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(2 & 3 GEORGE V.)

ARRANGED IN VOLUMES.

VOL. VII.

PUBLIC BILLS,

(Five Volumes,)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

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1912–13.

PUBLIC BILLS, 1912–13.

(FIVE VOLUMES.)

CONTENTS OF THIS VOLUME.

NOTE.—*The* FIGURES *placed at the* END OF THE TITLES *in Parentheses* (195.) *correspond with the Number at the Foot of each Bill; and the* FIGURES *at the* END OF THE LINES *refer to the Manuscript Paging of the Volume as arranged for the House.*

A

B I L L

INTITULED

An Act to remove doubts as to the effect of subsection (2) of section forty-two of the Agricultural Holdings Act, 1908, and the enactments re-enacted in that subsection. A.D. 1913.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Removal of doubts as to effect of 8 Edw. 7. c. 28. s. 42 (2), &c.

5 **1.**—(1) For removing doubts as to the effect of subsection (2) of section forty-two of the Agricultural Holdings Act, 1908, and any enactment which is re-enacted by that subsection, it is hereby declared that a tenancy from year to year under a contract of tenancy current on the first day of January, eighteen hundred 10 and ninety-six, shall not be deemed to have been determined thereafter by virtue of any provision contained in section sixty-one of the Agricultural Holdings (England) Act, 1883, and the said subsection shall be repealed from the words "Provided that" to the end of the subsection.

15 (2) This Act shall apply to any claim for compensation which has not before the passing of this Act been determined by any judgment or order of a court of competent jurisdiction or award or agreement, whether the improvement to which the claim relates was made or begun before or after the commence- 20 ment of the Agricultural Holdings Act, 1908.

Short title.

2. This Act may be cited as the Agricultural Holdings Act, 1913, and the Agricultural Holdings Act, 1908, and this Act may be cited together as the Agricultural Holdings Acts, 1908 and 1913.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Provisional Order (Marriages) Act 1905. A.D. 1912.

WHEREAS the Right Honourable Reginald McKenna one of His Majesty's Principal Secretaries of State has made the Provisional Order set out in the schedule hereunto annexed under the provisions of the Provisional Order (Marriages) Act 1905: 5 Edw. 7. c. 23.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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

1. The Order as set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.

2. This Act may be cited as the Provisional Order (Marriages) Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

WHEREAS power is given to a Secretary of State by the Provisional Order (Marriages) Act 1905 in the case of marriages solemnized in England which appear to him to be invalid or of doubtful validity by reason of some informality to make a Provisional Order for the purpose of removing the invalidity or doubt:

And whereas the parish church of St. Hilda Middlesbrough in the County and Diocese of York is a place where marriages of persons resident within the parish of Middlesbrough may legally be solemnized.

And whereas divers marriages have been solemnized in the said church of St. Hilda Middlesbrough of persons resident in isolated portions of the new parish of St. John the Evangelist Middlesbrough and of the parish of West Acklam:

And whereas the church of St. Matthew in the parish of Marstow in the County and Diocese of Hereford was built and was duly consecrated for the performance of divine service on the second day of June One thousand eight hundred and fifty-seven and the church so built was intended to be substituted for the ancient parish church of St. Martin Marstow but it does not appear that any deed of substitution in accordance with the provisions of 8 & 9 Vict. c. 70 or 34 & 35 Vict. c. 90 was executed until the ninth day of May One thousand nine hundred and twelve or that the said church of St. Matthew had ever been licensed for the solemnization of marriages:

And whereas divers marriages had nevertheless been solemnized in the said church before the ninth day of May One thousand nine hundred and twelve:

And whereas the new church of the Holy Cross in the parish of Whorlton in Cleveland in the County and Diocese of York was built and was duly consecrated for the performance of divine service on the fourth day of October One thousand eight hundred and seventy-seven and the church so built was intended to be substituted for the ancient parish church of Whorlton in Cleveland but it does not appear that any deed of substitution in accordance with the provisions of 8 & 9 Vict. c. 70 or 34 & 35 Vict. c. 90 was executed until the ninth day of May One thousand nine hundred and twelve or that the said new church of the Holy Cross had ever been licensed for the solemnization of marriages:

And whereas divers marriages had nevertheless been solemnized in the said church before the ninth day of May One thousand nine hundred and twelve:

A.D. 1912.

And whereas the new church of St. Peter in the parish of Ayot St. Peter in the County of Hertford in the Diocese of St. Alban's was built and was duly consecrated for the performance of divine service on the twenty-sixth day of October One thousand eight hundred and seventy-five and the church so built was intended to be substituted for the ancient parish church of Ayot St. Peter but it does not appear that any deed of substitution in accordance with the provisions of 8 & 9 Vict. c. 70 or 34 & 35 Vict. c. 90 was executed until the sixth day of June One thousand nine hundred and twelve or that the said new church of St. Peter had ever been licensed for the solemnization of marriages:

And whereas divers marriages had nevertheless been solemnized in the said church before the sixth day of June One thousand nine hundred and twelve:

And whereas the church of St. David Talybont in the parish of Llanfihangel Geneu'r Glyn in the County of Cardigan in the Diocese of St. David's was duly licensed for the performance of divine service on the sixth day of November One thousand nine hundred and nine but it does not appear that the said church was licensed for the solemnization of marriages till the third day of August One thousand nine hundred and twelve:

And whereas divers marriages had nevertheless been solemnized in the said church before the third day of August one thousand nine hundred and twelve:

And whereas it is expedient in the circumstances aforesaid to remove all doubts touching the validity of the marriages solemnized in the said churches of St. Hilda Middlesbrough St. Matthew Marstow the Holy Cross Whorlton in Cleveland Ayot St. Peter and St. David Talybont:

Now therefore I the Right Honourable Reginald McKenna one of His Majesty's Principal Secretaries of State in pursuance of the powers conferred on me by the said Provisional Order (Marriages) Act 1905 do hereby order that on and after the date of the Act of Parliament confirming this Order the following provisions shall have effect:—

1. All banns of matrimony and marriages of persons resident without the parish of Middlesbrough published and solemnized before the date of this Order in the parish church of St. Hilda Middlesbrough in the County and Diocese of York and all banns of matrimony and marriages published and solemnized before the ninth day of May One thousand nine hundred and twelve in the church of St. Matthew in the parish of Marstow in the County and Diocese of Hereford and in the new church of the Holy Cross in the parish of Whorlton in Cleveland in the County and Diocese of York and all banns of

A.D. 1912.

matrimony and marriages published and solemnized before the sixth day of June One thousand nine hundred and twelve in the new church of St. Peter in the parish of Ayot St. Peter in the County of Hertford in the Diocese of St. Alban's and all banns of matrimony and marriages published and solemnized before the third day of August One thousand nine hundred and twelve in the church of St. David Talybont in the parish of Llanfihangel Geneu'r Glyn in the County of Cardigan in the Diocese of St. David's shall be and shall be deemed to have been as valid as if they had been published and solemnized in a church in which such banns might be published and marriages solemnized lawfully.

2. A minister who has solemnized any marriage referred to in the first paragraph of this Order shall not be liable to any proceedings for penalties whatsoever or to any ecclesiastical censure by reason of having solemnized the marriages.

3. The registers of the marriages so solemnized or copies of the registers shall be received in all courts as evidence of those marriages in the same manner as registers of marriages duly solemnized or copies thereof are by law receivable in evidence.

Given under my hand this fourteenth day of October One thousand nine hundred and twelve.

(Signed) R. McKENNA.

A

B I L L

INTITULED

An Act to remove doubts as to the validity of certain Marriages solemnized in the Empire of Japan. A.D. 1912.

WHEREAS doubts have been entertained with respect to the validity of certain marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnized in the Empire of Japan since the sixteenth of July eighteen hundred and ninety-nine (being the date when a treaty between Her late Majesty Queen Victoria, and His Majesty the Emperor of Japan, dated the sixteenth of July eighteen hundred and ninety-four came into force), and it is expedient to remove those doubts:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Validation of certain marriages.

1. All marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnized before the passing of this Act in the Empire of Japan, which would have been valid if solemnized immediately before the said sixteenth of July eighteen hundred and ninety-nine, shall be and shall be deemed always to have been as valid in law as if they had been solemnized within His Majesty's dominions with the due observance of all forms required by law:

Provided that this Act shall not render valid any marriage which before the passing of this Act has been declared invalid by any court of competent jurisdiction, or affect any right dependent on the validity or invalidity thereof, or render valid

A.D. 1912.

any marriage either of the parties to which has subsequently during the life of the other lawfully intermarried with any other person.

Short title.

2. This Act may be cited as the Marriages in Japan (Validity) Act, 1912.

5

A

B I L L

INTITULED

An Act to amend section eight of the Medical Act, 1886. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Notwithstanding anything in section eight of the Medical Act, 1886— Term of office and elections of direct representatives on the General Council.

(*a*) The registered medical practitioners who are at the passing of this Act direct representatives on the General Council shall hold office until the thirty-first day of December nineteen hundred and sixteen;

(*b*) Any registered medical practitioner who, after the passing of this Act, is elected as a direct representative to fill a casual vacancy caused by the death or resignation of a direct representative shall hold office so long as the person in whose place he was elected would have held office, and no longer;

(*c*) Where a casual vacancy is caused by the death or resignation of a direct representative within twelve months from the time when his term of office would have expired, it shall not be necessary to fill the vacancy;

(*d*) The time within which elections to fill vacancies amongst the direct representatives on the General Council whether caused by expiry of term of office, death, or resignation are to be held shall be forty days after the receipt of the precept of the returning

A.D. 1912.

officer, and accordingly "forty days" shall be substituted for "twenty-one days" in subsection (3) of section eight of the Medical Act, 1886.

Short title.

2. This Act may be cited as the Medical Act, 1912, and may be cited with the Medical Acts. 5

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Metropolitan Police Act 1886. A.D. 1912.

WHEREAS the Right Honourable Reginald McKenna one of His Majesty's Principal Secretaries of State has made the Provisional Order set out in the schedule hereunto annexed under the Metropolitan Police Act 1886: 49 & 50 Vict. c. 22.

5 And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled 10 and by the authority of the same as follows:—

1. The Order as set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.

2. In settling any question of disputed purchase money or compensation payable under this Act by the Receiver for the 15 Metropolitan Police District the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of February one thousand nine hundred and twelve if in the opinion of 20 such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created No compensation to be paid for improvements &c. since 1st February 1912.

A.D. 1912.

with a view of obtaining or increasing compensation under this Act.

Short title.

3. This Act may be cited as the Metropolitan Police Provisional Order Confirmation Act 1912.

SCHEDULE.

A.D. 1912.

Order made by the Secretary of State under the Metropolitan Police Act 1886.

To the Receiver for the Metropolitan Police District and all whom it may concern.

WHEREAS power is given to me by the Metropolitan Police Act 1886 on the petition of the Receiver for the Metropolitan Police District to make an order authorising him to put in force with reference to land required for police stations offices and buildings the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas as required by section 4 subsection (3) of the said Metropolitan Police Act the Receiver has presented to me a petition describing certain land which he proposes to purchase viz. the lands described in the schedule hereunto annexed and stating the purposes for which such lands are required and stating also the names (as inserted in the said schedule) of the owners and lessees or reputed owners and lessees and occupiers of the said land and whether such owners lessees and occupiers have respectively assented dissented or are neuter in respect of the taking of the said lands and praying for an order authorising him with reference to the said lands to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas I have considered such petition and the proof submitted to me of the publication of the proper advertisements and of the service of the proper notices required by section 4 subsection (2) of the said Metropolitan Police Act:

I hereby in pursuance of the power conferred on me by the said Act do authorise the said Receiver to put in force with reference to the said lands viz. the lands described in the schedule hereto annexed the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand this First day of February One thousand nine hundred and twelve.

R. McKenna.

The SCHEDULE referred to in the foregoing Order.

County.	Metropolitan Borough or Boroughs.	Description of Hereditaments.	Owner or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Purposes for which required.
London.	Metropolitan Borough of Hammersmith.	A piece of land containing 5,806 superficial feet or thereabouts situate in Askew Road Shepherds Bush bounded on the west by Askew Road on the north by Shepherds Bush Police Station premises on the east partly by the Shepherds Bush Police Station premises and partly by premises (known as No. 93A Askew Road) in the rear of No. 93 Askew Road and on the south by the premises known as the Travellers' Rest Public House being No. 93 Askew Road together with the dwelling houses known as Nos. 89 and 91 Askew Road erected on the said piece of land.	The Ecclesiastical Commissioners for England. Sir William Patrick Manning. Mr. William Andrews.	—	Mr. Isaac Levy. Mrs. Eliza Mann.	Required for the purpose of improving and enlarging the Shepherds Bush Police Station.

Metropolitan Police Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Metropolitan Police Act 1886.

(*Brought from the Commons 25th March* 1912.)

Ordered to be printed 25th March 1912.

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A

B I L L

INTITULED

An Act to amend section twenty-three of the Metropolitan Police Act, 1829, with respect to the Limit imposed by that section as amended by subsequent enactments on the Amount to be provided annually for the purposes of the Metropolitan Police. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Alteration of limit on sum to be raised for police expenses.

1. The maximum rate in the pound for the purposes of the proviso to section twenty-three of the Metropolitan Police Act, 1829, as amended by section two of the Police Rate Act, 1868, (by which enactments a limit is imposed on the annual sum to be provided for the purposes of the metropolitan police), shall be elevenpence instead of ninepence; and those sections shall, subject to the provisions of any subsequent enactment, have effect accordingly:

Provided that—

(*a*) in calculating for the purposes of paragraph (*k*) of subsection (2) of section twenty-four of the Local Government Act, 1888, (which regulates the amount to be paid by county councils to the receiver for the metropolitan police district and charged to the Exchequer Contribution Accounts) the amount actually raised by rates from the parishes in any county, only such part thereof shall be reckoned as does not exceed the maximum amount which could have been so raised if this Act had not been passed; and

A.D. 1912.

