the sewer drain or watercourse which shall be diverted and when made and completed any such substituted sewer drain or watercourse shall be under the same jurisdiction care management and direction as the existing sewer drain or watercourse for which it is substituted; and
- (j) to do all other works matters and things which shall be necessary or proper for the rendering of the port safe and commodious and for the improvement of the navigation of the port and the use thereof as aforesaid and for executing the other purposes of this Act.

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A.D. 1922.

Disposal of  
excavated  
and dredged  
materials.

**86.**—(1) All rock stone shingle sand mud and other materials excavated dredged up or removed for the purposes of this Act shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they may think fit Provided that no rock stone shingle sand mud or other material shall be laid down or deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

(2) All money arising from any sale or other application of any rock stone shingle sand mud or other materials under this Act shall be applied as part of the consolidated revenue.

As to cut-  
ting trees  
obstructing  
navigation.

**87.** Whenever the navigation of the port is obstructed by any tree bush shrub or projection the Commissioners may serve a notice on the owner or occupier of the land on which such tree bush shrub or projection grows or is fixed requiring him within seven days to cut prune or lop such tree bush or shrub or to remove such projection so that the navigation of the port be not obstructed thereby and if such owner or occupier shall not comply therewith the Commissioners may cut prune or lop such tree bush or shrub or remove such projection.

Prohibition  
against  
dredging  
&c. without  
licence.

**88.** Any person who at any time dredges digs raises or removes any sand gravel ballast shingle rock soil or other material from any part of the port without first having obtained the licence in writing of the Commissioners or who having obtained such licence dredges digs raises or removes any sand gravel ballast shingle rock soil or other material from any part of the port or in any quantity or manner other than the part quantity or manner permitted by such licence shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds Provided that the provisions of this section shall not apply to the Admiralty.

Removal of  
stranded or  
sunk  
vessels.

**89.**—(1) Whenever any vessel is sunk stranded or abandoned in or near the port or any approach thereto the Commissioners may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear therefrom the port or the said approaches.



(2) The Commissioners may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto. Provided always that the Commissioners shall before selling any such cargo goods chattels or effects as aforesaid pay all duties which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods chattels or effects. A.D. 1922

(3) If the proceeds of sale are insufficient to reimburse the Commissioners for the aforesaid expenses and duties the Commissioners may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the person who at the time of the sinking stranding or abandonment of the vessel was the registered owner of the vessel or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this section for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and (if so) what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable (as the case may be) shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the

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(5) The powers given to the Commissioners by subsection (1) of this section shall not be exercised if the registered owner of the vessel sunk stranded or abandoned shall within twenty-four hours after the vessel shall have been sunk stranded or abandoned take such steps as may in the opinion of the harbour master be necessary for the raising or removal of the vessel and shall thenceforth continuously and diligently and to the satisfaction of the harbour master prosecute and do all such works and things as may in the opinion of the harbour master be necessary and proper for the raising and removal of the vessel as speedily as possible.

(6) The powers conferred by this section on the Commissioners shall be in addition to and not in derogation of any other powers exerciseable by them for or with respect to the removal of wrecks.

(7) Except for the purpose of removing any obstruction to the port or any approach thereto nothing in this section shall entitle the Commissioners to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX. of the said Merchant Shipping Act and if the Commissioners shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

River to  
be free upon  
payment of  
rates.

**90.** The river shall be a free navigation and all the King's subjects may have and enjoy free passage along in through or upon the same with and for vessels and also the use of the haling or towing paths and other works and conveniences which have been heretofore legally made or which shall be made under the authority of this



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Act for navigating in the port and all other rights and benefits in as full and ample a manner as the same might have been used if this Act had not been passed without any let hindrance or obstruction from any person whomsoever subject however to the payment of such rates tolls and duties as shall from time to time be demanded by the Commissioners not exceeding the respective sums in this Act mentioned and subject to the byelaws rules orders and regulations which shall from time to time be made by the Commissioners or be in force by virtue of the powers conferred by this Act. A.D. 1922.

**91.** Subject to the provisions of this Act it shall be lawful for the Commissioners to cause the waters of the sea and of the river or either of them or the waters flowing to or from the same respectively to flow and proceed to or be diverted into and to supply the docks and for the purposes of or in furtherance of the powers and provisions of this Act when and as the Commissioners shall deem it expedient so to do to deepen the beach and bed of the river and of the sea and to do all such acts and erect and maintain all such works and apparatus as shall be necessary for preserving the depth of water which shall be acquired by deepening the river or the sea but not by means of passing a continuous stream of water direct from the river through the docks into the sea nor vice versa by means of passing a continuous stream of water direct from the sea through the docks into the river. Power to take water from sea and river.

**92.—(1)** The Commissioners from time to time may lay place and maintain along and across the quays bridges lands and approaches belonging to the Commissioners such rails tramroads and turntables or other like conveniences as they deem necessary for the purposes of the docks and for facilitating the carriage and removal of goods along the said quays and for the removal and deposit of sand ballast gravel and other materials or matters and with the consent of the Corporation may cause any rails or tramroads to be carried over or across any road street or highway. Power to lay down rails &c.

(2) The Commissioners may from time to time as they shall think fit remove all or any of such rails tramroads or turntables or with the consent (so far as such rails tramroads or turntables are laid upon or across any road street or highway) of the Corporation alter and vary

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A.D. 1922. the same Provided that if at any time such rails tram-  
roads or turntables or any part thereof shall be wholly  
or partially removed from any road street or highway  
the surface of such road street or highway shall on every  
such occasion be reinstated to its former condition by  
and at the expense of the Commissioners.

(3) Where any such rails or tramroads shall cross  
any public highway on a level therewith the edges or  
flanges of such rails or tramroads for the purpose of  
guiding the wheels of the carriages thereupon shall not  
rise above nor sink below the level of such road more  
than one inch.

(4) The Commissioners may permit any such rails  
tramroads and turntables as aforesaid to be used on  
such terms and under such regulations as they from time  
to time deem reasonable.

(5) A line of rails or tramroad constructed under  
the powers of this section shall not be used for the public  
conveyance of passengers unless or until it has been  
inspected and certified by the Ministry of Transport to  
be fit for that use.

For pro-  
tection of  
Postmaster-  
General.

**93.** Any electric apparatus made or maintained by  
the Commissioners under this Act shall be so made  
maintained and used as not to interfere or be likely to  
interfere with any telegraphic line (as defined by the  
Telegraph Act 1878) belonging to or used by the  
Postmaster-General or with telegraphic communication  
by means of such line.

Arrange-  
ments for  
provision of  
warehouses  
and other  
facilities.

**94.** Subject and without prejudice to the provisions  
of this Act the Commissioners may from time to time  
enter into arrangements with any person for the con-  
struction upon lands of the Commissioners by the Com-  
missioners and any such person jointly or severally of  
warehouses sheds lines of rail sidings turntables cranes  
and machinery and all such conveniences connexions  
and appliances as may be necessary or suitable for the  
transit passage or interchange of traffic upon to and from  
the lands of the Commissioners or for the use and main-  
tenance by or appropriation to any such person or com-  
pany of any such works and also arrangements with such  
person respecting the loading and unloading and trans-  
mission of their goods and minerals upon to or from any  
such lands and works and the employment of officers and



servants for any such purposes and as to the payment by any such person of tolls rents rates duties and charges in respect of any of the matters aforesaid to which such arrangements relate. A.D. 1922.

**95.**—(1) No goods shall be allowed or permitted to remain upon nor shall any obstruction be caused to any of the rails tramroads or turntables of the Commissioners. If any obstruction shall be caused to such rails tramroads or turntables or any of them it shall be lawful for the Commissioners or any of their servants to remove the goods or other matters causing such obstruction and to detain the same until the charges of removal and detention shall be paid by the owner or person having charge of such goods or other matters and if such charges be not paid by such owner or persons as aforesaid within three days after demand made or if no such owner or person can be found such goods may be sold by the Commissioners and the charges and expenses of such removal detention and sale may be deducted out of the proceeds of such sale. For preventing obstructions to tramroads.

Any demand made under the foregoing provisions of this section for the payment of charges shall contain notice of the power of sale conferred by this section.

(2) The provisions of this section shall not apply to any rails tramroad or turntable laid down or placed on any public highway.

**96.** Subject to the provisions of this Act the Commissioners may place buoys in the port in any place or places and may at all times when it shall be necessary so to do for the purpose of altering or repairing the works of the Commissioners erect such dams cofferdams and other temporary works within the tideway of the river as they may think fit so as no damage obstruction or injury shall be done to the free navigation of the river or to the port by the placing of such buoys or the erection of such dams cofferdams or other works. The Commissioners may also fix capstans rings and blocks on the quays or piers for the better working of vessels entering or departing from the docks. Power to Commissioners to place buoys and erect cofferdams &c.

**97.** The Commissioners may fix and maintain or from time to time remove a beacon or buoy upon Hendon Rock. Power to fix buoy at Hendon Rock.

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Penalty on  
fastening  
vessels to  
buoys or  
chains.

**98.** If the master or other person having the command of any vessel shall moor or fasten such vessel to any beacon or buoy not intended for mooring purposes fixed or placed or to be fixed or placed in the port or to the small chain from any buoy to the great mooring ring every such master or other person shall be liable on summary conviction to a penalty not exceeding five pounds for every such offence.

Plan show-  
ing quay  
line to  
remain in  
custody of  
engineer.

**99.** The survey and map or chart showing the quay line made pursuant to the Act 59 George III. chapter 106 shall remain in the custody of the engineer of the Commissioners or of such other person or persons as they shall appoint and shall be kept and preserved by the person or persons in whose custody the same shall be and the same shall be deemed public documents to which all persons desirous of inspecting the same shall have free access at all proper and reasonable times by application at the office of the Commissioners and a duplicate of the said map or chart shall remain in the custody of the clerk of the peace for the county of Durham and shall at all reasonable times be open to the inspection of all persons on payment of one shilling for such inspection.

As to altera-  
tion of quay  
line.