(*b*) before approving the issue of any warrants under section twenty-three of the Metropolitan Police Act, 1829, by the effect of which the annual sum to be provided for the purposes of the Metropolitan Police to which the said limit applies will be in any year for the first time increased above the rate of tenpence in the pound, the Secretary of State shall lay before Parliament a minute stating the reasons for such increase; and if within the next twenty days on which either House has sat after any such minute has been laid before it, an address is presented to His Majesty by either House praying that the said increase be not made, no further proceedings shall be taken in virtue of the said minute without prejudice to the presentation to Parliament of any new minute.

Short title and construction.

2. This Act may be cited as the Metropolitan Police Act, 1912, and shall be construed with the Metropolitan Police Acts, 1829 to 1909; and those Acts and this Act may be cited together as the Metropolitan Police Acts, 1829 to 1912.

A

B I L L

INTITULED

An Act to confirm a Provisional Order of the Secretary of State for War made in pursuance of section two of the Military Lands Act 1892 authorising the purchase by the Territorial Force Association of the West Riding of the County of York of land for the provision of rifle ranges and for other military purposes. A.D. 1912.

WHEREAS the Secretary of State has made the Provisional Order set out in the schedule to this Act under the provisions of the Military Lands Act 1892 as applied by regulations made under section four of the Territorial and Reserve Forces Act 1907 and it is requisite that that Order should be confirmed by Parliament: 55 & 56 Vict. c. 43. 7 Edw. 7. c. 9.

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

1. The Order set out in the schedule to this Act is by this Act confirmed and all the provisions thereof shall have full validity and force from the date of the passing of this Act. Confirmation of Order in schedule.

2. This Act may be cited as the Military Lands Provisional Order Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

DEER HILL RIFLE RANGES.

A Provisional Order made in pursuance of section two of the Military Lands Act 1892 *authorising the purchase by the Territorial Force Association of the West Riding of the County of York of land for the provision of rifle ranges and for other military purposes.*

WHEREAS the Territorial Force Association of the West Riding of the County of York (in this Order referred to as "the county association") are a county association duly established by a scheme made under section one of the Territorial and Reserve Forces Act 1907:

7 Edw. 7. c. 9.

55 & 56 Vict. c. 43.

And whereas by section one of the Military Lands Act 1892 as applied by regulations made under section four of the Territorial and Reserve Forces Act 1907 (which Act as so applied is in this Order referred to as "the Act") a county association may with the consent of the Army Council purchase under the Act for any military purposes as defined in the Act any land as defined in the Act:

And whereas by section two of the Act the Secretary of State is empowered to make provisional orders authorising the taking of any such land by a county association for any such military purposes:

And whereas under section twenty-three of the Act the expression "military purposes" is defined to include rifle practice, the building and enlarging of camps, the erection of butts targets and batteries and military drill; and the expression "land" is defined to include any easement in or over lands and for the purpose of (among other provisions) sections one and two of the Act any right of firing over lands or other right of user:

And whereas it is expedient for the purpose of providing for the Territorial Force rifle ranges, sites for camps, and areas for military exercises, that the Secretary of State should authorise the county association to purchase under the Act the lands described in this Order:

And whereas plans showing the lands to be purchased and a book of reference thereto have been deposited with the clerk of the peace of the said West Riding of the County of York, which plans and book of reference are herein-after referred to as the deposited plans and the deposited book of reference respectively:

And whereas the Army Council have consented to the purchase of the said lands by the county association:

A.D. 1912.

And whereas the county association have caused such notices to be served as are required by the Act and a petition to be presented to the Secretary of State in manner directed by the Act:

And whereas the Secretary of State has with reference to the purchase of the said lands caused such a public local inquiry to be held as is required by the Act and after that inquiry has been held is satisfied that the lands ought to be taken:

Now therefore I the Secretary of State in pursuance of the powers given to me by section two of the Act and any other enactment in that behalf do hereby order that from and after the date of the passing of the Act of Parliament confirming this Order the following provisions shall have effect:—

Power to purchase lands under Military Lands Act 1892.

1. The county association may for the purpose of providing rifle ranges, sites for camps and areas for military exercises, purchase under section two of the Act and the Acts incorporated therewith the lands situate in or contiguous to the parishes of Marsden and Meltham in the said West Riding of the County of York which are more particularly delineated on the deposited plans and described in the deposited book of reference together with the easements and rights of user which are so delineated or described.

Short title.

2. This Order may be cited as the Deer Hill Rifle Ranges Order 1912.

Given under the hand and seal of the Secretary of State this twenty-fifth day of April nineteen hundred and twelve.

Military Lands Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order of the Secretary of State for War made in pursuance of section two of the Military Lands Act 1892 authorising the purchase by the Territorial Force Association of the West Riding of the County of York of land for the provision of rifle ranges and for other military purposes.

(*Brought from the Commons* 13*th June* 1912.)

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(75)

Moveable Dwellings Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to provide for the Regulation of Moveable Dwellings. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to prohibit encampment.

5 **1.** Where it appears to any county council that the presence of moveable dwellings on any specified place or places within the county would be dangerous to the public health, the council may by order, to be approved by the Local Government Board, prohibit any moveable dwelling from being on such specified 10 place or places.

Provision of camping grounds by county council.

2.—(1) A county council may, subject to the approval of the Local Government Board, by agreement, purchase or take on lease land to be used for the purpose of camping grounds under such conditions as to area, situation, water supply, and 15 otherwise as may be approved by the Local Government Board.

(2) Before signifying approval of the purchase or taking on lease by a county council of any land under this section, the Local Government Board shall, inter alia, take into consideration—

20 (*a*) the general interests of the public and the neighbourhood in relation to the proposal;

(*b*) the ability of the occupiers of moveable dwellings to comply with the provisions of this section, having regard in particular to the distance between and 25 area of camping grounds in the county.

A.D. 1912.

(3) Where a county council has, with the approval of the Local Government Board, provided sufficient land for camping grounds under this section—

(*a*) the occupier of a moveable dwelling may encamp upon any such ground upon payment of the authorised fee;

(*b*) the occupier of a moveable dwelling shall not encamp within the county—

(i) upon any common or roadside waste without the permission in writing of the county council or their authorised officer, provided that such permission shall not be given in respect of any common which is regulated by or subject to any order, scheme, or byelaw confirmed, or having effect by, or in pursuance of, any Act of Parliament, or is the subject of any Act of Parliament having for its object the preservation of the common as an open space, nor affect the rights of any person interested in the land whose consent is requisite to render such user lawful; or

(ii) upon any land in private occupation without the permission of the occupier of such land;

and, if any person acts in contravention hereof, he shall be guilty of an offence under this Act, and it shall be the duty of the police to remove such offender;

(*c*) where it appears to the county council that the presence of moveable dwellings upon any specified place or places within the county would constitute an annoyance to the neighbourhood, the council may, by order to be approved by the Local Government Board, prohibit the bringing of moveable dwellings on to or limit the number of such dwellings to be brought at any one time on such specified place or places; in any such order the county council shall have due regard to the interests of travelling showmen so as to secure that they shall not be hampered in the exercise of the legitimate business of their calling;

(*d*) the county council may, subject to the approval of the Local Government Board, make regulations respecting the use of the camping grounds, and such regulations may, inter alia, prescribe fees to be taken from the

occupier of any moveable dwelling for such use. Where such regulations have been made, byelaws made under section nine of the Housing of the Working Classes Act, 1885, shall not apply to such camping grounds.

A.D. 1912.

3. Byelaws made by a sanitary authority under section nine of the Housing of the Working Classes Act, 1885, may, so far as they relate to moveable dwellings, be enforced by the county council; and where in any sanitary district the sanitary authority have not made such byelaws, that section shall apply so as to enable a county council to make byelaws with respect to moveable dwellings within such district, and on the coming into force of byelaws made by the county council under that section the power of the sanitary authority to make byelaws in respect of such dwellings shall cease.

Amendment of the Housing of the Working Classes Act, 1885. 48 & 49 Vict. c. 72.

4. It shall be the duty of the sanitary authority, having jurisdiction in the place where a moveable dwelling is for the time being situate, to assist any county council concerned in carrying out the objects of this Act by giving information and otherwise.

Sanitary authority to assist.

5.—(1) Any expenses incurred by a county council in carrying into effect the provisions of this Act, or any byelaw made thereunder, shall be defrayed out of the county fund.

Expenses.

(2) A county council may borrow money for the purposes of the provisions of this Act relating to the provision of land for camping grounds in accordance with the Local Government Act, 1888, or, if the council of a county borough, in accordance with the Public Health Acts.

51 & 52 Vict. c. 41.

6.—(1) A person guilty of a breach of any order or regulation made under this Act, or of any other offence under this Act, shall, on summary conviction, be liable to a fine not exceeding forty shillings, and, in the case of a continuing offence under sections one or two of this Act, shall further be liable to a fine not exceeding twenty shillings for every day during which the said offence continues.

Penalties.

(2) Offences under this Act may be prosecuted by the council of the county within which the offence was committed.

7. The county council shall give public notice of their intention to establish and of the establishment of any camping grounds, and of any order made by them and approved by the

Publication of orders, &c.

A.D. 1912.

Local Government Board in pursuance of this Act by advertisement in one or more newspapers circulating in the locality, and by placing conspicuous notices on or near every camping ground and any specified place or places to which the order relates.

Naval and military forces.

8. Nothing in this Act shall apply to any moveable dwelling used by or on behalf of and with the authority of any department of His Majesty's Government, or by any portion of His Majesty's naval or military forces, or to any encampment which may be certified as under proper supervision by the territorial force association of a county.

Saving for fairs and markets.

9. Nothing in this Act shall affect the rights or privileges of any person in respect of any lawful fair or market.

Definitions.

10. In this Act, unless the context otherwise requires,—

The expression "moveable dwelling" includes tents and other structures capable of being moved from place to place, and also vans, carts, carriages, wagons, and other vehicles which shall be used for purposes of abode or residence, excepting vehicles, tents, or other structures temporarily used by shepherds, labourers, or other persons for farming, agricultural, or other like purposes, or for the service of local authorities:

The expression "occupier" in relation to a moveable dwelling means the person occupying or having for the time being control or charge of a moveable dwelling:

The expression "county council" shall include the council of a county borough, and, in its application to a county borough, the expression "county fund" shall mean the borough fund or borough rate.

Nothing in this Act shall be taken to apply to canal boats or other boats.

Commencement of Act.

11. This Act shall come into operation on the first day of January one thousand nine hundred and thirteen.

Extent of Act.

12. This Act shall not extend to Scotland or Ireland.

Short title.

13. This Act may be cited as the Moveable Dwellings Act, 1912.

Music and Dancing Licences Bill. [H.L.]

MEMORANDUM.

This Bill proposes to effect an amendment of the law contained in the provisions of the Disorderly Houses Acts, 1751 and 1818, and the Public Entertainments Act, 1875, which relate to music and dancing licences, and which apply in the cities of London and Westminster and the area (exclusive of the administrative county of Middlesex) within twenty miles thereof.

The principal object of the Bill is to enable the councils of the administrative counties of London, Essex, Hertfordshire, Kent, and Surrey, and the Corporation of West Ham (which are the licensing authorities) to grant such licences within the limits in question at any time, instead of being restricted as at present to annual licensing meetings.

A similar amendment of the Act of 1751 has been sanctioned in respect of Middlesex [see Music and Dancing Licences (Middlesex) Act, 1894].

A power such as that now sought is possessed by licensing authorities in other parts of the country, and under the Baths and Washhouses Acts, 1896 and 1899, as regards music and dancing at public baths, and under the Theatres Act, 1843, as regards stage-plays, licences may be granted at any time.

The Bill seeks to enable the licensing authorities to make charges for licences for music and dancing, varying in amount according to circumstances; and it further proposes to repeal to some extent the Acts of 1751 and 1875, and to re-enact, with minor modifications, provisions in place thereof.

Music and Dancing Licences Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to amend the Law as regards Music and Dancing Licences in London and parts of certain adjoining counties. A.D. 1912

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act shall extend and apply to the administrative county of London and to those parts of the administrative counties of Essex, Hertfordshire, Kent, and Surrey (exclusive of the county borough of Croydon) to which the provisions of the Disorderly Houses Act, 1751, relating to music and dancing 10 licences applied. Extent of Act. 25 Geo. 2. c. 36.

2. In this Act "licensing authority" means,— Definitions.

(*a*) as respects any administrative county or any part thereof (exclusive of the county borough of West Ham), the council of such county; and

15 (*b*) as respects the county borough of West Ham, the mayor, aldermen, and burgesses of such borough;

and "premises" means a house, room, garden, or other place.

3.—(1) Premises, whether licensed or not for the sale of wines, spirits, beer, or other fermented or distilled liquors, shall 20 not be kept or used for public dancing, singing, music, or other public entertainment of the like kind without a licence first obtained from the licensing authority for the purpose or purposes for which the same respectively are to be kept or used. Music and dancing licences.

(2) The licensing authority may grant licences, to such 25 persons as they think fit, to keep or use premises for all or any

A.D. 1912.

of the purposes aforesaid, upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine.

(3) The licensing authority may transfer any such licence to such person as they may think fit. 5

(4) Any person to whom the licensing authority may have refused to grant or transfer a licence to keep or use premises as aforesaid shall not be entitled to again apply for the grant or transfer of a licence in respect of the same premises within three months from the date of such refusal, and the licensing 10 authority may refuse in any case to consider any application for the grant or transfer of a licence under this Act at any meeting other than an annual licensing meeting fixed by the licensing authority for the purpose of considering such applications unless the applicant can satisfy the licensing authority that 15 there are special circumstances which justify the consideration of the application at such other meeting.

(5) Subject to the provision herein-after contained as to the revocation of a licence by the licensing authority, every licence granted at an annual licensing meeting as aforesaid shall be in 20 force for one year, or for such shorter period as the licensing authority on the grant of the licence shall determine, and every licence granted at any other meeting of the licensing authority shall be in force until the annual licensing meeting next ensuing after the grant thereof, or for such shorter period as the licensing 25 authority on the grant thereof shall determine.

(6) Premises kept or used as aforesaid shall not be opened for any of the purposes aforesaid except on the days and between the hours stated in the licence relating thereto, and no such premises shall be open for any of the purposes aforesaid 30 after midnight and before the hour of noon: Provided that if any person applies to the licensing authority for a licence exempting him on any special occasion or occasions from the provisions of this subsection relating to the closing of premises it shall be lawful for the licensing authority, if in their discretion 35 they think fit so to do, to grant to the applicant a licence exempting him from the before-mentioned provisions of this subsection during certain hours and on the special occasion or occasions to be specified in the licence.

(7) The observance of the days and hours of opening and 40 closing as aforesaid shall be a condition of every licence.

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Fees for licences.

4. There shall be paid to the licensing authority in respect of the grant or transfer of a licence under this Act, such fees as the licensing authority may fix, not exceeding,—

(1) For the grant of a licence in respect of church halls, mission halls, schools, institutes, and similar premises, *five shillings* for every month or part of a month for which the licence is granted, or *one pound*, whichever amount is the lesser:

(2) For the grant of a licence in respect of assembly rooms, club rooms, concert halls, hotels, restaurants, public-houses, dancing halls, skating rinks, town halls, drill halls, and swimming baths, *five shillings* for every month or part of a month for which the licence is granted:

(3) For the grant of a licence in respect of any premises other than those in this section herein-before mentioned:

For premises accommodating not more than five hundred persons—

Ten shillings for every month or part of a month for which the licence is granted.

For premises accommodating more than five hundred but not more than one thousand persons—

One pound for every month or part of a month for which the licence is granted.

For premises accommodating more than one thousand, but not more than fifteen hundred persons—

Thirty shillings for every month or part of a month for which the licence is granted.

For premises accommodating more than fifteen hundred, but not more than two thousand persons—

Two pounds for every month or part of a month for which the licence is granted.

For premises accommodating more than two thousand persons—

Three pounds for every month or part of a month for which the licence is granted.

(4) For the transfer of a licence—

For premises to which paragraph (1) or paragraph (2) of this section apply, *five shillings*.

For other premises, *ten shillings*.

A.D. 1912.

(2) In the case of any breach or disregard of any of the terms, conditions, or restrictions upon or subject to which a licence was granted, the holder thereof shall be liable on summary conviction to a penalty not exceeding twenty pounds, and in the case of a continuing offence to a further penalty not exceeding five pounds for each day on which such offence continues after conviction therefore, and such licence shall be liable to be revoked by the licensing authority.

(3) Notwithstanding anything in any other Act any fines recovered under this section on the prosecution of a licensing authority shall be paid to the licensing authority taking the proceedings leading to the recovery of the same.

Saving for theatres and other places licensed by the Crown or Lord Chamberlain.

6. Nothing in this Act shall extend or be construed to extend to the theatres royal in Drury Lane and Covent Garden or either of them, nor to such performances and public entertainments as are or shall be lawfully exercised and carried on under or by virtue of letters patent, or licence of the Crown, or the licence of the Lord Chamberlain.

Saving for other powers.

7. The powers by this Act conferred upon the licensing authority shall be in addition to and not in derogation of any of the powers of licensing now vested therein.

Short title and commencement.

8. This Act may be cited as the Music and Dancing Licences Act, 1912, and shall come into operation on the first day of November nineteen hundred and twelve.

Repeal.

9. From and after the commencement of this Act the enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

A.D. 1912.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
25 Geo. 2. c. 36.	Disorderly Houses Act, 1751.	Sections two, three, and four.
38 & 39 Vict. c. 21.	Public Entertainments Act, 1875.	The whole Act.
59 & 60 Vict. c. 59.	Baths and Washhouses Act, 1896.	In section two the words "in the manner herein-after prescribed." Section three.

Music and Dancing Licences. [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law as regards Music and Dancing Licences in London and parts of certain adjoining counties.

The Earl Stanhope.

Ordered to be printed 19th March 1912.

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(16)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to certain waters in the counties of Norfolk and Suffolk. A.D. 1912.

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Salmon and Freshwater Fisheries Act 1907: 7 Edw. 7. c. 15.

5 And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled 10 and by the authority of the same as follows:—

1. The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Norfolk Fisheries Provisional 15 Order Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

NORFOLK FISHERIES PROVISIONAL ORDER 1912.

The Board of Agriculture and Fisheries by virtue and in exercise of the powers vested in them under the Salmon and Freshwater Fisheries Act 1907 with a view to the improvement and development of the freshwater fisheries in the area defined by this Order do make the following Provisional Order for the regulation of such fisheries in that area:—

Definition of Fishery District and Constitution of Board of Conservators.

Definition of area affected by Order.

1.—(1) This Order applies to the area described in the First Schedule hereto and more particularly delineated on a map sealed by the Board of Agriculture and Fisheries in relation to this Order and to all freshwater fisheries in such area except as herein-after provided.

(2) A copy of the said map certified under the Documentary Evidence Acts 1868 to 1895 shall be kept by the Board of Conservators hereby constituted at the office of the clerk of that Board and be open at all reasonable times to inspection free of charge by any person desiring inspection for any bonâ fide purpose.

(3) The area to which this Order applies as herein-before defined is in this Order referred to as "the Fishery District."

Constitution and incorporation of Board of Conservators.

2.—(1) For the purposes of this Order a Board of Conservators shall be constituted in manner herein-after appearing as a body corporate under the name of "The Norfolk Fishery Board" having perpetual succession and a common seal with power to make contracts and to sue and be sued in that name and such Board is in this Order referred to as "the Fishery Board."

(2) The Fishery Board shall consist of the following members:—

(a) Four members appointed by the Norfolk County Council two members appointed by the Council of the Administrative County of East Suffolk and four members appointed by each of the Councils of the County Boroughs of Norwich and Great Yarmouth Such members shall remain in office until resignation death or determination of their appointment by the council appointing them:

A.D. 1912.

(b) Members representative of the interests of persons fishing with rod and line for freshwater fish to be appointed by the Board of Agriculture and Fisheries Such members shall be appointed triennially and except in the case of an appointment to fill a vacancy caused by death or resignation shall come into office on the appointed day in each year The number of members to be so appointed shall (subject as herein-after provided) be regulated by the average amount of licence duty paid for fishing with rod and line for freshwater fish in the year previous to the year of appointment and in the two preceding years which amount shall if so required be certified to the Board of Agriculture and Fisheries by the clerk of the Fishery Board If the amount of licence duty so paid does not exceed fifty pounds three members may be so appointed and if it exceeds that sum one additional member may be appointed for every additional thirty pounds so paid The number of such members to be first appointed shall be four.

Powers of Fishery Board as to expenditure.

3. The Fishery Board may expend any moneys in their hands on any matter they may think conducive to the maintenance improvement or development of the freshwater fisheries within the Fishery District.

Audit.

4. The accounts of the Fishery Board shall be balanced in each year to the thirty-first day of December and shall forthwith be audited by some person appointed by the Board of Agriculture and Fisheries whose remuneration shall be fixed by that Board and paid by the Fishery Board A copy of the audited accounts with the report (if any) of the auditor thereon shall as soon as possible be sent to the Board of Agriculture and Fisheries by the Fishery Board.

Licences for Fishing.

Licences required for rods and lines used for freshwater fish.

5.—(1) On and after the first day of March nineteen hundred and thirteen or such later date as the Board of Agriculture and Fisheries may by Order direct licences shall be granted to all persons over fourteen years of age fishing with rod and line for freshwater fish within the Fishery District and any such person fishing within the Fishery District on or after the said date with rod and line for freshwater fish without a proper licence shall be liable to a penalty not less than double the amount to be paid for the requisite licence and not exceeding five pounds.

(2) A licence under this section shall be available only within the Fishery District and by the person to whom it is granted.

(3) The provisions of subsections (4) to (7) of section 34 of the Salmon Fishery Act 1865 which relate to licences to fish for salmon granted under that Act shall with the necessary adaptations apply to licences to fish for freshwater fish granted under this section.

A.D. 1912.

(4) The provisions as to variation of licence duties contained in the Salmon and Freshwater Fisheries Acts 1861 to 1892 shall extend to licence duties under this section and subject to any variation the licence duty under this section for fishing with rod and line shall be in the case of a licence available only for one day threepence and in the case of a licence available only for seven consecutive days sixpence and in the case of a licence available for more than seven days one shilling.

Power to require licences for other instruments used for freshwater fish.

6.—(1) The Fishery Board shall have power to issue licences to all persons fishing for freshwater fish (otherwise than with rod and line) within the Fishery District and in the event of the power being exercised the provisions of sections 33 to 37 of the Salmon Fishery Act 1865 and sections 21 22 and 25 of the Salmon Fishery Act 1873 (relative to licences under those Acts) shall apply in relation to licences under this provision with the substitution therein of the words "freshwater fish" for the word "salmon" and of "waters in the Fishery District" for "river or part of a river" and subject to the terms of this Order.

(2) The power conferred by this section may be exercised in respect of all freshwater fish or of specified kinds of freshwater fish and in the latter case the specified kinds of fish shall be stated in any scale of licence duties fixed under this section and this section shall apply only to those kinds of fish.

Provisions affecting licences for fishing for freshwater fish.

7.—(1) Every scale of licence duties for fishing for freshwater fish or variation of such scale shall except as herein otherwise expressly provided take effect on the first day of January after the date of its approval by the Board of Agriculture and Fisheries.

(2) The Fishery Board shall not enforce any scale of licence duties for fishing for freshwater fish (otherwise than with rod and line) unless they have previously given notice of their intention in this behalf by advertisement in one or more local newspapers not less than once in each week for four consecutive weeks before the commencement of the year in which the scale is to take effect and the production of a copy of a newspaper containing any such advertisement as aforesaid shall be conclusive evidence of due notice having been given in accordance with this provision and such advertisement shall be in substitution for the advertisement required by section 25 of the Salmon Fishery Act 1873.

Modifications in relation to Fisheries in the Fishery District of certain Provisions of the Salmon and Freshwater Fisheries Acts.

Modification of Salmon Fishery Act 1865 s. 34(4).

8. There shall be paid for a general licence such sum as shall be agreed by the Fishery Board and the person entitled to the licence and be approved by the Board of Agriculture and Fisheries or as shall

on the application of either party be determined by the Board of Agriculture and Fisheries having regard to the extent and productiveness of the fishery and to any conditions attached to the licence with respect to the nature of the instruments or devices to be used for catching fish or otherwise which shall be agreed upon by the said parties or in default of agreement be imposed by the Board of Agriculture and Fisheries.

Duration of licences.

9. A scale of licence duties fixed by the Fishery Board may provide for licences available only for part of a year but no licence shall be available after the expiration of the year for which it is issued.

Additional powers of making byelaws.

10. The Fishery Board with a view to the improvement and development of the freshwater fisheries in the Fishery District may make byelaws to be made confirmed and published in the same manner as byelaws authorised by section 39 of the Salmon Fishery Act 1873 for any of the following purposes (in addition to any other purposes for which byelaws may be made under the Salmon and Freshwater Fisheries Acts 1861 to 1892):—

(i) To prohibit or regulate fishing for catching or killing or attempting to catch or kill any specified kind of freshwater fish between the dates specified in the byelaw either generally or with any specified instrument;

(ii) To prohibit or regulate taking of any specified kind of freshwater fish of a less size than that specified in the byelaw;

(iii) To prohibit or regulate the use of nets between one hour after sunset and one hour before sunrise or on Sundays;

(iv) To determine the mesh length size and description of nets or other instruments which may lawfully be used and the manner of using the same for taking any specified kind of freshwater fish;

(v) To require any person taking fish in a net or by an instrument which may not lawfully be used for taking such fish or any fish which may not lawfully be taken to return the fish immediately to the water without avoidable injury;

(vi) To exempt any specified kind of non-migratory trout (other than salmo fario) from the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 which regulate the period during which it shall be illegal to take or kill trout and to prohibit fishing for catching or killing or attempting to catch or kill such exempted kind of trout between the dates specified in the byelaw;

(vii) To prohibit the introduction of any specified kind of fish into any waters within the Fishery District with such exceptions as may be prescribed by the byelaw;

A.D. 1912.

(viii) To impose a penalty not exceeding five pounds for each offence against a byelaw;

and Part VII. and section 62 of the Salmon Fishery Act 1873 shall apply to any byelaw made under this provision.

Exemption of angling on Bank Holidays.

11. Nothing in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made thereunder shall render any person liable to conviction for fishing for catching or killing or attempting to catch or kill with rod and line freshwater fish within the Fishery District on Easter Bank Holiday or any of three preceding days or on Whit Monday or either of the two preceding days.

Special permits for taking fish for stocking &c.

12—(1) The Fishery Board may by written permit authorise the use of any instrument specified in the permit for the purpose of taking fish for stocking or breeding purposes or for scientific purposes or for the destruction of any specified kind of fish and such permit may contain such conditions as the Fishery Board think fit and in such case any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order or any byelaw made by the Fishery Board penalising the use of such instrument or its use without a licence or the catching or killing of fish at particular times or places shall not apply to the use of the instrument by the person to whom the permit is granted for the purposes and subject to the conditions specified in the permit or to the catching or killing of fish by such use.

(2) A permit granted to a person under this section shall not be construed as authorising him to fish in any waters in which he is not otherwise entitled to fish.

Removal of diseased fish.

13. The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 relating to powers of water bailiffs shall in the case of a water bailiff appointed by the Fishery Board extend to the removal of diseased fish from any waters in the Fishery District and to the disposal of the same as the Fishery Board direct.

Confirmation of byelaws.

14. A byelaw made by the Fishery Board may be confirmed by the Board of Agriculture and Fisheries either without modification or with such modification as may be assented to by the Fishery Board and in the latter case notice of the proposed modification shall be given by the Fishery Board by advertisement or otherwise in accordance with the directions (if any) of the Board of Agriculture and Fisheries in that behalf.

Exemption of reservoirs &c.

15. Any provision in the Salmon and Freshwater Fisheries Acts 1861 to 1892 or this Order and any byelaw made thereunder which—

(A) prohibits or regulates fishing for catching or killing or attempting to catch or kill freshwater fish (other than trout or smelts) between specified dates; or

(b) prohibits or regulates taking of any such fish of less than a specified size; or

(c) determines the mesh length size or description of nets or other instruments which may lawfully be used and the manner of using them for taking any such fish;

shall not apply to the waters described in the Second Schedule to this Order or to any reservoir lake or pond which is shown to the satisfaction of the Fishery Board to have no connexion with any water above or below through which fish can pass into or out of the reservoir lake or pond and for which a certificate of exemption on that account is obtained by the owner or occupier from the Fishery Board An exemption certificate may be withdrawn by the Fishery Board if in their opinion the reservoir lake or pond ceases to fall within the scope of this provision.