**100.** The Commissioners may from time to time alter the quay line and may direct if they think fit a new map or chart to be made and a quay line to be laid down thereon and the new map or chart shall be deposited with the engineer of the Commissioners and a duplicate at the office of the clerk of the peace for the county of Durham and the quay line on any such new map or chart shall be deemed for all purposes to be substituted for the quay line as previously laid down and the provisions of this Act relating to the quay line shall extend and apply to the quay line from time to time adopted by the Commissioners and to any alteration in the quay line in as full and ample a manner as they apply to the quay line as laid down at the date of the passing of this Act. Provided that every such new or altered quay line shall be first approved by the Board of Trade. Provided also that the alteration of the quay line shall not prejudice or affect or authorise the Commissioners otherwise than by agreement to interfere with any dock basin quay wharf staith jetty or other erection or embankment whatsoever or other work made or in course of construction in



accordance with this Act previous to the adoption of the new or altered quay line. A.D. 1922.

**101.** If any person shall cover up remove displace break cut injure or destroy any of the meer stones or any of the posts set down and fixed to denote the quay line such person shall in every such case be liable on summary conviction to a penalty not exceeding twenty pounds. Penalty for injuring meer stones.

**102.** It shall not be lawful for any company body or person to make or construct any embankment enclosure or other work so as to obstruct the free course or navigation of the river nor except with the consent of the Commissioners in each case to erect build or make within the port any dock basin quay wharf staith jetty or other like erection whatsoever Provided that between the quay line and the meer stones it shall be lawful for the owner or occupier of any land adjoining the river subject to such restrictions and regulations as are in this Act contained to make construct or erect any embankment enclosure dock basin quay wharf staith jetty or other erection or work. Restriction on rights of landowners to construct docks &c.

**103.—(1)** Where the owner or occupier of any land adjoining the river proposes to make or erect any dock basin quay wharf staith jetty or other erection embankment enclosure or other works between the quay line and the meer stones he shall give at least two months previous notice in writing thereof to the engineer of the Commissioners and shall deliver to him with the notice proper and sufficient plans sections and specifications of the proposed works and if the plans sections and specifications so delivered are in the opinion of the engineer insufficient or improper shall amend the same accordingly. As to construction by landowners of works between quay line and meer stones.

**(2)** Where sufficient plans sections and specifications of the proposed works are delivered to the engineer of the Commissioners he shall forthwith take the same into consideration and report to the Commissioners thereon stating in the report whether the proposed works would be between the quay line and the meer stones and in his opinion would or would not be injurious or likely to be injurious to the navigation of the river or to the port with any other particulars or remarks for enabling the Commissioners to determine with respect to the

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(3) Forthwith after the report is made to the Commissioners by their engineer the Commissioners shall take it into consideration and if the Commissioners on consideration of the report are satisfied that the proposed works would be between the quay line and the meer stones and would not be injurious or likely to be injurious to the navigation of the river or to the port they may grant permission for the making or erecting maintaining and using of the proposed works Provided that the Commissioners if they think fit may withhold the permission or may grant the permission with respect to part only of the proposed works and may grant the permission on any terms or conditions which they think fit Provided also that the permission if granted shall be in writing under the hand of the clerk and shall with a copy of the engineer's report be delivered to the owner or occupier desirous of making or erecting the proposed works on his request for the same.

(4) Where the owner or occupier feels himself aggrieved by any determination of the Commissioners with respect to the proposed works he may appeal against the same to the Board of Trade and the Board of Trade may make such inquiries and call for and consider such evidence and such reports thereon as they think proper and may make such order on the appeal and as to the costs occasioned thereby and the payment thereof as they think fit and every such order shall be binding on the owner or occupier and the Commissioners respectively and shall be performed and observed accordingly.

(5) Provided always that where the making erecting or maintaining of the proposed works would lessen the water space between the quay line and the meer stones the making or erecting of the proposed works shall not in any case be permitted unless in the judgment of the Commissioners or as the case may be of the Board of Trade due provision be made for securing at all times a proper and sufficient equivalent water space elsewhere within the quay line.

(6) Where on an application by an owner or occupier under this section the Commissioners withhold permission for the proposed works and the applicant does not appeal



against their determination or on appeal fails to obtain permission for the proposed works then if the proposed works or any of them are made or erected by any person such person shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a further penalty not exceeding twenty pounds for every day after such conviction until the said works shall have been removed. Provided that the Commissioners may if they think fit either in lieu of or in addition to instituting proceedings for a penalty under the provisions of this section themselves remove such works and make good the site thereof and may recover from the person making or erecting such works the expenses incurred by them in effecting such removal and making good.

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(7) If any person makes or erects any such works as aforesaid between the quay line and the meer stones without having made application to the Commissioners in accordance with the foregoing provisions of this section he shall be liable on summary conviction to the like penalties as are referred to in subsection (6) of this section and the proviso to that subsection shall apply for the purposes of this subsection.

**104.** Any land which is or may become vested in the Commissioners may be let on lease by the Commissioners to any person for any term not exceeding ninety-nine years for the erection of warehouses engine works shops or other buildings or manufactories for any trade or business whatsoever or for timber or shipbuilding yards or oil storage with any yards approaches or conveniences thereto or for the purpose of taking down and rebuilding any premises which shall for the time being be standing on any part of the said lands or for any other purpose whatsoever of or connected with or incidental to or which the Commissioners may consider calculated to benefit the undertaking of the Commissioners at such rents and upon such terms and conditions as shall be agreed upon between the Commissioners and the person taking any such lease and it shall be lawful for the Commissioners to enter into any contracts in writing for granting any such lease and afterwards to grant any lease pursuant to any such contract.

Commis-  
sioners may  
let land on  
lease.

**105.** Nothing contained in the sections of this Act of which the marginal notes are "Power to Commis-

Restriction  
on selling  
&c. existing

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graving  
docks &c.

sioners to acquire lands promote Bills &c.” and “ Commissioners may let land on lease ” shall empower the Commissioners to remove sell exchange let on lease or otherwise alienate the existing No. 1 or No. 2 graving docks of the Commissioners or any land forming the site thereof respectively.

Commis-  
sioners may  
hire ballast  
grounds.

**106.** The Commissioners may by agreement purchase rent or hire land for wharves and accommodation grounds and for landing receiving and depositing ballast materials and goods of every description and may provide cranes engines apparatus and craft for receiving and delivering ballast materials and goods and may make such reasonable charges in respect thereof as they think proper.

Damages  
done by  
work of  
Commis-  
sioners to be  
made good.

**107.** If any person shall sustain any damage or loss in or upon his quays lands tenements or hereditaments by reason of any act neglect or default of the Commissioners or of any person acting under their authority or if by the erecting or building by the Commissioners of any pier wall jetty or other work or from the different direction to be thereby given to the sea and tide flowing into the port the said lands tenements or hereditaments shall be beaten down washed away overflowed or otherwise prejudiced or damnified then in any of the said cases such damage shall be made good by and at the expense of the Commissioners out of the consolidated revenue and the Commissioners shall make compensation for any such loss as aforesaid which compensation shall be paid out of the consolidated revenue and may be recovered by the party or parties entitled thereto in any court of competent jurisdiction Provided always that as respects any quay constructed before the passing of this Act no such party as aforesaid shall be entitled to or shall recover any such compensation unless it shall appear that such quay at the time of the occurrence of the damage was not in decay or unless it shall appear that such quay was built on good and proper foundations and regularly built with stones of a sufficient size and quality for a quay on a navigable river.

Penalty for  
obstructing  
navigation  
&c.

**108.—(1)** If any person having the command of any vessel shall moor anchor or place the same in any part of the port so as to obstruct the navigation of the river or the passage of any other vessel or the carrying



on of any of the works to be done under the authority of this Act and shall not as soon as reasonably practicable after notice to remove the same given by any duly authorised agent or servant of the Commissioners or by any other person concerned in navigating any vessel so obstructed remove the vessel of which he shall have the command every person so offending shall for every such offence be liable on summary conviction to a penalty not exceeding twenty shillings for every hour during which such vessel shall continue to obstruct the navigation of the river or the passage of any other vessel or the carrying on of any of the said works after such notice to remove the same as aforesaid. A.D. 1922.

(2) It shall be lawful for any such authorised agent or servant of the Commissioners as aforesaid in lieu of giving any such notice as is referred to in subsection (1) of this section to remove or cause to be removed any such vessel so as to obviate or prevent any obstruction in the said navigation or the passage of vessels or in the carrying on of the said works and to detain the vessel so removed and the loading and tackle thereof or any part thereof until the charges of such removal shall be paid and satisfied.

**109.** If any person shall hinder obstruct or assault any officer or servant of the Commissioners engaged or employed in or in connexion with the lighting of the port or the navigation of vessels within the port or any work or duty of which any interruption would involve danger or obstruction to navigation such person shall be liable on summary conviction to a penalty not exceeding ten pounds for the first offence and not exceeding twenty pounds for every subsequent offence. Penalty on obstructing works.

**110.—(1)** The Commissioners and their servants and workmen may enter into and upon any lands adjoining the sea near to the port and build or cause to be built sufficient walls or other erections before any works on such lands so as to prevent the lights from such works from being seen at sea and the owners or occupiers of such lands shall at their own expense keep the said walls or erections in repair so long as such works shall be used. To prevent ships being misled by lights from works.

(2) If any owner or occupier of any land or works shall obstruct or hinder the Commissioners or their

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Penalty on  
persons  
casting  
ballast into  
port.

**111.** If any person under any pretence whatever shall without the consent in writing of the Commissioners cast or unload any soil ballast sand stones rubbish wreck filth gravel coal ashes or other substance (except upon some quay or staith situated higher than high-water mark of ordinary spring tides) into the port or into the sea within a distance of one mile from any part of the limits of the port or dig and remove from and out of one part of the port and cast into another part thereof any soil ballast sand stones rubbish wreck filth gravel coal ashes or other substance except upon some quay or staith situated higher than high-water mark of ordinary spring tides the person committing any such act as aforesaid shall in every such case be liable on summary conviction to a penalty not exceeding one hundred pounds Provided that nothing hereinbefore contained shall abridge lessen defeat prevent obstruct interfere with or prejudice any work authorised to be executed or any power right or privilege given to the Commissioners by this Act.

Penalty on  
placing bal-  
last too near  
the edge of  
quays.