Provision as to Oulton Broad.

16. This Order shall not apply to Oulton Broad unless and until the Board of Agriculture and Fisheries are satisfied that the application of the Order thereto has become desirable and so direct after holding a local inquiry and considering any objections presented to them.

Proof of byelaws.

17. A copy of any byelaw made by the Fishery Board purporting to be signed by the clerk of the Fishery Board and certified by him to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof.

Application of provisions of Salmon and Freshwater Fisheries Acts and Norfolk and Suffolk Fisheries Act 1877.

18.—(1) The provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 with respect to conservators boards of conservators and fishery districts except as herein expressly provided and so far as they are consistent with the provisions of this Order shall apply to the Fishery Board the members of the Board and the Fishery District as if such Board and District were formed under those Acts and as if the waters lying within the Fishery District were a river and subject to the provisions of this Order the Fishery Board shall as regards the Fishery District have all such powers and duties as may be exercised or discharged by a board of conservators constituted under the said Acts or any of them.

(2) The provisions of those Acts with respect to the formation alteration combination and dissolution of fishery districts and the sections or parts of sections of those Acts mentioned in the Third Schedule to this Order shall not apply to the Fishery Board or within the Fishery District.

(3) Sections 14 to 17 (inclusive) of the Norfolk and Suffolk Fisheries Act 1877 shall apply within the district and to byelaws offences and penalties under the Salmon and Freshwater Fisheries Acts 1861 to

A.D. 1912.

1892 or this Order but except to this extent the provisions of the Norfolk and Suffolk Fisheries Act 1877 shall not after the appointed day apply within the Fishery District.

Limitation of operation of Order.

19. The provisions of this Order shall cease to operate on the thirty-first day of December nineteen hundred and twenty-two unless the operation thereof with or without modification is extended by a Provisional Order made and confirmed before that date under and in accordance with the Salmon and Freshwater Fisheries Act 1907.

General Provisions.

Definitions.

20.—(1) In this Order unless the context otherwise requires the following terms have the meaning herein-after respectively assigned to them (that is to say):—

"Freshwater fish" means fish of any kind which live permanently or periodically in fresh water including smelts but excluding salmon;

"Owner" means the person for the time being receiving the rackrent of a fishery whether on his own account or as trustee for any other person or who would so receive the same if the fishery were let at a rackrent;

"Appointed day" means the date appointed by the Board of Agriculture and Fisheries as that on which the first members of the Fishery Board shall come into office;

Other expressions have the same meaning as in the Salmon and Freshwater Fisheries Acts 1861 to 1892.

(2) Any document purporting to be signed by one of several persons entitled as joint tenants or tenants in common of a fishery on behalf of himself and the other persons or to be signed by the clerk of any body corporate being an owner of a fishery on behalf of such body shall unless and until the contrary is proved be treated for the purposes of this Order as signed by all the persons entitled or by the body corporate as the case may be.

Short title.

21. This Order may be cited as the Norfolk Fisheries Provisional Order 1912.

Transitory Provisions.

Abolition of existing Board of Conservators and other transitory provisions.

22.—(1) The jurisdiction of the existing Board of Conservators of the Norfolk and Suffolk Fisheries shall be abolished so far as regards the Fishery District on the appointed day and the Fishery Board within the Fishery District shall to all intents and purposes represent and be deemed a continuation of the existing Board Except as otherwise expressly provided by this Order any byelaw notice or document made fixed given or executed by the existing Board shall

A.D. 1912.

upon such abolition take effect within the Fishery District as if it had been made fixed given or executed by the Fishery Board but shall not in any other respect be altered or affected by this Order.

(2) The time and place of the first meeting of the Fishery Board shall be fixed by the Board of Agriculture and Fisheries.

(3) The Fishery Board shall come into office on the appointed day and the members of the existing Board shall remain in office until that date.

(4) All property acquired and liabilities incurred by the existing Board shall be apportioned between that Board and the Fishery Board in such manner as may be agreed or as in default of agreement shall be determined on the application of either Board by the Board of Agriculture and Fisheries.

(5) The costs incurred by the existing Board in obtaining this Order and its confirmation by Parliament shall be paid by the existing Board or by the Fishery Board out of any funds in their hands.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their Official Seal this twenty-first day of May nineteen hundred and twelve.

(L.S.) (Signed) T. H. Elliott
Secretary.

SCHEDULES.

FIRST SCHEDULE.

Area within which the Order applies.

The area included within a line commencing at the Coast Guard Station at Covehithe in the county of Suffolk thence drawn straight to the nearest point on the natural watershed of the rivers flowing into the sea to the north of the said Coast Guard Station thence successively in a westerly a northerly and an easterly direction along such watershed until it reaches the nearest point to the lighthouse at Happisburgh thence in a southerly direction along the coast-line until it reaches the Coast Guard Station before mentioned Provided that such line shall not include Lake Lothing or Lowestoft Harbour or

A.D. 1912.

such parts of rivers or the tributaries of such parts as lie above the under-mentioned mill dams respectively viz. Syleham Mill dam on the River Waveney Loddon Mill dam on the River Chet Trowse Mill dam on the River Yare Hellesdon Mill dam on the River Wensum Aylsham Mill dam on the River Bure and Antingham Mill dam on the River Ant.

SECOND SCHEDULE.

Reservoirs &c. entitled to exemption under Section 15 of this Order.

In Norfolk—

Gunton two lakes.
Westwick three or four lakes.
Calthorpe Broad.
Worstead lake.
Cawston lake.
Scottow lake.
Beeston lake.
Stratton Strawless lake.
Hoveton lake.
Alderfew or Oliver Broad.
Chrome Broad.
Burnt Fen Broad.
Upton Broad.
Pedham Dam.
Mantby Decoy.
Plumstead lakes.
Buckenham Broad.
Hassingham Broad.
Ketteringham lakes.
Brooke lakes.

In Suffolk—

Fritton lake.
Flixton lake.
Blundestone lake.

THIRD SCHEDULE.

Provisions which by this Order are declared to be inapplicable to the Fishery Board or within the Fishery District.

Act.	Section.	Subject.
Salmon Fishery Act 1865.	Section 15 - - -	Tenure of office by Conservators.
	Section 16 - - -	Notice of appointment of Conservators.
	Section 29 - - -	Audit of accounts.
	Section 34 (8) - - -	Notice on first appointment of Conservators.
	In sections 35 and 36 the words "From and after a time to be appointed as aforesaid."	
Salmon Fishery Act 1873.	In section 21 (2) the words from "Licences granted for public or common" to "rod and line" inclusive.	Provision for separate licences for public and private fisheries.
	Section 26 - - -	Ex-officio members of Boards of Conservators.
	Section 27 - - -	Provision for persons under disability.
	Section 39 (5) - - -	Power to make byelaws to determine forms of licence.
Freshwater Fisheries Act 1878.	Section 7 - - -	Provisions as to licences.
	Section 11 (1) (2) and (3) - -	Close season for freshwater fish.

Norfolk Fisheries Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to certain waters in the counties of Norfolk and Suffolk.

(*Brought from the Commons* 14*th November* 1912.)

Ordered to be printed 14th November 1912.

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(165)

North Killingholme (Admiralty Pier) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to enable the Admiralty to construct and maintain a pier at North Killingholme, on the River Humber, and for purposes in connection therewith. A.D. 1912.

WHEREAS it is expedient that the Admiralty should be authorised to construct and maintain the pier herein-after described:

And whereas a plan and sections showing the lines and levels of the pier authorised by this Act and a book of reference thereto (herein-after referred to as the deposited plan, sections, and book of reference) have been duly deposited with the clerk of the peace for the Parts of Lindsey, in the county of Lincoln, at his office at Lincoln:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to make pier.

1.—(1) The Admiralty may, notwithstanding anything in any enactment to the contrary, construct and maintain the pier herein-after described in the line and according to the levels shown upon the deposited plan and sections, together with all works and conveniences necessary or proper for use in connection with the pier or for the use of vessels using the pier.

(2) The pier above referred to is—

a pier or jetty in the Parts of Lindsey, in the county of Lincoln, in the parish of North Killingholme and rural district of Glanford Brigg, commencing at a point on the foreshore of the River Humber, three

A.D. 1912.

hundred yards or thereabouts measured in a north-easterly direction from the north-west corner of the New Inn at North Killingholme Haven, and extending into and terminating in the bed or soil of the said river at a point distant two hundred and eighty yards or thereabouts measured in a north-easterly direction from its commencement as herein-before described.

(3) The pier shall be of open pile work. At two points at convenient intervals from the end of the pier there shall intervene between the pairs of piles a space of twenty-five feet; and the underside of the floor or deck of the pier shall be at least ten feet above the level of high water at ordinary spring tides.

Acquisition of land. 27 & 28 Vict. c. 57.

2. Subject to and in accordance with the Admiralty Lands and Works Act, 1864, the Admiralty may, by agreement or compulsorily, purchase or take all or any part of the lands delineated in the deposited plan and described in the deposited book of reference, or any interest or easement in or over those lands or any of them:

Provided that if any part of the pier or works is not executed within the period of seven years from the passing of this Act, or within such further period as Parliament may sanction, any easement acquired from the Humber Conservancy Board over any portion of the bed and foreshore of the Humber exclusively for or in respect of the unexecuted part shall revert to and vest in the Board and be held by them under the same conditions and covenants as before the easement was so acquired, unless the Board shall consent to the retaining and holding of the easement by the Admiralty, and in the event of any such reversion to the Board a proportionate part of any rentcharge payable in respect of the easement shall cease to be payable.

Power to deviate.

3. In constructing the pier the Admiralty may deviate laterally to any extent within the limits of deviation shown upon the deposited plan, and vertically from the levels shown upon the deposited sections to such extent upwards as will enable the provisions of this Act with respect to the height of the pier above high-water level to be complied with.

Power to dredge.

4.—(1) The Admiralty may deepen, dredge, scour, cleanse alter, and improve the bed, shores, and channel of the River Humber adjoining or near the pier for any purpose in connection with the construction and maintenance of the pier, or for the

purpose of securing sufficient depth of water at and near the pier, and providing convenient access for vessels to the pier. A.D. 1912.

(2) The Admiralty and the Humber Conservancy Board may enter into agreements for the carrying out of any dredging works authorised by this section on behalf of the Admiralty by the Board upon such terms and conditions as may be agreed.

(3) No materials excavated or dredged under the powers conferred by this section shall be deposited below high-water mark of ordinary spring tides otherwise than in such places and under such restrictions as the Humber Conservancy Board with the approval of the Board of Trade may sanction.

Penalty for obstructing works.

5. If any person wilfully obstructs any person acting under the authority of the Admiralty in setting out the line of the pier or works connected therewith, or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of the works, he shall be liable on summary conviction to a fine not exceeding *five pounds.*

Period for completion of pier and works.

6. If the pier is not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Admiralty for making and completing the same or otherwise in relation thereto shall cease, except as to so much thereof as shall then be completed.

For protection of Humber Conservancy Board.

7. Except so far as may be necessary for the execution of the powers conferred on the Admiralty by this Act, nothing contained in this Act shall prejudice or alter, or be deemed to prejudice or alter, any of the provisions of the Humber Conservancy Acts, 1852 to 1907, or any of them, or any title of the Humber Conservancy Board in, to, or over any lands or foreshore held or acquired by them under the said Acts, or any of them, or under any lease or agreement made under the powers thereof or confirmed thereby, or any other of the rights, powers, privileges, or authorities of the Board.

Short title.

8. This Act may be cited as the North Killingholme (Admiralty Pier) Act, 1912.

North Killingholme (Admiralty Pier). [H.L.]

A

B I L L

INTITULED

An Act to enable the Admiralty to construct and maintain a pier at North Killingholme, on the River Humber, and for purposes in connection therewith.

The Lord Herschell.

Ordered to be printed 10th July 1912.

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(107)

North Killingholme (Admiralty Pier) Bill. [H.L.]

COMMONS AMENDMENT.

After clause 6 insert the following new clause A.:

.—(1) The Admiralty shall erect, fit up and maintain or provide:

Accommodation for workmen employed on construction of works.

(*a*) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(*b*) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works, and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Admiralty shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance Act, 1911, or otherwise.

North Killingholme (Admiralty Pier) Bill. [H.L.]

COMMONS AMENDMENT.

9th December 1912.

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(183)

A

BILL

INTITULED

An Act to amend subsection (1) of section five of the Pensions (Governors of Dominions, &c.) Act, 1911, with respect to service in British Protectorates and other like service. A.D. 1913.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Service in permanent Civil Service of State to include service in protectorate for the purpose of 1 & 2 Geo. 5. c. 24. s. 5 (1).

1. For the purposes of subsection (1) of section five of the Pensions (Governors of Dominions, &c.) Act, 1911 (which relates to the reckoning of Governors' service for a civil service pension), service in the permanent Civil Service of the State shall include and shall be deemed always to have included pensionable employment in any permanent office in the government of a British protectorate.

For the purposes of this provision—

The expression "pensionable employment" means employment which qualifies the holder of the office to receive a pension out of the revenues of the protectorate; and

The expression "British protectorate" shall be deemed to include the Malay States.

Short title and construction.

2. This Act may be cited as the Pensions (Governors of Dominions, &c.) Amendment Act, 1913, and shall be construed as one with the Pensions (Governors of Dominions, &c.) Act, 1911.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Tarbert (Lochfyne). A.D. 1912.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and 10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the 15 said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 1) Act 1912. Short title.

A.D. 1912.

SCHEDULE.

TARBERT (LOCHFYNE) HARBOUR.

Tarbert.

Provisional Order for incorporating Trustees for the Harbour of Tarbert (Lochfyne) in the County of Argyll and vesting the Harbour in them and for the Maintenance and Regulation of the Harbour.

Preliminary.

Short title.

1. This Order may be cited as the Tarbert (Lochfyne) Harbour Order 1912.

Commencement.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpretation.

3. (1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):—

"The Act of 1708" means the Act passed in the sixth year of the reign of Her late Majesty Queen Anne chapter thirteen intituled "An Act for erecting a Harbor or Key at East Tarbett in the Shire of Argyle";

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The proprietor" means Colin George Pelham Campbell of Stonefield in the county of Argyll and his successors in title to the estate of Stonefield;

"The date of transfer" means the eighth day after the commencement of this Order;

"The harbour" means the harbour or key at East Tarbert in the county of Argyll as authorised by the Act of 1708;

"The works" means and includes the piers and other the quays roads buildings and works and all conveniences connected therewith the property of or transferred to the Trustees;

"The office" means the office for the time being of the Trustees by this Order constituted;

"The clerk" means the clerk for the time being to the Trustees.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

4. The Tarbert (Lochfyne) Harbour Trustees as incorporated by this Order shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Trustees."

Incorporation and Constitution of Trustees.

Harbour Trustees incorporated.

5. For the purpose of carrying this Order into execution there shall be a body of trustees not exceeding seven in number to be constituted as by this Order provided and those trustees are hereby incorporated by the name of the Tarbert (Lochfyne) Harbour Trustees and by that name shall be a body corporate with perpetual succession and a common seal and have power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

Incorporation of Commissioners Clauses Act 1847.

6. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the qualification of commissioners the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers and other like class of electors and the accounts to be kept by the commissioners and except as expressly varied by this Order and with the substitution of Trustees for commissioners.

First Trustee.

7.—(1) The proprietor shall alone be and constitute the first Trustee and shall during his period of office as such first Trustee under the provisions of subsection (2) of this section have and exercise all the powers rights and duties and be subject to the liabilities of the Trustees under this Order.

(2) The first Trustee shall come into office at the date of transfer and shall go out of office at the end of the thirty-first day of March one thousand nine hundred and thirteen.

Future Trustees.

8.—(1) As on and from the first day of April one thousand nine hundred and thirteen there shall be seven Trustees of whom one shall be the ex-officio Trustee and the other six shall be elected in manner herein-after provided and herein-after together called "the Elected Trustees."

(2) The proprietor shall be the ex-officio Trustee.

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Tarbert.

(3) The Elected Trustees shall consist of the following persons (that is to say):—

(A) Two Trustees (in this Order called "Traders' Trustees") who shall be persons who are resident in Tarbert and have during the year ending on the thirty-first day of December preceding the day of election paid any rates or dues for or in respect of the user of the harbour.

(B) Two Trustees (in this Order called "Fishermen's Trustees") who are owners part owners or members of the crew of a fishing boat registered at Tarbert.

(C) Two Trustees (in this Order called "Shipowners' Trustees)."

Election of Traders' Trustees and Fishermen's Trustees.

9.—(1) The persons whose names appear on the register of voters for the Tarbert School District at the date of any election shall alone be qualified to vote at the election of Traders' Trustees and Fishermen's Trustees respectively and such persons are herein-after called "the Tarbert electors."

(2) The first election of Traders' Trustees and Fishermen's Trustees shall take place on the second Tuesday in March one thousand nine hundred and thirteen and the Trustees elected at that meeting shall come into office on the next ensuing first day of April and shall hold office until the first day of April one thousand nine hundred and sixteen when the Traders' Trustees and Fishermen's Trustees elected in their room shall come into office and so on in every third year thereafter.

(3) The Tarbert electors shall meet at the hour and place appointed by the Trustees on the second Tuesday in March one thousand nine hundred and thirteen and on the second Tuesday in March in every third year thereafter and shall elect in manner herein-after provided two Traders' Trustees and two Fishermen's Trustees.

(4) At every election the clerk not being a candidate for election shall be the chairman of the meeting and failing him some person to be appointed by the Trustees.

(5) The Trustees shall cause the day hour and place of each election to be made public by a notice to be affixed to the door of the office and on such other conspicuous places as may be directed by the Trustees and also to be advertised once at least in at least one newspaper published or circulated in the district The notice shall be published not less than fourteen clear days before the day of each election.

(6) Any two of the Tarbert electors may nominate any person duly qualified to be a Traders' Trustee or a Fishermen's Trustee respectively as a candidate for the office of Traders' Trustee and Fishermen's

Trustee respectively by sending to the clerk a nomination paper The nomination paper shall be dated and subscribed by the two Tarbert electors and shall contain the Christian names surnames places of abode and designations of the subscribers and of the candidate nominated No nomination paper shall be received after four o'clock in the afternoon of the Tuesday immediately preceding the day of election and public notice shall be given of the list of candidates for the office (*a*) of Traders' Trustees and (*b*) of Fishermen's Trustees by affixing the same to the door of the office and on such other conspicuous places as the Trustees may direct Any candidate may at any time before the day of election be withdrawn by the delivery of a notice of withdrawal signed by him and addressed to the clerk.

(7) In the event of two duly qualified persons only being nominated as herein-before specified for election as Traders' Trustees the chairman of the meeting shall without further procedure declare those persons to be duly elected and such declaration shall be in writing signed by such chairman and shall be conclusive evidence of the due election of those persons.

(8) In the event of two duly qualified persons only being nominated as herein-before specified for election as Fishermen's Trustees the chairman of the meeting shall without further procedure declare those persons to be duly elected and such declaration shall be in writing signed by such chairman and shall be conclusive evidence of the due election of those persons.

(9) At every contested election of Traders' Trustees or Fishermen's Trustees a poll shall be taken and each of the Tarbert electors shall be entitled to two votes in respect of the election of Traders' Trustees and to two votes in respect of the election of Fishermen's Trustees and may distribute them among the candidates for the offices of Traders' Trustees and Fishermen's Trustees respectively as he may think fit but in no case shall an elector be entitled to give more than one vote to any one candidate.

(10) The two candidates for the office of Traders' Trustees and Fishermen's Trustees respectively having the greatest number of votes at any contested election shall be elected and in every case of equality the chairman of the meeting shall have a casting vote in addition to the vote (if any) to which he may be entitled as an elector.

(11) Any question or dispute regarding the election of any candidate shall be summarily determined at the meeting by the chairman of the meeting whose decision shall be final.

(12) Notice of the election of any person to be a Traders' Trustee or a Fishermen's Trustee shall be sent to him in writing by the clerk together with a notice to attend the next meeting of the Trustees

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—
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Such notice shall state the time and place at which such meeting is to be held.

(13) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct.

(14) If at any meeting for the election of Traders' Trustees or Fishermen's Trustees the place of any retiring Trustee is not filled up the retiring Trustee shall continue in office for the period during which a new Trustee if elected in his place would have been entitled to hold office.

(15) The expenses connected with each election of Traders' Trustees and Fishermen's Trustees respectively (exclusive of the expenses incurred by any candidate which expenses shall be borne by such candidate) shall be paid by the Trustees out of the funds belonging to them as such Trustees.

Shipowners' Trustees.

10.—(1) The following persons (herein-after called "shipowners") are hereby constituted an elective body for the purpose of this Order and shall elect two Shipowners' Trustees as herein-after provided namely—

All owners of any vessel (other than a fishing vessel) in respect of which tonnage rates (including compositions) have been paid during the twelve months immediately preceding the thirty-first day of December one thousand nine hundred and eleven and the thirty-first day of December in every third year thereafter (which period of twelve months is herein-after in this Order called the "crucial period").

(2) For the purposes of this section a part owner of any vessel (other than a fishing vessel) in respect of which tonnage rates as aforesaid have been paid during the crucial period is a shipowner in respect of such proportion of the tonnage rates paid in respect of that vessel as his shares in that vessel bear to the whole sixty-four shares thereof.

(3) The clerk shall prepare and on or before the thirty-first day of January one thousand nine hundred and twelve and the thirty-first day of January in every third year thereafter send to every shipowner who has during the crucial period paid tonnage rates as aforesaid a statement showing the names and addresses of the shipowners who during the crucial period have paid such tonnage rates as aforesaid and the amounts paid by them respectively for such tonnage rates during the crucial period.

(4) Each shipowner may nominate two persons as candidates for the office of Shipowners' Trustees by sending to the clerk by pre-paid post a nomination paper The nomination paper shall be dated

and subscribed by the shipowner and shall contain the full names addresses and designations of the nominating shipowner and of the candidates nominated Every nomination paper shall be despatched so as to reach the clerk on or before the second Monday in March one thousand nine hundred and twelve and every succeeding third year thereafter and no nomination paper will be received after that date.

(5) In all cases in which a shipowner who has paid tonnage rates as aforesaid during the crucial period is a firm consisting of several persons in partnership the nomination paper shall be signed in the firm's name or by one of the partners on behalf of the firm and in all cases in which a shipowner who has paid tonnage rates as aforesaid is a corporation the nomination paper shall be signed by the secretary for the time being thereof.

(6) The nomination papers shall be opened by the clerk at a meeting of the Trustees to be held on such day within fourteen days after the seventh day of March as may be fixed by the Trustees and the two candidates having the votes representing the largest aggregate amount of tonnage rates paid during the crucial period shall be the Shipowners' Trustees as on and from the first day of April then next ensuing and shall be entitled to hold that office until the first day of April in the third year thereafter.

(7) Not more than one member agent or employé of any shipowner shall be eligible as a Shipowners' Trustee and if the two candidates having the votes representing the largest aggregate amount of tonnage rates paid at the harbour during the crucial period shall be members agents or employés of any one shipowner that one of those candidates who has the votes representing the smaller amount of tonnage rates or in case of equality such one of them as the Trustees shall determine shall be disqualified and in his place the candidate who has the votes representing the next largest aggregate amount of tonnage rates and is not a member agent or employé of the shipowner who has nominated the successful candidate shall be the second Shipowners' Trustee.

Re-election quorum and resignation.

11.—(1) A retiring Trustee may be re-elected.

(2) The quorum for a meeting of the Trustees or of any committee of the Trustees shall be three.

(3) A Trustee may resign office at any time by giving notice in writing of his resignation to the Trustees or their clerk and such resignation shall take effect on the expiry of one week after such notice is received by the Trustees or their clerk.

Occasional vacancies among trustees.

12.—(1) In the event of a vacancy in the office of Trustee by reason of failure to make a valid election or of any Trustee refusing

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to accept office or dying or resigning or becoming incapable or incompetent to act or ceasing to be a Trustee or from any other cause than going out of office in the regular course the other Trustees shall as soon as may be thereafter at a meeting of the Trustees elect some duly qualified person to fill such vacancy and the Trustee so elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office and shall go out of office at the same time.

(2) In case of equality of votes at any such election the chairman for the time being of such meeting shall have a second or casting vote.

Validity of acts of Trustees.

13.—(1) The Trustees may act notwithstanding any vacancy in their body but if the number of the Trustees is reduced below five they shall act only for the purpose of causing vacancies in their body to be filled up.

(2) Every act of the Trustees or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

Meetings.

14.—(1) The Trustees need not hold monthly meetings but they may hold meetings at any time and place they think fit.

(2) The Trustees shall hold at least two meetings in every year.

(3) The first meeting of the Trustees shall be held on the third Wednesday after the first day of April one thousand nine hundred and thirteen at such time and place in Tarbert to be prescribed by the proprietor and intimated in writing by him or the clerk.

(4) The annual meeting of the Trustees shall be held at such time and place in Tarbert in the last week of November as may be fixed by the Trustees.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(6) The clerk on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any two or more of the Trustees shall cause a special meeting to be called within forty-eight hours and to be held within seven days after the receipt of such requisition.

Transfer of Harbour and Powers.

Transfer of harbour.

15.—(1) From and after the date of transfer the harbour and the works and all lands of the proprietor (as shown to be transferred and coloured red on the plan signed in triplicate by an assistant secretary

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to the Board of Trade one copy whereof has been deposited at the office of the Board of Trade another copy whereof has been deposited with the proprietor and the remaining copy whereof shall be deposited within one month after the date of transfer at the office) and all plant and other property of the proprietor used for the purposes of or in connexion with the harbour and the works and all rights powers and authorities conferred by the Act of 1708 and at the date of transfer vested in the proprietor shall be transferred to and vested in the Trustees and shall be held used exercised and enjoyed by the Trustees for the purposes and subject to the provisions of this Order and subject to all debts and liabilities of the proprietor in relation to or in connexion with the harbour and the works as at the date of transfer including expressly but without prejudice to the generality of the foregoing words the liability for or in respect of the yearly sums of Thirty-nine pounds seven shillings and twopence and twenty-seven pounds seventeen shillings and fourpence which are payable under two absolute orders of the Board of Agriculture and Fisheries dated respectively the twenty-first day of March One thousand nine hundred and eight and the eleventh day of March one thousand nine hundred and nine and are by those orders charged upon the fees of such parts of the estate of Stonefield as are therein mentioned.

(2) All powers duties and liabilities of the proprietor as at the date of transfer shall as on and from that date be transferred and attach to and be exercised undertaken and discharged by the Trustees and the proprietor and the estate of Stonefield and every part thereof shall thenceforth be indemnified by the Trustees out of the harbour and the works and the rates tolls dues and other revenues vested in belonging to and receivable by the Trustees under this Order against all the debts and liabilities in this and the last preceding subsection mentioned.

(3) For the purpose of completing the title of the Trustees to the harbour and the works hereby transferred to them a copy of this Order shall be deemed to be a conveyance by the proprietor to the Trustees.

Pending causes and rights of action preserved.

16.—(1) All causes and rights of action or suit accrued before the date of transfer which are at that date in any manner enforceable by or against the proprietor shall be and remain as good valid and effectual by or against the Trustees as they would have been by or against the proprietor if the Act confirming this Order had not been passed.

(2) Nothing in this Order shall cause the abatement discontinuance or determination of or in anywise prejudicially affect any action suit or other proceeding at law commenced by or against the proprietor either solely or jointly with any company body or person before the

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date of transfer and then pending but the same may be continued prosecuted or enforced by or against the Trustees in lieu of and in substitution for the proprietor.

Trustees and their powers to cease if Trustees not duly elected before 1st April 1913.