**112.** If any occupier or tenant of a ballast quay or other quay adjoining the river shall permit any gravel sand stone ballast rubbish wreck filth or other substance which shall have been cast or placed thereon to be or remain nearer to the edge or front of the said ballast quay or other quay than three feet after the same shall have been so cast or placed thereon or shall cause or suffer any such gravel sand stone ballast rubbish wreck filth or other substance to be cast or placed in or so near to any runner or watercourse upon or adjoining the said quay that the same may be washed into the river every person so offending shall in every such case be liable on summary conviction to a penalty not exceeding five pounds.

To prevent  
ballast hills  
being placed

**113.** If any occupier of any ballast quay adjoining the river shall lay or place any heap of gravel sand stone ballast rubbish wreck filth or other substance nearer



to the front of the said quay than ten yards or if any occupier of any land adjoining the river shall lay or place any such heap of gravel sand stone ballast rubbish wreck filth or other substance upon his land nearer than twenty yards from the high-water mark of ordinary spring tides every such person shall in every such case be liable on summary conviction to a penalty not exceeding ten pounds.

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too near the river.

**114.** The engineer of the Commissioners and all such other persons as he shall appoint may remove all such gravel sand stone ballast rubbish wreck filth or other substance as shall be cast placed or laid on any ballast quay or other quay or on any land adjoining the river in any manner for which a penalty is provided by either of the sections of this Act of which the marginal notes are respectively "Penalty on placing ballast too near the edge of quays" and "To prevent ballast hills being placed too near the river" in case the occupier or tenant of such ballast quay or other quay or land shall refuse or neglect to remove the same within the space of three days next after the same shall be so cast placed or laid and the charges of removing the same shall be paid by such respective occupiers or tenants and shall or may be recovered summarily as a civil debt.

Engineer to remove ballast &c.

**115.** The powers of making bye-laws exerciseable by the Commissioners under the provisions of the Harbours Docks and Piers Clauses Act 1847 shall extend to enable the Commissioners to make byelaws for all or any of the following purposes (that is to say):—

Extended powers of making byelaws.

For regulating the duties and conduct of watermen and foyboatmen licensed in pursuance of this Act; and

For regulating the steam tugs employed in towing vessels and the duties and conduct of the masters and crews of such tugs.

**116.** The extraordinary purposes for which the Commissioners may purchase lands by agreement under the provisions of section 20 of the Harbours Docks and Piers Clauses Act 1847 shall include the erection of piers quays or jetties within the limits of the port and the enlargement of any of the docks.

Purposes for which lands may be purchased.

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PART VII.

PROVISIONS RELATING SPECIALLY TO THE DOCKS.

Commis-  
sioners to  
maintain  
bridges over  
entrances to  
Hudson  
Dock North.

**117.** The Commissioners shall at all times maintain the bridges constructed over the northern entrances to the Hudson Dock North for use free of toll as a means of passage between Sunderland and the South Pier by all such persons as are not precluded from access to the docks under the provisions of the section of this Act of which the marginal note is "Power to close entrances to docks."

Wharves  
and  
premises  
purchased  
to be part  
of docks.

**118.** All wharves and premises and all works buildings and erections thereon or therein acquired or constructed by the Commissioners before or after the passing of this Act (other than the lands and premises referred to in the agreement of which a copy is set forth in the Sixth Schedule to this Act) shall from and after the passing of this Act or from and after the acquisition or completion of the same become and be part of the docks and shall be subject to all the powers provisions and regulations of this Act as amended by any subsequent Act with respect to the docks so far as the same are applicable to such wharves premises works buildings and erections respectively and the Commissioners may demand receive and recover for or in respect of any vessels resorting to or any goods shipped or unshipped loaded or unloaded at any of such wharves premises works buildings and erections the like rates and duties as by this Act are authorised to be demanded received and recovered for and in respect of vessels resorting to or similar goods shipped or unshipped loaded or unloaded at any of the wharves premises works buildings and erections within the docks.

Power to ap-  
point meters  
and weighers.

**119.** The Commissioners shall have the appointment of meters and weighers in the docks.

Power for  
Commis-  
sioners to  
lease coal  
drops or  
spouts at  
docks.

**120.** The Commissioners from time to time may lease or grant the user of any coal drops staiths spouts or conveyors at the docks and any conveniences connected therewith for such term not exceeding ninety-nine years at such rents and on such terms and conditions as the Commissioners and the persons taking the same may agree on.



**121.** No vessel except with the permission of the dock master shall lie or be moored in the entrance or outlet or within one hundred yards of the centre of the tidal basin unless for the purpose of coming into or going out of the docks so that at all times the entrance may be kept clear and without obstruction.

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—  
No vessel to lie within one hundred yards of tidal basin.

**122.** In addition to the powers by the Harbours Docks and Piers Clauses Act 1847 given to the dock master and his assistants it shall be lawful for the said dock master and his assistants or any of them in case the docks shall at any time or times be so full or crowded with vessels lying up as to prevent impede or render inconvenient the export or import trade of the docks or the vessels entering or leaving the same to remove any of such vessels so lying up as aforesaid into any other more convenient part of the docks or into the river for such time as he or they may see fit. Provided that such vessels so removed shall not be liable by reason of such removal into the river or back again into the docks to the tonnage duties payable on vessels entering or leaving the dock.

Additional power to dock master to regulate position of vessels.

**123.** If any goods which are required by the laws for the time being relating to customs and excise to be entered and which shall be brought into the docks on board of vessels shall not be duly entered with the proper officer of customs and excise within seven days next after the vessel importing the said goods shall have been reported to the Custom House in Sunderland then and in every such case it shall be lawful for the proper officer of the Commissioners appointed for that purpose on the next ensuing day (not being a Sunday Christmas Day or Good Friday the King's or Queen's birthday Bank holiday or a day appointed by His Majesty's proclamation for the purposes of a general fast or thanksgiving) to cause such goods to be forthwith entered landed and warehoused (if they be such goods as by the laws relating to customs and excise for the time being are permitted to be warehoused) in the presence of the proper officer of customs and excise who is hereby authorised and directed to take a true and particular account of the quantity quality and species thereof and in case such goods shall not be duly exported or the duties on such goods shall not be paid and discharged within one month next

Commis- sioners may land goods not duly entered after expiration of seven days.

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A.D. 1922. — after such report as aforesaid it shall be lawful for the Commissioners of Customs and Excise and they are hereby authorised and empowered to sell and dispose of such goods or any part thereof to answer and satisfy the duties thereon rendering the overplus if any of the moneys arising by such sale after payment of the freight and of any rates charges or expenses which may be due to the Commissioners to the owner of such goods on demand Provided always that if a price cannot be obtained for such goods equal to the full amount of the duties of customs or excise payable thereon and the charges of the sale thereof and freight rates charges or expenses as aforesaid then and in such case all such goods shall be effectually destroyed or otherwise be sold and disposed of in such manner and for such purposes and under such rules regulations and restrictions as the Commissioners of Customs and Excise shall from time to time direct.

Commis-  
sioners  
empowered  
to enter  
goods if not  
entered by  
owners  
thereof.

**124.** Whenever the despatch of business shall be obstructed by the neglect or delay of the master or owner of any vessel or the owner or consignee of any cargo in making or passing due entries for such cargo or some part or parts thereof it shall be lawful for the proper officer of the Commissioners to cause a warehousing entry or entries to be made for the inward cargo or any part or parts of such inward cargo (as to such parts thereof as are by the laws relating to customs and excise for the time being permitted to be warehoused) of any vessel lying within the docks for which an entry shall not have been made by the owner thereof and for which the customs order for delivery shall not have been lodged with the proper officer of customs and excise within the docks within forty-eight hours from the day on which the cargo of such vessel shall have been reported at the Custom House in Sunderland such entry to be made according to the marks numbers package or packages qualities quantities or contents of such cargo or part or parts thereof as shall be described in the report of the cargo of any such vessel (such goods being such as by law may be warehoused) and forthwith to land and warehouse (both or either as the case may be) such goods and retain the same as a security for the payment of the duties to which they may be subject and of the rates and sums payable thereon to the Commissioners together with the rent and freight due thereupon.



[12 & 13 GEO. 5.] *Wear Navigation and [Ch. lxxxiv.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

**125.** No goods entered by the Commissioners or their officer as aforesaid shall be liable to seizure or forfeiture by reason of any inaccuracy in the entry thereof unless it shall appear to the Commissioners of Customs and Excise that such inaccuracy was intentional or occasioned by wilful or culpable negligence and it shall be lawful for the Commissioners to detain any goods being in the possession of the Commissioners so entered as aforesaid until the person applying for the delivery or transfer thereof shall have lodged with the Commissioners a counterpart of the bill of lading which shall have been signed for the same at the port of loading in parts beyond the seas.

A.D. 1922.

Such goods not liable to seizure for inaccuracy in entry.

**126.** For all purposes of or in connection with the jurisdiction of the justices of the borough the docks shall be deemed to be within the borough.

As to jurisdiction of borough justices.

**127.** All police constables appointed in pursuance of the Act 3 and 4 Vict. c. lxii. intituled "An Act for establishing and maintaining proper and effective Watch on the River Wear in the Port or Haven of Sunderland near the Sea in the County of Durham" shall exercise and are hereby authorised and required to keep proper and effective watch and to exercise all such powers relating to preserving the peace by day and night and for preventing felonies and misdemeanours and for apprehending offenders against the law and of aiding and assisting the shipping and other property against fire and other accidents or casualties in all parts of the docks as if the same were part of such portions of the river as are within the limits or jurisdiction of the said Act.

Extending jurisdiction of 3 and 4 Vict. c. lxii. to docks.

**128.** All officers of customs and excise or of the Ministry of Transport being in the execution of their duty shall have free ingress and egress into and out of the docks and through the gates and entrances of the same and may freely pass with their vessels and boats through the locks and water communications of the docks at all times (provided the state of the tide and water communications of the docks will admit of such passing) without payment of any toll or sum for so doing.

Officers of customs and excise and Ministry of Transport to have access to docks without payment of toll.