17.—(1) If before the first day of April one thousand nine hundred and thirteen there shall not have been duly elected in accordance with the provisions of this Order two Traders' Trustees two Fishermen's Trustees and two Shipowners' Trustees the Trustees by this Order incorporated and the powers hereby given to them shall cease to exist and be exerciseable as from and after the thirty-first day of March one thousand nine hundred and thirteen and as from that day the harbour and the works plant and other property for the time being vested in the Trustees in connexion with the harbour and the works shall without any conveyance or other disposition revest in the proprietor for all such estate and interest as before the date of transfer he had or enjoyed in the harbour and the works plant and other property by this Order transferred to the Trustees subject to all the debts and liabilities of the Trustees in relation to or in connexion with the harbour and the works and the proprietor shall thereafter have enjoy and exercise all such rights powers authorities and jurisdictions as before the date of transfer he had enjoyed and exercised over or in respect of the harbour and the works.

(2) As from the date of such revesting as in the last preceding section mentioned this Order shall cease to have any force or operation whatsoever except so far as may be necessary for the purpose of enforcing and without prejudice to the right to enforce any causes or rights of action or suit or penalties which may before the date of such revesting have in any manner become enforceable by or against the Trustees.

Limits.

Limits.

18.—(1) The limits within which the Trustees shall have authority and within which the powers of the harbour-master and the power to levy rates (subject as in the schedule to this Order mentioned) may be exercised (herein-after called "the limits of this Order") shall comprise the loch called East Loch Tarbert from the point of Garvall on the north to the Okenhead or Rudha Loigste point on the south.

(2) A map or plan showing the limits of this Order having been signed in triplicate by an assistant secretary to the Board of Trade one copy thereof shall within two months after the commencement of this Order be deposited at the office of the Board of Trade another copy thereof shall be deposited with the sheriff clerk for the county of Argyll and another copy thereof shall be deposited at the office of the Trustees.

(3) In the case of any discrepancy between the limits delineated on the said map or plan and the limits described in this section the said map or plan shall be deemed to be correct and shall prevail.

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Maintenance, &c.

Power to maintain and improve works.

19.—(1) Subject to the provisions of this Order the Trustees may maintain and from time to time with the consent of the Board of Trade construct alter improve enlarge and extend the works and may in connexion with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and lands connected therewith and may provide motive power for tramways.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

For protection of Postmaster-General.

20. Any electric lighting or other apparatus and any motive power for tramways constructed and provided under the powers of this Order shall be so constructed provided and used as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Power to dredge.

21.—(1) The Trustees may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway within the limits of this Order to the works for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Trustees and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

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Power to purchase or hire dredgers &c.

22. The Trustees may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Meters and weighers

23. The Trustees shall have the appointment of meters and weighers within the limits of this Order.

Byelaws.

Byelaws.

24.—(1) In addition to the byelaws which may from time to time be made by the Trustees in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 the Trustees may make byelaws for the regulation and control of any fish markets established by the Trustees and of persons frequenting or resorting thereto and of sales taking place therein and the byelaws to be made by the Trustees may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Powers of Leasing.

Power to lease pavilions &c.

25. The Trustees may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses fish markets or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Power of leasing not to be exerciseable until elected Trustees shall have come into office.

26. The powers given by the last preceding section shall not be exerciseable unless and until the first election of Trustees shall have taken place and the Trustees elected at such election shall have come into office under the provisions of this Order.

Rates.

Power to levy rates.

27.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

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(2) From and after the date of transfer the Trustees may subject to the provisions of this Order demand receive and recover for the use of the harbour and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order annexed any rates not exceeding those specified in that schedule.

(3) All rates payable in respect of the harbour before the date of transfer shall cease to be payable but without prejudice to the right of the proprietor to recover receive and retain any rates then already accrued due and payable and all exemptions from payment of rates now existing and specially applicable to the harbour shall cease to be operative.

Power to vary exemptions and compound for rates.

28. The Trustees may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the harbour or the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to provide ferry boats.

29. The Trustees may provide maintain and employ ferry boats for the conveyance of passengers animals and goods to and from any part or parts of the harbour and from or to vessels to or from the harbour when owing to stress of weather or any other cause vessels are prevented from entering the harbour.

Rates for warehouses &c.

30. The Trustees may (so far as the rates specified in the schedule to this Order annexed do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Trustees or in respect of any services rendered by them in connexion with the harbour or works.

Board of Trade may reduce rates.

31.—(1) The rates to be received by the Trustees shall be adjusted by them in such a manner that as far as possible the income of the harbour shall be sufficient and not more than sufficient for the purposes of the harbour.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Trustees on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient

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to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order annexed.

Master of fishing vessel to report take of fish.

32.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Provisions as to collection of rates on white fish and fresh herrings.

33.—(1) The Trustees may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea and shipped or unshipped at the works (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the person purchasing or receiving delivery of the same (otherwise than as carriers) from any vessel.

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and shall when required furnish the Trustees or the collector of rates with a true account under his hand of the quantity of such fish and verify the same by the production of his books accounts and other documents to the Trustees or to the collector of rates.

(3) If any fish salesman auctioneer purchaser or receiver when so required refuse or fail to give and verify such an account or shall give or subscribe a false account he shall be liable to a penalty not exceeding ten pounds for each offence.

Harbour-master may prevent sailing of vessels.

34. The harbour-master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

Certain fishing vessels under stress of weather exempt from rates.

35. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

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36. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and on and from the harbour and the works.

Exemption of lifeboat crew.

37. If and so long as the Trustees shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order annexed for pure and wholesome water supplied by them.

Supply of and rate for water.

38. The Trustees may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master or owner of any vessel within the limits of this Order to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Trustees of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order annexed.

Ballast for vessels.

39. The revenue received by the Trustees from rates and dues or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise:—

Application of rates received.

(1) In payment of the costs of and connected with the preparation and making of this Order;

(2) In payment until the same shall have been compounded for redeemed or otherwise ceased to be payable of the sums mentioned in subsection (1) of the section of this Order whereof the marginal note is "Transfer of harbour";

(3) In payment of any feu duties rents and rentcharges payable in respect of the lands and property belonging or leased to the Trustees and the expenses of the maintenance repair and management of the undertaking and all conveniences connected therewith.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Trustees in the improvement of the harbour and the works.

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Appointment of an auditor.

40.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Trustees and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of his salary and expenses (if any) shall be paid by the Trustees out of the rates or other income received by them under this Order.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Trustees shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Trustees refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

Annual account to be sent to Board of Trade.

41.—(1) The Trustees shall within one month after sending to the sheriff clerk the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the end of the thirty-first day of March in each year.

(3) The Trustees shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Life-saving Apparatus.

Provision for life-saving apparatus.

42.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Trustees shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site at or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Trustees fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

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43. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the works.

Life-saving apparatus may be attached to works.

44. The Trustees shall at all times keep at convenient places on the works and in obedience to any requirements which may be made by the Board of Trade lifebuoys and life lines in good order and fit and ready for use.

Lifebuoys to be kept.

Lights.

45.—(1) The Trustees shall exhibit at the outer extremity of the works or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to such Commissioners for any such directions.

Lights on works.

(2) The Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

46.—(1) In case of injury to or destruction or decay of the works or any part thereof the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to such Commissioners for directions as to the means to be taken.

As to buoys and lights in case of decay of works.

(2) The Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

47. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Application of Harbours Clauses Act 1847.

48. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Act 1847.

Recovery of penalties.

49. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall be incorporated with this Order.

Partial incorporation of Harbours and Passing Tolls &c. Act 1861.

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Trustees to be a local lighthouse authority.

50. The Trustees shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Exemptions and savings for Government departments.

51. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Crown rights.

52. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Trustees 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 heritages 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 of 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).

Works to be in parishes of Kilcalmonell and South Knapdale.

53. The works shall be deemed to be for all purposes in the parishes of Kilcalmonell and South Knapdale in the county of Argyll.

Repeal of part of Act of 1708.

54. The provisions of the Act of 1708 requiring the consent of the three next justices of the peace to East Tarbert the sheriff principal of the shire of Argyll and the heirs and assignees of Archibald MacAlaster (proprietor of the soil of East Tarbert in the said shire) to the erection and making of the harbour and such wharves and buildings as may be thought necessary in connexion therewith and the duties authorised to be levied under that Act in respect to the harbour are hereby repealed as from the date of transfer.

Repeal of Argyll Canal Act 1883.

55. The Argyll Canal Act 1883 is hereby repealed.

Costs of Order.

56. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees.

The SCHEDULE to which the foregoing Order relates.

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I.—Rates on Passengers and Passengers' Luggage Shipped or Unshipped at the Works.

	s.	d.
For every passenger or other person who shall land or embark on board of any vessel for each and every time any sum not exceeding - - - - - - - -	0	1

Note.—Children under twelve years of age in charge of parent or servant free servants going for or with luggage free but the luggage to be paid for.

For every trunk portmanteau box parcel or package within the description of luggage shipped or unshipped and not carried by the passenger - - - - - - -	0	1

II.—Rates on Vessels (other than Fishing Vessels and Yachts) within the Limits of this Order.

For every steamer discharging or shipping passengers or goods per registered ton - - - - - - -	0	4
For every other vessel decked or undecked discharging or shipping goods per registered ton - - - - -	0	4

For the use of gangways or fastening of ropes provided or rendered by the Trustees by the desire of the owner or person in charge of any vessel such sum as may be agreed upon between the Trustees and such owner or person in charge.

Proviso 1.—In the case of any vessel calling at the harbour and also calling or attempting to call during the same trip at other piers or ports being not less than five inclusive of Tarbert the tonnage rates shall not be charged on the registered tonnage of the vessel but shall be ascertained and calculated in respect of such vessel on each call on the basis of the tonnage of cargo shipped or unshipped at the harbour whichever of those cargoes shall be the greater provided that this quantity shall in no case be treated as less than one ton. In calculating for this purpose the tonnage of cargo shipped or unshipped fifteen passengers with their free luggage or three horses or bulls or cows or five ponies or ten calves or stirks or fifteen sheep or lambs or pigs shall be computed as equal to one ton of goods and so in proportion for any less or broken number.

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Proviso 2.—In the case of other vessels belonging to owners engaged in a regular trade to the harbour and making not less than fifty calls between the first day of April in any year and the thirty-first day of March next following at the harbour there shall be charged per registered ton in respect of each such vessel or of any vessel the property of or chartered by the same owner substituted for such vessel on any trip not more than one-half of the actual tonnage rates for the time being in force Provided always that up to fifty calls the rates shall be paid in full and on the completion of fifty calls one moiety of such rates already paid shall be repaid to the owners.

Proviso 3.—Any vessel charged tonnage rates for a call at the harbour on the outward passage is not to be liable in addition to tonnage rates in respect of any subsequent call at the harbour on the same day.

III.—RATES ON PLEASURE YACHTS WITHIN THE LIMITS OF THIS ORDER.

	s.	*d.*
For all pleasure yachts not carrying goods or passengers for hire per week or part of a week per registered ton - -	0	1

Pleasure yachts when laid up 6*d.* per registered ton per annum or 1*d.* per registered ton per month.

IV.—RATES ON FISHING VESSELS WITHIN THE LIMITS OF THIS ORDER.

	£	*s.*	*d.*
(*a*) For every vessel under 15 tons engaged in the herring fishery for the period of the fishing season payable in advance - - - - - - -	0	5	0
Or per month in advance - - - -	0	1	0
But the first payment to be for not less than two months.			
For every such vessel not compounding as above loading or unloading herrings each time - -	0	0	6
(*b*) For every vessel over fifteen tons engaged in the herring fishery for the period of the fishing season payable in advance - - - - - - -	1	0	0
Or per month in advance - - - -	0	4	0
But the first payment to be for not less than two months.			
For every such vessel not compounding as above loading or unloading herrings - - -	0	2	0

	£	s.	d.
(c) For every vessel engaged in any fishing other than the herring fishery for the fishing season payable in advance:—			
Propelled by steam or other mechanical power whether such power is principal or auxiliary -	0	10	0
Not so propelled - - - - - -	0	2	6
For every such vessel not compounding as above loading or unloading fish each time - -	0	1	0

Note.—The fishing season shall from time to time be fixed by the Trustees and notice thereof shall be posted on some conspicuous place at the harbour and works.

Note.—Applying to Parts II. III. and IV.—Any vessel entering the limits of this Order through stress of weather and not breaking bulk while remaining within those limits shall be exempt from rates.