**129.** Nothing contained in this Act or in any enactment repealed by this Act shall be construed deemed or taken to lessen enlarge alter or affect the boundaries of any parish in which the docks or any part or parts

Liability of docks to local rates.

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. — thereof are situate or the liability thereof to all or any  
parochial municipal and other rates and assessments  
now or which may be hereafter chargeable thereon by  
law.

PART VIII.

LICENCES FOR WATERMEN AND FOYBOATMEN.

Licences for  
watermen  
and foy-  
boatmen.

**130.**—(1) On and after the first day of January  
one thousand nine hundred and twenty-three no person  
shall ply for hire as a waterman or foyboatman in the  
port unless licensed by the Commissioners for that  
purpose which licence the Commissioners are hereby  
authorised to grant The Commissioners shall keep a  
register of all persons so licensed and shall be entitled  
to charge for such licence and for the renewal thereof  
such sum as they may consider reasonable not exceeding  
forty shillings per annum Every such licence (unless  
cancelled under the provisions hereinafter mentioned)  
shall only continue in force for one year from the date  
thereof at the expiration of which time it may be renewed  
annually.

(2) If any person not being licensed in pursuance  
of this Part of this Act shall at any time act as a waterman  
or foyboatman or ply or work or navigate for hire or  
gain any boat or craft within the limits of the port  
every such person shall be liable on summary conviction  
to a penalty not exceeding forty shillings.

(3) If any waterman or foyboatman to whom a  
licence is granted in pursuance of this Part of this Act is  
guilty of such misconduct or act of incompetency while  
working as a waterman or foyboatman as in the opinion  
of the Commissioners to disqualify him either wholly  
or partially from holding such licence the Commissioners  
may after hearing what he has to urge in his defence  
endorse suspend or cancel altogether any licence he may  
hold.

(4) Any person aggrieved by the refusal of the  
Commissioners to grant any licence which they are  
empowered by the provisions of this section to grant  
or by the suspension or cancellation of any such licence  
may appeal to a petty sessional court who shall have  
the power to hear and determine such appeal and to  
make such order as they may think fit.



PART IX.

A.D. 1922.

FINANCIAL PROVISIONS.

**131.**—(1) The Commissioners may from time to time (in addition to any moneys borrowed by them before the date of the passing of this Act and outstanding at that date (including the sum advanced to them by the Corporation as hereinbefore recited) or which they may borrow under the powers of the section of this Act of which the marginal note is “Power to re-borrow”) borrow and take up at interest upon the credit of the consolidated revenue such sum or sums of money as shall be necessary for any of the purposes of this Act and may by writing under their seal mortgage all or any part of the consolidated revenue to such persons as shall lend or advance any money thereon (including the Corporation in respect of the said advance) or to their trustees as a security for the principal money advanced with interest for the same.

Power to  
borrow on  
security of  
consolidated  
revenue.

(2) Any mortgages granted under the powers of this section may to the extent of any sum or sums not exceeding in the whole the sum of forty-eight thousand six hundred and thirty-four pounds six shillings and fourpence be granted as first mortgages but except as aforesaid all mortgages granted under the powers of this section shall be granted as second mortgages. Provided that to the extent of any sum raised by the creation and issue of first mortgage funded debt under paragraph (b) of subsection (1) of the section of this Act of which the marginal note is “Power to create” and issue first and second mortgage funded debt for “certain purposes” the powers of granting first mortgages under this subsection shall be extinguished.

**132.** The Commissioners may from time to time borrow and take up at interest upon the credit of the rates for protecting piers such sum or sums of money as they may require for the completion extension renewal or replacement of the protecting piers in addition to or in lieu of borrowing and taking up at interest upon the credit of the consolidated revenue any money for those purposes or any of them and may by writing under their seal mortgage all or any part of the rates for protecting piers to such persons as shall lend or

Power to  
borrow on  
security of  
rates for  
protecting  
piers.

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. — advance any money thereon or to their trustees as a security for the principal money to be advanced with interest for the same.

Register of  
holders of  
funded debt  
to be kept.

**133.** The Commissioners shall from time to time cause the names of the several parties who may be interested in the funded debt with the amount of the interest therein possessed by them respectively to be entered in a book to be kept for that purpose and to be called the "Register of holders of funded debt" and such book shall be accessible at all reasonable times to the several holders of such debt or of mortgages bonds or other securities granted by the Commissioners.

Transfers of  
funded debt.

**134.**—(1) The interests of the several holders of the funded debt or any part of such interests may be transferred or transmitted in the same manner and subject to the same regulations and provisions mutatis mutandis as or according to which any mortgage or bond granted or to be granted by the Commissioners may be transferred or transmitted under the provisions of this Act.

(2) Every deed of transfer (when duly executed) of the funded debt shall be delivered to the clerk and kept by him and the clerk shall enter a memorial thereof in a book to be kept by him and to be called the "Register of transfers of funded debt" and shall endorse such entry on the deed of transfer and shall on demand deliver a new certificate to the purchaser and for every such entry together with such endorsement and certificate the Commissioners may demand any sum not exceeding five shillings and until such transfer has been so delivered to the clerk as aforesaid the purchaser of the funded debt shall not be entitled to receive any interest on such funded debt or to vote in respect of such funded debt.

Holders of  
funded debt  
to receive  
annuities.

**135.** The several holders of the funded debt shall not be entitled to require repayment of the capital thereof but shall receive an annuity thereon at the rate of four and a half per centum per annum or at the rate of three per centum per annum (according to the class of the funded debt held by such holders respectively) which annuity shall be payable half yearly on the first day of January and the first day of July in every year or within thirty days thereafter.



**136.** The several holders of the funded debt shall be creditors of the Commissioners for the payment of the said annuity and shall be deemed to hold by virtue of this Act a mortgage of the rates dues works lands and property of the Commissioners in security for such payment which mortgage shall not (unless and except so far as the holders of the first mortgages may from time to time otherwise agree) have any priority over or rank *pari passu* with the first mortgages and the respective holders of the funded debt shall not as between themselves be entitled to any preference or priority.

A.D. 1922.

Security of  
holders of  
funded debt.

**137.** The provisions of this Act as regards the funded debt shall not alter or affect the rights or priorities of the holders of mortgages bonds or charges on the consolidated revenue unless by agreement with such holders respectively.

Saving  
rights of  
creditors.

**138.—(1)** The Commissioners may from time to time in lieu of continuing on mortgage or bond any moneys already borrowed by them or hereafter to be borrowed under the powers of this Act or any part of such moneys resolve to fund the whole of such moneys or such part thereof as they shall think fit Provided that the Commissioners shall not under the powers of this section fund any moneys except with the consent of the person entitled to the mortgage or bond for securing the repayment thereof.

Power to  
fund debt.

(2) If and whenever the Commissioners resolve to fund the first mortgages or any part thereof there shall be by virtue of this Act created a security to be called the first mortgage funded debt to the nominal amount of the aggregate sum secured by the mortgages to which such resolution relates and those mortgages shall as from the date of such resolution or such later date (if any) as may be specified therein be by virtue of this Act converted into amounts of first mortgage funded debt equal to the sums secured by such mortgages respectively.

(3) If and whenever the Commissioners resolve to fund the second mortgages or any part thereof there shall be by virtue of this Act created a security to be called the second mortgage funded debt to the nominal amount of the aggregate sum secured by the mortgages to which such resolution relates and those mortgages

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A.D. 1922. shall as from the date of such resolution or such later date (if any) as may be specified therein be by virtue of this Act converted into amounts of second mortgage funded debt equal to the sums secured by such mortgages respectively.

(4) The several holders of the first mortgage funded debt or of the second mortgage funded debt shall not be entitled to require repayment of the capital thereof but shall receive an annuity charged on the consolidated revenue equivalent to interest on such capital at the rate per centum per annum at which interest would have been payable on the mortgages converted into such funded debt if they had not been so converted or at such other rate per centum per annum as may be agreed between the Commissioners and the persons respectively consenting to the conversion of such mortgages. Such annuity shall be payable half-yearly on the dates on which the interest on the converted mortgages would have been payable if they had not been converted or within thirty days thereafter and in the case of each funding effected under the powers of this section the first of such half-yearly payments shall be made on the date next after the date on which the conversion takes effect on which interest would have been payable on the converted mortgages if they had not been converted and shall consist of the sum payable for interest for an entire half-year.

(5) Except as provided by subsection (4) of this section and as mentioned in subsection (12) of this section the rights priorities and remedies of the several holders of the first mortgage funded debt and the second mortgage funded debt respectively shall be in all respects identical with the rights priorities and remedies to which such holders would have been entitled in respect of the mortgages converted into such funded debt if such mortgages had not been so converted and except as aforesaid the first mortgage funded debt and the second mortgage funded debt shall respectively rank *pari passu* with any of the first mortgages or the second mortgages (as the case may be) for the time being remaining unfunded.

(6) As soon as practicable after the passing of any such resolution as is referred to in subsection (1) of



this section the Commissioners shall give to the respective holders of any of the first mortgages or of the second mortgages to which such resolution relates notice in writing of the funding thereof and requiring them to deliver up to the Commissioners within such period not being less than three months or more than six months after the date on which the conversion is to take effect as may be specified in the notice the mortgages so funded which are held by such holders respectively. A.D. 1922.

(7) As from the date on which any funding under the powers of this section is to take effect pursuant to any such resolution as aforesaid the mortgages referred to in the resolution shall be annulled and shall cease to have any force or effect and all interest thereon shall cease to be payable as from the half-yearly date for payment of interest immediately preceding such first-mentioned date.

(8) Upon receipt by the Commissioners of any of the first mortgages or of the second mortgages pursuant to any such notice as aforesaid they shall issue to the respective holders of such mortgages certificates for the amount of the first mortgage funded debt or the second mortgage funded debt (as the case may be) to which such holders are respectively entitled under the provisions of this section. Provided that if it be proved to the reasonable satisfaction of the Commissioners that any of the first mortgages or of the second mortgages funded under the provisions of this section is lost or destroyed they may upon such terms as to indemnity and otherwise as they may think fit issue to the registered holder of such mortgage a certificate for the amount of the first mortgage funded debt or of the second mortgage funded debt to which he is entitled under the provisions of this section without requiring the delivery up of the lost or destroyed mortgage. Provided also that if any of the first mortgages or of the second mortgages be not delivered up to the Commissioners within the period specified in the notice referred to in subsection (6) of this section the holders of such mortgages shall not be entitled to receive any instalment of any such annuity as aforesaid which shall have become payable before the date on which such mortgages are delivered up unless it be established to the reasonable satisfaction of the Commissioners that there was a

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A.D. 1922. — sufficient reason for the failure to deliver the same up within the said period.

(9) Every such certificate may be according to the form set forth in the Fourth Schedule to this Act or to the like effect and shall be subscribed by two of the Commissioners and sealed with their common seal.

(10) The provisions of the sections of this Act of which the marginal notes are respectively "Register of holders of funded debt to be kept" and "Transfers of funded debt" shall mutatis mutandis apply to and with respect to the first mortgage funded debt and the second mortgage funded debt respectively.

(11) Trustees executors administrators and other persons standing in any representative or fiduciary capacity who are the holders of any of the first mortgages or of the second mortgages are hereby authorised to consent for the purposes of this section to the funding of the mortgages held by them respectively.

(12) Nothing in this section or done thereunder shall in any way alter or affect the rights priorities or remedies of the holders of the funded debt unless and except so far as the holder of any of the first mortgages for securing the repayment of moneys funded under the provisions of this section may agree that the first mortgage funded debt to which he is entitled under the said provisions shall rank *pari passu* with or after the funded debt.

Power to  
create and  
issue first  
and second  
mortgage  
funded debt  
for certain  
purposes.

**139.**—(1) It shall be lawful for the Commissioners (in addition to any first mortgage funded debt created by virtue of the section of this Act of which the marginal note is "Power to fund debt") from time to time to create and issue first mortgage funded debt—

(a) to such amount as may be required (i) for the purpose of raising money for the redemption of first mortgages or (ii) for substitution (by agreement with the respective holders) for any such mortgages maturing for redemption; and

(b) to such amount as may be necessary to raise the sum of forty-eight thousand six hundred and thirty-four pounds six shillings and four-pence or any less sum for any of the purposes of this Act other than the purposes referred to in the foregoing paragraph (a) Provided that



to the extent of any sum raised by the granting of first mortgages under the powers of subsection (2) of the section of this Act of which the marginal note is "Power to borrow on security of consolidated revenue" the powers of raising money by the creation and issue of first mortgage funded debt under this paragraph shall be extinguished. A.D. 1922.

(2) It shall be lawful for the Commissioners (in addition to any second mortgage funded debt created by virtue of the said section of this Act of which the marginal note is "Power to fund debt") from time to time to create and issue second mortgage funded debt—

- (a) to such amount as may be required (i) for the purpose of raising money for the redemption of second mortgages or (ii) for substitution (by agreement with the respective holders) for any such mortgages maturing for redemption; and
- (b) to such amount as may be necessary to raise any money required for any of the purposes of this Act.

(3) The annuities payable to the holders of any first mortgage funded debt or second mortgage funded debt created and issued under the powers of this section shall be at such rate or varying rates per centum per annum as shall from time to time be determined by the Commissioners by the resolutions creating such funded debt but in all other respects the rights priorities and remedies of the several holders of first mortgage funded debt or second mortgage funded debt created and issued under the powers of this section shall be in all respects identical with the rights priorities and remedies of the several holders of first mortgage funded debt or second mortgage funded debt created by virtue of the said section of this Act of which the marginal note is "Power to fund debt" and all first mortgage funded debt and second mortgage funded debt whether created by virtue of that section or created and issued under the powers of this section shall respectively for all purposes form one and the same class of security and the provisions of this Act relating to first mortgage funded debt and second mortgage funded debt respectively shall apply and have effect accordingly.

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*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

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Form of  
transfer.

**140.** Every transfer of any interest in the first mortgages or the funded debt or the second mortgages or any mortgage or bond granted by the Commissioners for securing any money borrowed or raised by them under the powers of this Act or any first mortgage funded debt or any second mortgage funded debt shall be by deed duly stamped wherein the consideration shall be truly stated and every such transfer shall be according to the form set out in the Fifth Schedule to this Act or to the like effect and section 77 of the Commissioners Clauses Act 1847 in its application to the Commissioners shall be read and have effect accordingly.

Transmis-  
sion other-  
wise than by  
transfer.

**141.**—(1) The executors or administrators of a deceased holder of any mortgage or funded debt of the Commissioners shall be the only persons recognised as having any title to the mortgage or funded debt held by such holder or any interest or annuity thereon.

(2) If the interest in any mortgage or funded debt of the Commissioners has become transmitted in consequence of the death or bankruptcy or insolvency of any holder or in consequence of the marriage of a female holder or by any other lawful means than by a transfer according to the provisions of this Act or the Commissioners Clauses Act 1847 such transmission shall be authenticated by a declaration in writing or in such other manner as the Commissioners shall require and every such declaration shall state the manner in which and the party to whom such mortgage or funded debt shall have been so transmitted and shall be made and signed by some creditable person before a justice of the peace or before a commissioner for administering oaths in the Supreme Court of Judicature in England and such declaration shall be left with the clerk and thereupon he shall enter the name of the person entitled under such transmission in the register of mortgages or of holders of funded debt relating to the class of mortgages or of funded debt transmitted and for every such entry the Commissioners may demand any sum not exceeding five shillings and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any interest or annuity on such mortgage or funded debt or to vote in respect of any such mortgage or funded debt as the holder thereof Provided that in any case of such trans-



mission by virtue of the marriage of a female holder or by the death of a holder the Commissioners may dispense with such declaration on production of a certified copy of the register of such marriage or on production of the probate of the will or letters of administration of the estate of such deceased holder.

A.D. 1922.

(3) The Commissioners shall not be required to allow any executors or administrators to transfer any such mortgage or funded debt as aforesaid until the probate of the will or the letters of administration to the deceased has or have been left with them for registration and may require all the executors who have proved the will to join in the transfer.

**142.** The Commissioners shall not be bound to see to the execution of any trust whatever whether expressed implied or constructive to which any mortgage or funded debt may be subject and the receipt of the party in whose name any mortgage or funded debt stands in the appropriate register of mortgages or of holders of funded debt or if it stands in the names of more parties than one the receipt of one of the parties named in that register shall from time to time be a sufficient discharge to the Commissioners for any interest annuity or other sum payable in respect of such mortgage or funded debt notwithstanding any trusts to which such mortgage or funded debt may then be subject and whether or not the Commissioners have had notice of such trusts and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Commis-  
sioners not  
bound by  
trusts  
affecting  
mortgages  
or funded  
debt.

**143.** The registers of transfers shall be closed for fourteen days previous to the thirtieth day of June and the thirty-first day of December in every year and any transfer which is lodged with the Commissioners for registration during the time when the transfer books are closed shall as between the Commissioners and the party claiming under the same but not otherwise be considered as made subsequent to the period of such closing.

Closing of  
transfer  
registers.

**144.** If and whenever the Commissioners desire to redeem any mortgage granted by them or any of the funded debt or first mortgage funded debt or second mortgage funded debt they shall be at liberty to effect such redemption after giving to the holder or holders

Power to  
redeem  
mortgages  
and funded  
debt.

A.D. 1922. — thereof six months' notice in writing of their intention so to do and upon payment or tender to such holder or holders at the expiration of the said period of notice of the amount secured by the mortgage or mortgages or the amount of funded debt (as the case may be) to be redeemed of which he or they is or are the holder or holders together with the interest or annuity thereon accrued due up to the date of expiration of the said period of notice the said mortgages or funded debt shall be annulled and extinguished. Provided that as respects any mortgage which under the terms thereof or of any deed or other instrument relating thereto is redeemable in any manner or under any conditions inconsistent with the provisions of this section those provisions shall not apply except with the consent in writing of the holder of such mortgage.

Sinking  
funds.

**145.**—(1) The Commissioners shall every year set apart a sum of four thousand pounds out of the consolidated revenue as a sinking fund and the Commissioners shall from time to time invest the moneys so set apart in the purchase of Exchequer Bills or other Government securities and increase the said fund by accumulation in the way of compound interest or otherwise until the same shall be of sufficient amount to pay off the principal sums charged on the consolidated revenue or on the rates dues works lands and property of the Commissioners at which time the sinking fund shall be applied in paying off the same. Provided that the Commissioners may at any time and from time to time apply any sum for the time being standing to the credit of the sinking fund in or towards paying off the said principal sums and shall not allow any sum exceeding five thousand pounds to remain so invested as aforesaid for more than six months without so applying the same. Provided also that no portion of such sinking fund shall be applied for any other purpose than the redemption of first mortgages and first mortgage funded debt and the funded debt until the whole of the principal amount of such first mortgages and first mortgage funded debt and of the funded debt shall have been repaid.

(2) The Commissioners shall from time to time as and when they think fit apply in or towards paying off the second mortgages and second mortgage funded debt any such sinking fund as may be provided under the



provisions of the section of this Act of which the marginal note is "Application of consolidated revenue" for redemption of those mortgages and second mortgage funded debt Provided that the Commissioners shall not allow any sum exceeding ten thousand pounds to stand to the credit of that sinking fund for more than six months without so applying the same. A.D. 1922.

**146.** If any first mortgages or first mortgage funded debt be redeemed by the Commissioners otherwise than by means of a sinking fund the Commissioners may from time to time by the granting of first mortgages and by the creation and issue of first mortgage funded debt or by either of those modes borrow again the whole or any part of the money represented by such redeemed mortgages or funded debt and in substitution therefor and in all respects as if such substituted first mortgages had been granted under the powers of the section of this Act of which the marginal note is "Power to borrow on security of consolidated revenue" and such substituted first mortgage funded debt had been created and issued under the powers of the section of this Act of which the marginal note is "Power to create and issue first and second mortgage funded debt for certain purposes." Power to re-borrow.

**147.** Subject to the provisions of this Act the mortgagees or bondholders or the holders of any funded debt of the Commissioners may enforce the payment of the arrears of interest or annuities due on such mortgages bonds or funded debt by the appointment of a receiver and in order to authorise the appointment of such receiver in the event of the interest or annuities due on such mortgages bonds or funded debt not being duly paid the amount owing to the mortgagees bondholders or holders of funded debt by whom application for such receiver shall be made shall not be less than ten thousand pounds in the whole. Arrears due to mortgagees and holders of funded debt to be enforced by appointment of a receiver.