V.—Rates on Goods shipped unshipped or transhipped at the Works or in any Part of the Harbour Dredged by the Trustees.

	s.	d.
Ale beer and porter per 54 gallons - - - -	0	6
Ale beer and porter per 9 gallons - - - -	0	1
Ale beer and porter (bottled in pint bottles) per dozen -	0	0½
Anchors per cwt. - - - - - - -	0	9
Ashes of all kinds per ton - - - - -	1	0
Bark per ton - - - - - - -	2	0
Barley (pot shelled or pearl) per cwt. - - - -	0	1
Bedding per cwt. - - - - - - -	0	3
Beef or pork per cwt. - - - - - -	0	2
Biscuits or bread per cwt. - - - - -	0	1
Bones and bone dust per cwt. - - - - -	0	1
Bottles per gross - - - - - - -	0	6
Bran per cwt. - - - - - - -	0	1
Bricks per 1000 - - - - - - -	1	4
Butter and lard per cwt. - - - - - -	0	2
Cables (iron or hempen) per ton - - - - -	1	6
Candles per cwt. - - - - - - -	0	1
Canvas per 56 lbs. - - - - - -	0	1
Carrots per cwt. - - - - - - -	0	0½
Casks and barrels (empty not being returned packages) each -	0	0½
Carriages:		
Chaises and other four-wheeled carriages each - -	2	6
Gigs and other two-wheeled carriages each - -	1	0
Carts each - - - - - - - -	1	0
Handcarts and perambulators each - - - -	0	2

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	s.	d.
Cattle :		
Bulls each	1	0
Cows and oxen each	0	6
Calves each	0	3
Horses asses and mules each	1	0
Ponies under 12 hands each	0	6
Pigs each	0	3
Sheep each	0	0½
Lambs each	0	0½
Cement per ton	1	0
Cheese per cwt.	0	2
Chimney cans each	0	2
Cinders and charcoal per ton	0	6
Clay (manufactured) per ton	0	3
Clay (common) per ton	0	1
Cloth haberdashery &c. per cwt.	0	2
Coals per ton	0	4
Copper per ton	2	0
Copper (old) per cwt.	0	1
Cordage per cwt.	0	1
Cork per cwt.	0	2
Crabs per dozen	0	1
Crystal per cwt.	0	2
Cutch per ton	0	10
Dogs each	0	2
Drugs (in casks hampers or boxes) per cwt.	0	2½
Earthenware or chinaware (in casks hampers or boxes) per cwt.	0	2
Earthenware or chinaware (in crates) per cwt.	0	2
Eggs per cwt.	0	1
Fish (dried and salted) per cwt.	0	2
Fish (fresh in bulk) per cwt.	0	1½
Flax per cwt.	0	1½
Flour per 2½ cwt.	0	2½
Fruit per cwt.	0	2
Furniture (household) per cwt.	0	2
Game of all kinds per cwt.	0	6
Glass of all descriptions per cwt.	0	2
Groceries viz. :—		
Tea coffee confections dried fruit spices rice tobacco snuff &c. per cwt.	0	3
Guano per ton	1	0
Gunpowder per 100 lbs.	0	3

		s.	d.
	Ham bacon or tongues per cwt.	0	1
	Hardware per cwt.	0	1
	Hay and straw per ton	1	6
5	Hemp per cwt.	0	2
	Herrings (cured) per $26\frac{2}{3}$ gallons	0	2
	Herrings (fresh) per $37\frac{1}{2}$ gallons	0	2
	Hides—ox cow or horse (wet or dry) each	0	1
	Hoops of wood per 1500	1	0
10	Hoops of iron per cwt.	0	2
	Husbandry implements per cwt.	0	2
	Iron:—		
	Bar bolt and rod plate sheet and forged iron gates stoves nails and other ironmongery and rails per cwt.	0	1
15	Old per cwt.	0	$0\frac{1}{2}$
	Pig and unmanufactured per ton	1	0
	Lead per ton	0	10
	Leather (tanned and dressed) per cwt.	0	1
	Lime per ton	0	6
20	Limestone per ton	0	6
	Lobsters per dozen	0	1
	Machinery of all kinds per cwt.	0	1
	Manure not enumerated per ton	1	0
	Masts and spars 10 inches in diameter and upwards each	1	6
25	Meal per $2\frac{1}{2}$ cwt.	0	$2\frac{1}{2}$
	Meat (fresh) per cwt.	0	2
	Milk per 3 gallons	0	1
	Musical instruments per cubic foot	0	1
	Oils per cwt.	0	1
30	Oilcake per cwt.	0	1
	Oranges and lemons per cwt.	0	2
	Paint per cwt.	0	3
	Pitch per cwt.	0	2
	Potatoes per ton	0	6
35	Poultry each	0	$0\frac{1}{2}$
	Rabbits per cwt.	0	8
	Rags and old rope per cwt.	0	1
	Sails per cwt.	0	6
	Salmon per cwt.	0	6
40	Salt per ton	0	6
	Sand and gravel per ton	0	8
	Seeds per quarter	0	3
	Sheepskins with wool per cwt.	0	3
	Slates per ton	1	0
45	Soap per cwt.	0	1
	Spirits per gallon	0	$0\frac{1}{2}$

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	s.	d.
Stones:—		
Rubble per ton	0	2
Hewn ashlar per ton	0	6
Rough per ton	0	4
Pavement per ton	0	4
Kerb per ton	0	4
Paving and causeway stones per ton	0	2
Grindstones each	0	4
Millstones each	0	6
Gravestones each	1	0
Sugar of all kinds per cwt.	0	1
Tallow per cwt.	0	2
Tar per cwt.	0	1
Tiles (roofing) per ton	0	6
Tin per cwt.	0	1
Tow per cwt.	0	2
Turnips per ton	0	6
Turpentine per cwt.	0	1
Varnish per cwt.	0	1
Vegetables (not enumerated) per cwt.	0	2
Vitriol per cwt.	0	1
Wheels (coach or cart) per pair	0	3
Wine per 54 gallons	1	0
Wine (bottled) per dozen quarts	0	2
Wine (bottled) per dozen pints	0	1
Wood—Fir beech oak ash elm and other hard woods rough and round or in plank or sided per 50 cubic feet	1	0
Wool per cwt.	0	2
Yarn:		
Cotton lint and worsted per cwt.	0	2
Other kinds per cwt.	0	1
Zinc per cwt.	0	1
All other goods not enumerated above:		
Light goods per cubic foot	0	1
Heavy goods per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single package shall be one penny Provided that no rates shall be charged for any parcel not exceeding fourteen pounds in weight except live animals Provided further that this exemption shall not apply to more than one parcel of the same description of goods sent by the same consignor to the same consignee on the same day.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from rates.

VI.—Rates for use of Cranes Weighing Machines Sheds &c.

(1) *Cranes.*

	s.	d.
All goods or packages not exceeding 1 ton - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - - -	0	6
Exceeding 2 tons and not exceeding 3 tons - - -	0	8
Exceeding 3 tons and not exceeding 4 tons - - -	0	10
Exceeding 4 tons and not exceeding 5 tons - - -	1	0
Exceeding 5 tons and not exceeding 6 tons - - -	1	2
Exceeding 6 tons and not exceeding 7 tons - - -	1	4
Exceeding 7 tons and not exceeding 8 tons - - -	1	6
Exceeding 8 tons and not exceeding 9 tons - - -	1	10
Exceeding 9 tons and not exceeding 10 tons - - -	2	4
Exceeding 10 tons - - - - - -	3	6

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton - -	0	2

The expression "goods" in this subsection shall not include goods in parcels not exceeding fourteen pounds in weight.

(3) *Warehouses &c.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any warehouse or shed or on the works for a longer time than 48 hours the sum of 8*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each 24 hours or part thereof during which such goods shall remain after the first 48 hours.

	£	s.	d.
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day after the first 24 hours per package - - - -	0	0	2

(4) *Cattle Yards.*

For cattle each per day - - - - -	0	0	1½
For horses each per day - - - - -	0	0	1
For pigs each per day - - - - -	0	0	0½
For sheep each per day - - - - -	0	0	0½

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(5) *Mooring Anchors Lights and Ballast Charges.*

	£	s.	d.
For every vessel made fast to mooring anchor - -	0	1	0
All vessels above 20 tons register using the harbour or works per vessel for light dues - - - -	0	1	0
For ballast supplied to any vessel per ton - - -	0	2	0
For ballast put out of any vessel per ton - - -	0	1	0

But light dues shall not be exigible on or in respect of vessels under 20 tons.

Dues for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

(6) *Charges for use of Beaching Ground.*

	£	s.	d.
For every fishing or other boat beached or laid up on ground provided for the purpose by the Trustees payable in advance per off season as same may be fixed by the Trustees - - - - - - -	0	10	0
Each additional month or part thereof beyond said off season or at any other time - - - -	0	2	0
For every other vessel beached or laid up for repairs or other purposes payable in advance for every month or part thereof—			
Vessels under 20 tons - - - - -	0	5	0
Vessels over 20 tons and under 50 tons of registered tonnage - - - - - -	0	10	0
Vessels over 50 tons of registered tonnage - -	1	0	0

VII.—RATES FOR SUPPLYING WATER.

For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel -	0	0	1½

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INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Brixham Gillingham and Lowestoft. A.D. 1912.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty 10 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:—

1. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby 15 confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1912. Short title.

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The SCHEDULE of Orders.

1. BRIXHAM.—Extension of pier &c.
2. GILLINGHAM.—Construction of pier &c.
3. LOWESTOFT.—Widening of the Lowestoft (South) Pier &c.

BRIXHAM HARBOUR.

A.D. 1912.

Order to authorise the Brixham Urban District Council to construct additional works to extend the harbour limits to amend the Acts and Orders relating to the harbour and for other purposes.

Brixham.

Short title and construction.

1.—(1) This Order may be cited as the Brixham Harbour Order 1912.

(2) The Brixham Harbour and Market Act 1799 (in this Order called "the Act of 1799") the Brixham Harbour and Market Act 1837 (in this Order called "the Act of 1837") the Brixham Harbour Order 1875 (in this Order called "the Order of 1875") the Brixham Harbour Order 1877 (in this Order called "the Order of 1877") the Brixham Harbour and Market Act 1896 (in this Order called "the Act of 1896") and the Brixham Harbour Order 1906 (in this Order called "the Order of 1906") as those Acts and Orders are varied and amended by this Order and this Order may for all purposes be cited together as the Brixham Harbour Acts and Orders 1799 to 1912.

Commencement of Order.

2. This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Definitions.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them, namely:—

"The Council" means the Brixham Urban District Council;

"The district" means the urban district of Brixham;

"The district fund and general district rate" means the district fund and general district rate of the district;

"The harbour" means the harbour of Brixham within the limits described in section 5 of this Order;

"The breakwater" means and includes as well the existing pier or breakwater as the works authorised by this Order;

"The works" means as well the existing piers and quay at Brixham as the works authorised by this Order;

"The former Acts and Orders" means the Brixham Harbour Acts and Orders 1799 to 1906;

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"The harbour revenue" means and includes all rates tolls dues rents receipts and other revenue received by the Council in respect of the harbour and the works under the authority and provisions of the former Acts and Orders and this Order;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Council shall be the Undertakers for carrying this Order into execution.

Limits.

Limits.

5.—(1) The limits within which the Council shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works and the area below high-water mark inclosed by (*a*) an imaginary line drawn from Shoalstone Point in the parish and urban district of Brixham extending in a west-north-westerly direction for a distance of 6500 feet or thereabouts until it intersects the imaginary line next described (*b*) an imaginary line drawn from the centre of Old Quarry in the parish of Churston Ferrers in the rural district of Totnes in a north-easterly direction for a distance of 3000 feet or thereabouts until it intersects the imaginary line first described and (*c*) the land line of the coast from the centre of Old Quarry aforesaid to the said Shoalstone Point.

(2) A map or plan showing the limits of the harbour having been signed in triplicate by an assistant secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited at the office of the clerk of the peace for the county of Devon and another copy thereof shall be deposited at the office of the Council.

(3) In case of any discrepancy between the limits delineated on the said map or plan and the limits described in subsection (1) of this section the said map or plan shall be deemed to be correct and shall prevail.

(4) Section 22 (Limits of the harbour) of the Act of 1837 is hereby repealed.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

6. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and so much of those Acts as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Lands may be acquired by agreement.

7. The Council may by agreement purchase or take on lease acquire and hold for the purposes of the harbour and of this Order any additional lands which the Council may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Council from any proceedings for nuisance caused or permitted by them upon land acquired by them under the power conferred by this section.

Power to grant easements &c. by agreement.

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

Power to retain and sell lands,

9. The Council may subject to the provisions of the Lands Clauses Consolidation Act 1845 sell dispose of or let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Council think fit.

Works and Powers.

Power to construct works.

10. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works the Council may on the lands and in the lines

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and according to the levels shown on the said plans and sections and within the limits shown on those plans make and maintain the following works:—

A pier or breakwater wholly of solid construction commencing at the termination of the existing pier or breakwater and extending seawards in a north-westerly direction for a distance of one thousand feet or thereabouts from the point of commencement and there terminating.

Power to deviate.

11. In constructing the works authorised by this Order the Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent.

Power to improve works.

12.—(1) Subject to the provisions of this Order the Council may from time to time with the consent of the Board of Trade improve alter and extend the works and may in connexion with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties patent slips buoys moorings lights beacons roads sewers drains watercourses tanks mains pipes wires engines weighing machines and other works buildings electric light power or other apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramway sidings and turn-tables on and along the works and land connected therewith and may take down or remove portions of the existing works.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

(3) Any mains pipes wires or other apparatus constructed erected or maintained under this Order shall be so constructed erected used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Power to dredge.

13.—(1) The Council may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the harbour revenue.

Penalty for injuring works.

14. Every person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works authorised by this Order or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Council any expenses incurred by them in making good such damage.

Powers to cease in certain events.

15.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease except as to so much of the works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works authorised by this Order have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Power to provide and construct warehouses &c.

16. The Council may subject to the provisions of this Order purchase or take on lease any houses warehouses offices sheds weighing machines cranes patent slips moorings and other works buildings and conveniences which may be found necessary or desirable in connexion with the harbour for the accommodation of vessels and traffic landed at or embarked from the same and the convenient working thereof.

Consent of Board of Trade to works below high-water mark.

17. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the works authorised by this Order shall be constructed only in accordance with the terms of such consent.

Power to purchase dredgers &c.

18. The Council may provide purchase take on lease hire and use such steam or other dredgers eroders engines tugs lighters or

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other vessels machinery diving bells tools plant or other materials as they may think necessary for effecting the purposes of the former Acts and Orders or this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account.

Rates &c.

Rates and provisions of the Brixham Harbour Acts and Orders 1799 to 1906 to extend to works authorised by this Order.

19. Subject to the provisions of this Order the works authorised by this Order shall for the purposes of the rates and charges which may be demanded and received by the Council and for all other purposes be part of the harbour and undertaking of the Council under the former Acts and Orders and the powers and provisions of the former Acts and Orders as amended or varied by this Order shall extend and apply to the works authorised by this Order.

Amendment of Part I. of schedule to Order of 1877.

20. Part I. (Rates on Ships) of the schedule to the Order of 1877 shall be read and construed as if "the first of April" were substituted therein for "the first of September."

Master of fishing vessel to report take of fish.

21.—(1) The master or owner of any vessel with a take or cargo of fish) not being exclusively fish which is intended to be sold in the harbour market or elsewhere) if he intends to land unship or tranship the said take or cargo of fish shall on the arrival of the vessel within the limits of the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Rates for use of piers for walking for exercise &c. and rates for fish.