**148.** Section 85 of the Commissioners Clauses Act 1847 shall in its application to the Commissioners extend and apply to funded debt as well as to mortgages. Application of section 85 of Commissioners Clauses Act 1847 to funded debt.

**149.—(1)** The consolidated revenue for the year ending on the thirty-first day of December one thousand Application of consoli-

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A.D. 1922. nine hundred and twenty-two and for each subsequent  
dated year shall be applied as follows :—  
revenue.

First In payment of the ordinary current expenditure of the Commissioners of and incidental to the working and management of the docks and the port (including the collection of the rates dues and charges leviable by the Commissioners and any expenses incidental to the borrowing or raising of moneys under and for the purposes of this Act or any subsequent Act) and of and incidental to the maintenance and repair of the works of the Commissioners for the time being (other than expenses of and incidental to the maintenance and repair of the protecting piers which the sums applicable to the payment of such expenses under the provisions of the section of this Act of which the marginal note is “ Application of revenue from rates for protecting piers ” are sufficient to meet);

Secondly In payment of the interest on the first mortgages for the time being outstanding;

Thirdly In payment of the annuities payable to the holders of the funded debt for the time being outstanding;

Fourthly In payment of the contribution to the sinking fund required by subsection (1) of the section of this Act of which the marginal note is “ Sinking funds ”;

Fifthly In payment of interest on the second mortgages for the time being outstanding.

(2) Any balance of the consolidated revenue remaining in any year after satisfying the requirements of subsection (1) of this section shall be applied as follows :—

First In or towards the payment of interest on and the repayment of any moneys paid or provided by the corporation pursuant to section 5 of the *Wear Navigation and Sunderland Dock (Finance) Act 1920*;

Secondly To the extent of the sum of four thousand pounds in or towards repayment of any moneys



advanced to the Commissioners by the corporation before the passing of this Act pursuant to section 10 of the last-mentioned Act;

A.D. 1922.

Thirdly To the extent of the sum of four thousand pounds (and also when the moneys advanced by the Corporation as last aforesaid shall have been wholly repaid the sum of four thousand pounds referred to under the last preceding head) in providing a sinking fund to be applied in accordance with the provisions of subsection (2) of the said section of this Act of which the marginal note is "Sinking funds" in or towards the redemption of the second mortgages and second mortgage funded debt.

(3) The residue (if any) of the consolidated revenue remaining after satisfying the requirements of subsections (1) and (2) of this section shall be applied by the Commissioners to the extent of such sum (not being less than one-half of such residue) as they may from time to time determine in augmentation of the sinking fund lastly hereinbefore referred to and subject thereto to such of the purposes of their undertaking (including the extension or improvement of the works of the Commissioners or the formation of a fund for those purposes) as the Commissioners may from time to time determine or (if the Commissioners think fit) in the formation of a reserve fund to meet any subsequent deficiencies on revenue account or the reduction of the rates dues and charges for the time being charged by them.

**150.**—(1) All sums received by the Commissioners by way of rates for protecting piers shall be applied as follows :—

Application  
of revenue  
from rates  
for pro-  
tecting  
piers.

First In payment of the expenses of and incidental to the maintenance and repair of the protecting piers;

Secondly In payment of interest on any moneys borrowed on the security of the rates for protecting piers;

Thirdly In or towards repayment of the moneys so borrowed.

(2) Any balance of the sums so received by the Commissioners as aforesaid after satisfying the mode of application first prescribed by subsection (1) of this section

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Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. — and (so long as any moneys so borrowed as aforesaid shall be outstanding) the modes of application secondly and thirdly so prescribed may be applied by the Commissioners in or towards the improvement or extension of any of their works or for any other purpose of their undertaking.

Auditors.

**151.**—(1) The auditor or auditors of the accounts of the Commissioners for the year ending on the thirty-first day of December one thousand nine hundred and twenty-two shall be the auditors appointed by the Commissioners at their annual meeting held in the month of March one thousand nine hundred and twenty-two or the survivor of them and any auditor or auditors appointed by the Commissioners at any ordinary or special meeting (which appointment they are hereby empowered to make) for the purpose of supplying any vacancy in the office of auditor for that year.

(2) The Commissioners at their annual meeting in the year one thousand nine hundred and twenty-three and in every subsequent year shall appoint one or more auditor or auditors of the accounts of the Commissioners for the year commencing on the preceding first day of January and terminating on the next following thirty-first day of December and at any ordinary or special meeting may appoint an auditor to supply for the then current year any vacancy in the office of auditor.

(3) Any auditor appointed by the Commissioners under the provisions of this section shall be a member of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors.

(4) Sections 89 91 and 93 to 95 of the Commissioners Clauses Act 1847 in their application to the Commissioners shall be read and have effect subject to the provisions of this section.

Annual  
accounts to  
be sub-  
mitted to  
Minister of  
Transport  
and cor-  
poration.

**152.** The Commissioners shall within three months after the expiration of the financial year ending on the thirty-first day of December one thousand nine hundred and twenty-two and of each subsequent financial year send to the Minister of Transport and to the town clerk of the borough a copy of the accounts for that financial year relating to their undertaking.



**153.**—(1) Nothing in this Part of this Act shall alter or affect the operation of section 7 (Approval of estimates) of the Wear Navigation and Sunderland Dock (Finance) Act 1920. A.D. 1922.  
Provisions relating to Wear Navigation and Sunderland Dock (Finance) Act 1920.

(2) For the purposes of subsection (2) of section 10 (Powers for Corporation to lend money and guarantee loans) of the said Wear Navigation and Sunderland Dock (Finance) Act 1920 the annuities payable by the Commissioners on any funded debt shall be deemed to be interest upon money borrowed by the Commissioners.

## PART X.

### MISCELLANEOUS PROVISIONS.

**154.** All works for and in connection with the diversion of Hendon Burn executed by the Commissioners under the authority of the Wear Navigation and Sunderland Dock Act 1863 under or in anywise affecting the railway works or property of the North Eastern Railway Company shall be at all times maintained by and at the expense of the Commissioners and to the satisfaction of the engineer of that company and so as not in anywise either permanently or temporarily to damage injure or interfere with the said railway or works or to impede or obstruct the free and uninterrupted use thereof. For protection of North Eastern Railway Company.

**155.** The Commissioners may erect and maintain gates for closing the landward entrances to the docks at the following points (that is to say):— Power to close entrances to docks.

- (a) Thornhill Quay;
- (b) Pottery Bank;
- (c) The Promenade;
- (d) Prospect Row;
- (e) Octagon Cottage Road;
- (f) International Road;
- (g) The roadway forming the access to the docks at a point fifty yards or thereabouts southward of the Bath Hotel;
- (h) The Parade;

and may keep the said gates closed whenever and for so long as they think fit and may prevent access to the docks by persons who are not—

- (i) engaged in or in business connected with the docks; or

[Ch. lxxxiv.] *Wear Navigation and* [12 & 13 GEO. 5.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

- (ii) engaged in or in business connected with the premises of any tenant of the Commissioners on the docks; or
- (iii) employed on or engaged in or bonâ fide seeking business in connection with any vessel at the docks.

Acquisition  
and use by  
Commis-  
sioners of  
North Dock.

**156.**—(1) The agreement between the North Eastern Railway Company and the Commissioners of which a copy is set forth in the Sixth Schedule to this Act is hereby confirmed and effect may and shall be given thereto accordingly.

(2) As from the date of the passing of this Act—

- (a) the land and premises to be acquired by the Commissioners under the said agreement shall by virtue of this Act and without any other conveyance or assurance vest in the Commissioners subject to the provisions as to payments to be made to the said company contained in the said agreement and shall form part of the port and of the undertaking of the Commissioners and may be used from time to time by the Commissioners for any of the purposes of that undertaking; and
- (b) all rights and obligations created or arising by or under the provisions of the Durham and Sunderland Railway and Wearmouth Dock Purchase Act 1846 or any other enactment or otherwise affecting the said land and premises to which the said North Eastern Railway Company were immediately before that date entitled or subject shall be and are hereby extinguished.

(3) If and so long as the Commissioners use the said land and premises or any part thereof as a dock they may as from such date as they may by resolution determine demand receive and recover in respect of vessels entering or leaving the same and the goods carried in any such vessels and any goods shipped or unshipped at the said dock the like rates duties and charges as are leviable by them in respect of the docks.

Power to  
purchase  
additional

**157.** In addition to any lands which the Commissioners now hold the Commissioners may purchase by agreement and hold any quantity of land not exceeding



above high-water mark two hundred acres and below high-water mark such quantity as may be agreed upon with the Commissioners of Woods and Forests. A.D. 1922.  
lands by agreement.

**158.** The Commissioners may take by agreement and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them any term estate easement interest right or privilege in over affecting or belonging to lands at a yearly rent or otherwise but in the case of a person not enabled otherwise than by the Lands Clauses Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in those Acts for which purpose any term estate easement interest right or privilege as aforesaid shall be deemed lands within the meaning of those Acts. Power to agree for easements &c.

**159.** Notwithstanding anything contained in this Act any works (other than works of repair or maintenance) constructed under the powers of this Act on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant-secretaries of the Board of Trade. Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension (not being a work of repair or maintenance) of any such works shall be subject to the like approval. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

**160.** The Commissioners shall at or near any works below high-water mark constructed under the authority of this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. Lights on works during construction.



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If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent  
lights on  
works.

**161.** The Commissioners shall at the outer extremity of any works below high-water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision  
against  
danger to  
navigation.

**162.** In case of injury to or destruction or decay of any work below high-water mark constructed under the authority of this Act or any part of any such work the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement  
of work  
abandoned  
or decayed.

**163.** If a work constructed by the Commissioners on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Survey of  
works by  
Board of  
Trade.

**164.** If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and



examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily. A.D. 1922.

**165.** Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Commissioners under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require. Cables pipes or wires under or across tidal waters.

**166.** The provisions of the sections of this Act of which the marginal notes are respectively "Works below high-water mark to be subject to approval of Board of Trade" "Lights on works during construction" "Permanent lights on works" "Provision against danger to navigation" "Abatement of work abandoned or decayed" "Survey of works by Board of Trade" and "Cables pipes or wires under or across tidal waters" shall as respects any works executed by any person acting on behalf of the Commissioners or under any licence authority direction or requirement given or made by them apply and have effect as if such person had been referred to in the said sections respectively instead of the Commissioners. Extension of certain provisions of Act to persons acting under directions &c. of Commissioners.

**167.—(1)** The Commissioners may from time to time provide on any lands belonging to them and may take on lease or hire elsewhere such dwelling-houses and offices for any of their officers workmen or servants as they think fit and may permit the same to be occupied accordingly with or without payment of any rent for the same and on such terms and conditions as the Commissioners think fit and for the purposes of this section the words "officers workmen and servants" shall include persons who after the letting to them of such dwelling-houses or offices have ceased to be in the employment of the Commissioners. Power to provide dwellings for officers &c.

(2) When and so often as any officer or servant of the Commissioners being a harbour master dock master or lighthouse keeper or the deputy or assistant of any such officer shall cease to hold office under the Commissioners or to be in their employ if such officer or servant or the wife or widow or any of the children family or other representatives of such officer or servant or any other person who may have the possession of any premises belonging to the Commissioners shall neglect or refuse

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A.D. 1922. — to deliver up the possession thereof for the space of twenty-four hours next after the demand thereof made by notice in writing so to do then it shall be lawful for any justice by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon or into such premises in the daytime and to remove the persons who shall be found thereon or therein together with their goods off or out of such premises and to put the Commissioners or such person as they shall direct into possession of such premises.

Grants &c.  
to persons  
who have  
been in  
Commis-  
sioners'  
employ.

**168.** The Commissioners may from time to time pay such reasonable sums of money as they think fit (not exceeding pensions on the Civil Service scale) to persons who have been officers or servants of the Commissioners and who have become unfit for further employment by the Commissioners by reason of old age accident or illness but are not entitled to receive compensation under the Workmen's Compensation Act 1906 or any Act amending or extending the same. Provided that in ascertaining the sums which the Commissioners may so pay they may have regard to employment by the Commissioners before as well as after the passing of this Act. The Commissioners may also if they think fit grant a gratuity of any sum (not exceeding one year's pay) to the widow family or relatives of any such officer or servant who may die in their service.

Power to  
Commis-  
sioners to  
enter on  
lands for  
execution  
of works &c.

**169.** In any case in which the Commissioners are empowered or required by or under the provisions of this Act to execute any works or to do any act or thing upon any lands or premises belonging to or in the occupation of any other person the Commissioners may by their engineers agents servants and workmen enter and continue upon such lands or premises for the purposes aforesaid without being deemed guilty of trespass.

Provision as  
to Sunday  
&c.

**170.** Whenever any day by this Act appointed for any proceeding is Sunday or Christmas Day or Good Friday or a day appointed for a general fast or thanksgiving or a bank holiday the then next lawful working day shall be substituted for it.

Orders of  
harbour  
master need

**171.** Section 53 of the Harbours Docks and Piers Clauses Act 1847 shall not be construed to require the harbour master to serve a notice in writing of his directions



upon the master or commander of a vessel but such directions may be given verbally or in writing as the necessity of the case seems to require but no verbal notice shall be deemed to be sufficient unless in the opinion of the justices before whom any case may be heard it was under the circumstances not reasonably practicable to serve a written notice on the master of such vessel.

A.D. 1922.

not be in  
writing.

**172.** Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 no bye-law made by the Commissioners under the powers of that Act or of this Act shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance shall be sufficient for all purposes.

Approval of  
byelaws.

**173.** All penalties payable under the provisions of this Act shall be paid to the Commissioners and shall be held and disposed of by them as part of the consolidated revenue.

Penalties  
under this  
Act to be  
paid to Com-  
missioners.

**174.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any bye-law or regulation made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
penalties &c.

**175.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of  
demands.

**176.** Any notice which the Commissioners may be required or authorised to give to any person may be served on such person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or

Service of  
notice on  
other per-  
sons.

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. usual place of residence or business or in case the place of abode or business of the person to be served is unknown it shall be sufficient to affix the notice or a copy thereof on some conspicuous part of the premises (if any) to which the notice may relate.

Service by letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

Saving  
rights of  
Trinity  
House.

**177.** Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the rights or privileges of the Corporation of Trinity House Deptford Strond.

Saving of  
certain  
rights.

**178.** Nothing in this Act contained shall destroy or prejudice any rights which the owners of the Sunderland ferry boat and Hylton ferry boat or any other ferry boat upon the river now have or might have or lawfully claim in or upon the river or within the port or the borough or otherwise howsoever in case this Act had not been passed.

For pro-  
tection of  
Sunderland  
Gas Com-  
pany and  
Sunderland  
and South  
Shields  
Water  
Company.

**179.** Nothing in this Act shall alter or affect the rights and powers (if any) as existing at the date of the passing of this Act of the Sunderland Gas Company and the Sunderland and South Shields Water Company or either of them. Provided that in any case in which in consequence of the foregoing reservation of rights and powers the exercise by the Commissioners of any of their powers under this Act would be prevented or rendered more difficult or costly by their inability to remove or alter the position of any pipes or apparatus of either of the said companies the company owning such pipes or apparatus shall forthwith after receiving notice in writing from the Commissioners requiring them so to do alter the level or position of such pipes or apparatus to such extent as the Commissioners may reasonably require and the Commissioners shall repay to the company making any such alteration the amount of the cost reasonably incurred by that company in so doing.

Crown  
rights.

**180.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises



the Commissioners or any person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

**181.** All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the consolidated revenue and may if they think fit be spread over a period of years.

A.D. 1922.

Costs of  
Act.

[Ch. lxxxiv.] *Wear Navigation and* [12 & 13 GEO. 5.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922.

The SCHEDULES referred to in the  
foregoing Act.

Preamble  
and  
section 6.

THE FIRST SCHEDULE.

ACTS RELATING TO THE COMMISSIONERS.

Session and Chapter.	Short Title.
11 Geo. IV. c. xlix. -	An Act for the improvement and preservation of the River Wear and Port and Haven of Sunderland in the County Palatine of Durham.
18 & 19 Vict. c. cxxviii.	The Sunderland Dock Act 1855.
22 & 23 Vict. c. lvii. -	The Wear Navigation and Sunderland Dock Act 1859.
26 & 27 Vict. c. xlix. -	The Wear Navigation and Sunderland Dock Act 1863.
37 & 38 Vict. c. cxxxix.	The Wear Navigation and Sunderland Dock Act 1874.
40 & 41 Vict. c. xl. -	The Wear Navigation and Sunderland Dock Act 1877.
10 Edw. VII. c. iii. -	The Wear Navigation and Sunderland Dock Act 1910.
9 & 10 Geo. 5. c. xxix. -	The Wear Navigation and Sunderland Dock Act 1919.
10 & 11 Geo. 5. c. xxxiv.	The Wear Navigation and Sunderland Dock Act 1920.
10 & 11 Geo. 5. c. cxl. -	The Wear Navigation and Sunderland Dock (Finance) Act 1920.

Section 63.

THE SECOND SCHEDULE.

DOCK TONNAGE RATES.

INWARD CHARGES.		Rates. s. d.
For every vessel from any port in the British Islands	per register ton	0 5
For every vessel from any port or place in Europe between Ushant and the Naze in Norway except ports in the Baltic Sea - - - - -	per register ton	0 10



[12 & 13 GEO. 5.] *Wear Navigation and* [Ch. lxxxiv.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

INWARD CHARGES— <i>continued.</i>		Rates.	A.D. 1922.
		<i>s. d.</i>	—
For every vessel from any port or place in the Baltic Sea or between the Naze and the North Cape or in the Arctic Ocean east of the North Cape or between Ushant and Gibraltar or within the Mediterranean or in the Azores Madeira or Canary Islands or the east coast of North America between Hudson Straits and Florida or in the Gulf of Mexico		per register ton	1 3
For every vessel from any port or place other than those above referred to		per register ton	2 6

OUTWARD CHARGES.		Rates.	
		<i>s. d.</i>	
For every vessel clearing for any port in the British Islands		per register ton	0 5
For every vessel clearing for any port or place in Europe between the North Cape (including the Baltic Sea) and Gibraltar or in the Arctic Ocean east of the North Cape or within the Mediterranean or in the Azores Madeira or Canary Islands or the east coast of North America between Hudson Straits and Florida or in the Gulf of Mexico		per register ton	0 10
For every vessel clearing for any port or place other than above specified		per register ton	1 3

## THE THIRD SCHEDULE.

### PORT DUES AND DOCK RATES ON GOODS.

1							2	3	Sections 73 and 74.
Goods &c.							Port Dues.	Dock Rates.	
							<i>s. d.</i>	<i>s. d.</i>	
Bottles	-	-	-	-	-	per ton	1 2	1 6	
Bricks	-	-	-	-	-	"	0 2	0 8	
Chalk and loam	-	-	-	-	-	"	0 2	0 3	
China clay	-	-	-	-	-	"	0 2	0 10	
Cement	-	-	-	-	-	"	0 4	1 3	
Esparto grass	-	-	-	-	-	"	0 10	0 10	
Flour	-	-	-	-	-	per sack	0 2	0 2	
Grain—									
Wheat	-	-	-	-	-	per last	1 6	1 6	
Barley	-	-	-	-	-	"	1 6	1 6	
Oats	-	-	-	-	-	"	1 6	1 6	

[Ch. lxxxiv.] *Wear Navigation and* [12 & 13 GEO. 5.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. PORT DUES AND DOCK RATES ON GOODS—*continued.*

1						2		3	
Goods &c.						Port		Dock	
						Dues.		Rates.	
						s.	d.	s.	d.
Hemp	-	-	-	-	per ton	1	8	2	0
Ice	-	-	-	-	"	0	5	1	3
Iron and steel—									
Bar bolt or ingot	-	-	-	-	"	0	7	0	10
Castings	-	-	-	-	"	0	7	0	10
Chains and anchors	-	-	-	-	"	1	3	1	3
Forgings	-	-	-	-	"	0	10	0	10
Hoop	-	-	-	-	"	0	10	0	10
Pig and scrap	-	-	-	-	"	0	5	0	10
Plates sheets and angles	-	-	-	-	"	0	7	0	10
Rails	-	-	-	-	"	0	7	0	10
Lime	-	-	-	-	"	0	4	0	4
Machinery	-	-	-	-	"	1	3	1	3
Oils (bulk or casks)—									
Benzol	-	-	-	-	"	1	0	1	0
Naphtha	-	-	-	-	"	1	0	1	0
Petrol	-	-	-	-	"	1	0	1	0
Petroleum	-	-	-	-	"	1	0	1	0
Creosote	-	-	-	-	"	1	0	1	0
Ores—									
Chrome	-	-	-	-	"	0	7	0	10
Iron	-	-	-	-	"	0	3	0	10
Pitch	-	-	-	-	"	0	5	0	5
Potatoes	-	-	-	-	"	0	7	0	8
Slates	-	-	-	-	"	0	10	1	3
Silver sand	-	-	-	-	"	0	4	0	4
Timber—									
Pit props	-	-	-	-	per load	0	5	0	8
Deals battens boards planks masts									
oars rickers spars poles ash beech									
birch elm oak fir pine and wainscot						0	7	0	8
Sleepers	-	-	-	-	"	0	6	0	8
Teak cedar greenheart ebony log									
lignum-vitæ mahogany rose maple									
sandal satin walnut and fine furni-									
ture woods						0	10	0	10
Wood pulp	-	-	-	-	per ton	0	9	1	3



A.D. 1922.

THE FOURTH SCHEDULE.

Section 138.

FORM OF CERTIFICATE OF FIRST OR SECOND MORTGAGE  
FUNDED DEBT.

No. £.....

RIVER WEAR COMMISSIONERS' [FIRST] [SECOND]  
MORTGAGE FUNDED DEBT.

BEARING AN ANNUITY AT THE RATE OF £ PER CENTUM  
PER ANNUM.

This is to certify that is the  
holder of pounds of the River Wear  
Commissioners' [First] [Second] Mortgage Funded Debt created  
by or under the provisions of the Wear Navigation and Sunder-  
land Dock (Consolidation and Amendment) Act 1922 and is  
entitled to receive an annuity on the said sum at the rate of  
pounds shillings per centum per annum  
payable half-yearly on the thirtieth day of June and the thirty-  
first day of December in every year.

Given under the common seal of the River Wear Commis-  
sioners and subscribed by two of the said Commissioners  
the day of in the year of  
our Lord one thousand nine hundred and

\_\_\_\_\_  
\_\_\_\_\_  
} Commissioners.

Entered \_\_\_\_\_ Clerk.

NOTE.—In the event of any change occurring in the name of  
the holder of this certificate or of the death of a joint holder  
proper evidence thereof must be produced to the clerk to the  
Commissioners and the certificate left with him for endorsement.

Before any transfer of the sum above mentioned or of a  
part thereof or any transmission of that sum can be registered  
in the books of the Commissioners this certificate must be  
surrendered to their clerk but on such registration being  
completed a new certificate or certificates will be issued to the  
person or persons entitled thereto.

No fractional part of a pound can be transferred.

[Ch. lxxxiv.] Wear Navigation and [12 & 13 Geo. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.

A.D. 1922.

Section 140.

THE FIFTH SCHEDULE.

FORM OF TRANSFER.

I [WE] of [insert occupation] in  
consideration of the sum of paid to me [us]  
by of [insert occupation] hereinafter  
called the said transferee [transferees] Do hereby bargain sell  
assign and transfer to the said transferee [transferees] [insert  
full description and amount of security transferred] of and in  
the undertaking called the River Wear Commissioners To hold  
unto the said transferee [transferees] his or her [their] executors  
administrators and assigns subject to the several conditions on  
which I [we] held the same immediately before the execution  
hereof and I [we] the said transferee [transferees] do hereby  
agree to accept and take the said [insert description and  
amount of security transferred] subject to the conditions  
aforesaid.

As witness our hands and seals this day  
of one thousand nine hundred and .

Signed sealed and delivered by the said  
in the presence of— (L.S.)

Witnesses.  
Signature.....  
Address.....  
Occupation.....

Signed sealed and delivered by the said  
in the presence of— (L.S.)

Witnesses.  
Signature.....  
Address.....  
Occupation.....



A.D. 1922.

**THE SIXTH SCHEDULE.**

Preamble  
and  
section 156.

Stamp

Ten  
shillings.

AN AGREEMENT made this ninth day of March One thousand nine hundred and twenty-one between the NORTH EASTERN RAILWAY COMPANY (hereinafter called "the Vendors") of the one part and the RIVER WEAR COMMISSIONERS (hereinafter called "the Purchasers") of the other part.

1. Subject as hereinafter mentioned the Vendors hereby agree to sell to the Purchasers who hereby agree to purchase the freehold and inheritance in fee simple in possession free from incumbrances of and in all those pieces or parcels of land with the tidal basin dock lines of railway warehouses buildings and works thereon situate at Monkwearmouth Shore in the parish of Monkwearmouth in the county of Durham and containing thirty-five acres or thereabouts delineated on the plan attached hereto and thereon marked with red colour (except the mines and minerals thereunder and subject to all statutory and other rights of the owners thereof and subject also to all rights of way and water and other easements if any affecting the premises and to all tenancies).

2. The consideration for the said sale shall be the payment by the Purchasers their successors and assigns of a yearly rent-charge of three hundred pounds by equal half-yearly payments on the thirteenth day of May and the twenty-third day of November in every year such rentcharge to be charged and secured upon the said land and premises and to be payable as from the completion of the purchase The Vendors shall not be required to show any title to the said piece of land hatched blue on the said plan and will only convey all their estate and interest (if any) in the said piece of land.

3. The Purchasers shall be entitled to possession of the premises on the completion of the purchase and shall thereafter be entitled to the rents and profits and shall discharge all outgoings which shall if necessary be apportioned.

4. The Purchasers shall be entitled at the expense of the Vendors to an abstract of title to the premises (other than the piece of land hatched blue on the said plan) commencing with the conveyance or conveyances thereof to the Vendors or to any company whose undertaking now belongs to them The Purchasers shall accept the title to the whole of the said pieces of land hereby agreed to be sold and shall not make any objection thereto or requisition thereon as to the powers of the Vendors to sell the said piece of land and premises The conveyance to

[Ch. lxxxiv.] *Wear Navigation and [12 & 13 GEO. 5.]  
Sunderland Dock (Consolidation and Amendment) Act, 1922.*

A.D. 1922. the Purchasers shall be prepared and perfected by and at the expense of the Purchasers and a draft thereof shall be left at the office aforesaid for perusal on behalf of the Vendors not less than fourteen days before completion which shall take place at the expiration of one calendar month from the date when the Bill mentioned in clause 7 hereof receives Royal Assent.

5. Section 6 of the Conveyancing and Law of Property Act 1881 shall be read and construed with reference to the sale and conveyance hereby agreed to be made as though in subsections (1) and (2) all words between "whatsoever" and "appurtenant" (not inclusive) were omitted therefrom.

6. The Vendors shall afford reasonable facilities for the construction and maintenance by the Purchasers of a siding connection or siding connections between the Vendors' railway at the boundary line marked "A B" on the said plan and the lines of railway on the said pieces of land. The Purchasers shall at all times repair and maintain to the reasonable satisfaction of the Vendors the existing group of exchange sidings shown between the lines "A B" and "C D" on the said plan or other such sidings in substitution therefor as may hereafter be agreed upon between the Purchasers and Vendors or in case of difference settled by arbitration in manner provided by the Arbitration Act 1889 for the exchange of traffic passing to and from the North Dock Estate from and to the Vendors' railway estate and shall at all times hereafter allow the Vendors to use such sidings for the purpose of effecting the exchange of traffic as aforesaid and for such other purposes (including that of receiving and delivering traffic at the coal depôt situate at the point marked "E" on the said plan now in the occupation of John Crowder) as the Vendors desire.

7. The Purchasers shall in the session of 1922 promote a Bill in Parliament empowering them (inter alia) to acquire from the Vendors the said land and premises hereinbefore described and hereby agreed to be sold and shall use their best efforts to secure that the said Bill becomes law. The Vendors shall when such Bill becomes law contribute towards the Purchasers' costs the sum of two hundred pounds if the Bill is not opposed and the sum of four hundred and fifty pounds if the Bill is opposed so far as regards the acquisition of the said land and premises and shall if the Purchasers so require support the said Bill which shall provide for the extinguishment of all existing statutory and other rights and obligations affecting the said land and premises to which the Vendors are now subject or for the release of the Vendors therefrom and the Purchasers shall as from the completion of the purchase keep the Vendors effectually indemnified from and against all actions claims and demands for or on account or by reason of any breach or non-observance or



[12 & 13 GEO. 5.] *Wear Navigation and* [Ch. lxxxiv.]  
*Sunderland Dock (Consolidation and Amendment) Act, 1922.*

non-performance after the date fixed for the completion of the purchase by the Vendors or the Purchasers of any statutory obligation relating to or affecting the said land and premises Provided that the Purchasers shall support the Vendors in resisting any actions claims and demands which may be made against the Vendors in respect of any breach or non-observance or non-performance of such statutory obligation as aforesaid prior to the said date fixed for completion. A.D. 1922.

8. In the event of such Bill being rejected so far as regards the acquisition of the said land and premises this Agreement shall thereupon be void and of no effect.

In witness whereof the Vendors and the Purchasers have hereunto affixed their common seals the day and year first before written.

The common seal of THE RIVER WEAR COMMISSIONERS was hereunto affixed in the presence of—

(Sd.) F. HUMBLE  
Clerk.



By Order of the Board  
(Sd.) R. MILBANKE HUDSON  
Chairman.

The common seal of the NORTH EASTERN RAILWAY COMPANY was hereunto affixed in the presence of—

(Sd.) G. ANTHONY  
Secretary's Office  
North Eastern Railway  
York.



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