22.—(1) The Council may after the commencement of this Order and without any further certificate under the twenty-fifth section of the Harbours Clauses Act 1847 or otherwise demand recover and receive in addition to the rates which under the Order of 1875 the Order of 1877 and the Order of 1906 they are now authorised to levy the following rates (that is to say):—

(*a*) For every person who shall use the breakwater for the purpose of walking for exercise pleasure or any other purpose except of embarking from the breakwater on board of or landing on the breakwater from any ship vessel packet or passage boat for each and every time any sum not exceeding twopence:

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(*b*) For fish (other than cured fish) landed unshipped or transshipped in the harbour or any place within the limits of the harbour and not sold in the harbour market or elsewhere viz.:

5 Pilchards per 448 lbs.—fourpence.

Pilchards (for less quantities) per 120—one farthing.

Mackerel per 120—twopence.

Herrings per 120—one halfpenny.

All other sorts of fresh fish per cwt.—twopence.

10 (2) From and after the commencement of this Order the Order of 1875 shall be read as if the rates by subsection 1 of this section authorised had been authorised by that Order to the intent that such rates shall be a security for all moneys borrowed under the Order of 1875.

15 (3) Section 5 (Power to vary exemptions from rates and to enter into compositions &c.) of the Order of 1906 shall apply to the rates by subsection 1 of this section authorised.

Rates for use of warehouses &c.

23. The Council may demand and receive such rates rents or other consideration as they may think reasonable for the use of any warehouses sheds buildings weighing machines cranes patent slips moorings 20 works lighters and conveniences belonging to or leased by the Council for the use of which rates are not specially fixed in the former Acts and Orders.

Harbour-master may prevent sailing of vessels.

24. The harbour-master may prevent the removal or sailing from 25 within the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish to which the provisions of the section of this Order of which the marginal note is 30 "Master of fishing vessel to report take of fish" apply until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

Contracts with railway companies &c.

25. The Council may from time to time in connexion with and for the purposes of their undertaking enter into and carry into effect 35 contracts with railway and other companies shipowners owners of boats and vessels and other persons with reference to the construction of lifts railways tramways and other works in connexion therewith and to the berthing and mooring of ships boats and vessels including coal and other hulks within the harbour for such time and upon such 40 terms as the Council may think proper and to the receiving forwarding and conveyance of passengers and traffic including the user by any

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such company or person of the harbour and works Provided that no undue preference be given to any company or person by or under any such contract.

Finance.

Power to borrow.

26.—(1) The Council may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

(*a*) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole thirty thousand pounds;

(*b*) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the harbour undertaking; and

(*c*) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the harbour revenue as so much of the district fund and general district rate as arises from and is leviable upon rateable property in the area mentioned in section 11 of the Act of 1896 and described in the schedule to that Act subject to any mortgages or charges thereon existing at the commencement of this Order.

Periods for repayment of money borrowed.

27. All moneys borrowed by the Council under the last preceding section of this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within forty years from the date of borrowing the same;

(*b*) As to the money borrowed for the purposes (*b*) mentioned in the last preceding section within such period from the date of borrowing the same as the Board of Trade may prescribe; and

(*c*) As to the money borrowed for the purpose (*c*) mentioned in the last preceding section within five years from the commencement of this Order.

Application of financial provisions of Act of 1896.

28. The following provisions of the Act of 1896 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order namely:—

Section 12 (As to mortgages granted by District Council) except subsection (1) of that section;

Section 13 (Money may be raised under Local Loans Act 1875);

Section 18 (Regulations of Public Health Act 1875 not to apply to borrowing powers);

Section 19 (Priority of principal moneys secured by existing mortgages);

Section 20 (Protection of lender from inquiry);

Section 21 (Liabilities of harbour undertaking and general liabilities of district to be separate); and

Section 24 (Annual return to Local Government Board with respect to sinking fund).

Power to re-borrow.

29.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any of the former Acts and Orders or this Order which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any of the former Acts and Orders or this Order which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 26 (Re-borrowing) of the Order of 1875 and section 17 (Power to re-borrow) of the Act of 1896 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

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Mode of repayment of borrowed money.

30. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that the Council shall not be bound to pay any instalment of principal or to make the first payment to the sinking fund in respect of moneys borrowed for the purpose (*a*) mentioned in the section of this Order the marginal note whereof is "Power to borrow" until the 1st April 1915 or the completion of the works authorised by this Order whichever may be the earlier date.

Sinking fund.

31.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such funds shall be formed and maintained either:—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council;

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Order.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until that Board shall otherwise direct.

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(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

(12) For the purposes of this section "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

Application of money borrowed.

32. All moneys borrowed under this Order shall be applied by the Council only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Proceeds of sale of surplus lands to be treated as capital.

33. The proceeds of sale of any surplus lands of the Council under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council under this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Grants of moneys to undertakers.

34. The Council may accept and shall apply free grants of money towards the cost and erection of the works authorised by this Order and the costs of this Order and the Council may also accept from any company public body or person any sum or sums of money by way of gift or free grant and apply the same towards such cost and outlay.

Confirming borrowing under Act of 1896 &c.

35.—(1) The sum of six thousand pounds borrowed by the Council on the seventeenth day of November one thousand nine hundred and nine in purported exercise of the powers of section 11 (District Council may exercise borrowing powers of commissioners with collateral charge on general district rate) of the Act of 1896 shall for all purposes be deemed to have been authorised by and borrowed under the Act of 1896 and the provisions of section 9 (Amendment of Order of 1875 and Act of 1896 as to repayment of moneys borrowed under Order of 1875) of the Order of 1906 shall apply to the said borrowing except that the said sum shall be repaid

within fifty years from the fourteenth day of December one thousand nine hundred and nine instead of within fifty years from the eighth day of June one thousand eight hundred and ninety seven.

(2) The Council shall not borrow any further moneys under the Order of 1875 or the Act of 1896.

Application of harbour revenue.

36. The harbour revenue shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1) In payment of the interest as it accrues due on any moneys borrowed under the Order of 1875 and the Act of 1896 and for the time being outstanding;

(2) In payment of the costs and expenses of the maintenance repair management and regulation of the harbour and the works;

(3) In payment of the instalments of principal from time to time becoming due in respect of moneys borrowed under the Order of 1875 and the Act of 1896 and for the time being outstanding and repayable by instalments and in providing a sinking fund for the repayment of moneys borrowed under the Order of 1875 and the Act of 1896 and repayable by means of a sinking fund;

(4) In payment of the interest as it accrues due on any moneys borrowed under this Order and for the time being outstanding;

(5) In payment of the instalments of principal from time to time becoming due in respect of moneys borrowed under this Order and for the time being outstanding and repayable by instalments and in providing a sinking fund for the repayment of moneys borrowed under this Order and repayable by means of a sinking fund;

(6) In repaying to the district fund or general district rate mentioned in the section of this Order the marginal note whereof is "Power to borrow" any moneys which under the provisions of the former Acts and Orders or this Order are or may hereafter become due thereto from the harbour undertaking;

(7) In the general improvement of the harbour and the works.

Byelaws.

Byelaws.

37.—(1) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

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(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order. 5

Life-saving Apparatus.

Provision for life-saving apparatus.

38.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of that Board a 10 site near the breakwater and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during 15 which the failure continues.

Life-saving apparatus may be attached to pier.

39. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the break- 20 water spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the breakwater.

Lifebuoys to be kept.

40. The Council shall at all times keep at convenient places on the breakwater and in obedience to any requirements which may be 25 made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights during construction of works.

41.—(1) Before commencing the works authorised by this Order the Council shall apply to the Board of Trade for directions as to 30 the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy 35 and be in place of every other statutory requirements as to lights during the construction of the works.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given. 40

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Lights after completion of works.

42.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Council shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of 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 such directions.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

As to buoys and lights in case of decay of works.

43.—(1) In case of injury to or destruction or decay of the breakwater or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the said Corporation of Trinity House and shall apply to the said Corporation for directions as to the means to be taken.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

Appointment of officers to enforce byelaws and regulations.

44. The Council may appoint officers for securing the observance of the byelaws made by the Council in respect of the harbour undertaking under the former Acts and Orders and this Order and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables unless so sworn and unless in uniform or provided with a warrant.

Power to advertise.

45. The Council may advertise the tides harbours tolls depth of harbour and boat services connected with the harbour undertaking.

Recovery of penalties.

46. All penalties recovered by the Council under the former Acts and Orders in respect of which no other provision is made by those Acts and Orders and all penalties under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and shall be paid to the treasurer for the time being of the Council and be by him carried to the credit of the harbour revenue.

Officers exempt from rates.

47. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour and the works without payment.

Application of 10 & 11 Vict. c. 27.

48. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be the special Act.

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Crown rights.

49. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers 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 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).

Saving rights of Duchy of Cornwall.

50. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Works to be in parish and urban district of Brixham.

51. The works shall be deemed to be for all purposes within the parish and urban district of Brixham in the county of Devon.

Costs of Order.

52. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the harbour revenue or out of money borrowed for the purposes of the promotion of this Order.

GILLINGHAM PIER.

Gillingham.

Order for authorising the construction and maintenance of a pier and other works at Gillingham in the County of Kent and for other purposes in connexion therewith.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Gillingham Pier Order 1912.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Definitions.

2.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:—

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

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"The Conservators" means the Conservators of the River Medway incorporated by the Medway Conservancy Act 1881;

"The Order of 1869" means the Gillingham Pier Order 1869;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The existing pier" means the pier wharf and landing stage and the works buildings approaches and conveniences connected therewith belonging to the Corporation under the Order of 1869;

"The pier" means and includes the existing pier and the works authorised by this Order;

"The works" means the works authorised by this Order;

"The pier undertaking" means and includes the pier and the right to levy rates tolls and other charges and all other rights of the Corporation under the Order of 1869 and under this Order and the entire undertaking of the Corporation in connexion with the pier;

"The pier revenue" means the revenue of the pier undertaking.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings that is to say:—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

3. The Corporation shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking and except also section 127 of the lands Clauses Consolidation Act 1845) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

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Acquisition of Lands.

Lands may be acquired by agreement.

5. The Corporation may by agreement purchase or take on lease for the purposes of the pier undertaking and of this Order any additional lands which the Corporation may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take easements by agreement.

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

Limits.

Limits.

7.—(1) The limits within which the Corporation shall have authority and within which the powers of the piermaster may be exercised shall comprise the pier and the area below high-water mark within a distance of seven yards from any part of the pier which limits are in this order termed "the limits of this Order" Provided always that the Corporation may make a byelaw under the section of this Order the marginal note whereof is "Byelaws" giving the piermaster power to regulate the traffic in any part of the River Medway which lies within ninety feet from any part of the works.

(2) The limits within which the power to levy rates under the Order of 1869 and this Order may be exercised shall comprise the pier and are in this Order called "the rating limits."

Works and Powers.

Power to construct works.

8. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Admiralty and the Conservators may require before the completion of the works the Corporation may on the lands and in the lines and according to the levels shown on the said plans and sections and within the limits shown on those plans make and maintain the following works:—

A pier or jetty and landing stage and the approaches thereto commencing at a point on the right bank of the River Medway about 10 feet east of the causeway known as Commodore Hard and extending in a direction approximately north-north-east

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for a distance of 800 feet and terminating in the bed of the River Medway Provided always that the piles are to be driven to a sufficient depth to render the structure secure in the event of the channel being dredged to a depth of 24 feet up to a line 90 feet from the pier head and that there is to be no deviation beyond the aforesaid limit of 800 feet notwithstanding any limit of deviation that may be shown on the deposited plans to the contrary.

The works will be constructed as open works throughout except so far as they are otherwise shown upon the said plan or section.

Power to deviate.

9. In constructing the works the Corporation may with the previous consent in writing of the Admiralty and of the Conservators deviate laterally to any extent within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Penalty for injuring works.

10. Every person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Corporation any expenses incurred by them in making good such damage.

Powers to cease in certain events.

11.—(1) If within two years from the commencement of this Order the works are not substantially commenced the powers given by this Order for executing the works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If the works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing the works or otherwise in relation thereto shall cease except as to so much of the works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Consent of Admiralty and Conservators to works below high-water mark.

12. No part of the works below high-water mark shall be commenced without the consent in writing of the Admiralty and of the Conservators having been previously obtained and those works shall be executed only in accordance with the terms of such consent.

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Power to dredge.

13.—(1) The Corporation may with the previous consent of the Admiralty and of the Conservators deepen dredge scour and excavate any portion of the foreshore and bed of the sea or river to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same Provided always that the consent of the Conservators shall not be unreasonably withheld.

(2) All sand mud and materials dredged up under the powers contained in subsection (1) of this section shall be the property of the Corporation who may from time to time sell or otherwise dispose of the same or remove or deposit the same as they may think fit Provided that no sand mud or other materials shall be laid down or deposited in any place below high-water mark without the consent in writing of the Admiralty and of the Conservators having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the pier revenue.

Power to purchase dredgers &c.

14. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of the Order of 1869 or this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.

Improvement and maintenance of pier.

15.—(1) Subject to the provisions of this Order the Corporation may with the consent of the Admiralty and of the Conservators maintain and improve the pier and in connexion therewith may from time to time construct erect maintain alter and improve all necessary embankments walls locks docks gates sluices piers quays wharves jetties landing-places railways tramways cattle-pens warehouses refreshment or other buildings and rooms roads approaches offices sheds coal-tips staiths bridges cranes weighing machines engines electric and other apparatus and machinery moorings hawsers buoys lights water-pipes and other works and conveniences.

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(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public convenience of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

(3) Any electric lighting electric power or other apparatus or machinery constructed provided or maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Power to provide pavilions &c.

16. The Corporation may erect construct and maintain upon the pier or upon any lands acquired by them under the powers of this Order pavilions and assembly rooms concert rooms reading and refreshment rooms kiosks shops shelters automatic machines and urinals and open or covered swimming and other baths with all necessary conveniences and appliances and may make such reasonable charges as they may think fit for the use thereof or for admission thereto in addition to the authorised charges for passengers and promenaders using the pier.

For protection of Conservators of River Medway.

17.—(1) The Corporation before commencing any works authorised by this Order shall deposit with the Conservators plans and sections showing the proposed works and shall at the cost of the Corporation obtain the licence of the Conservators in writing to the construction thereof and the Conservators may annex such conditions to the granting of such licence as to them shall seem right and until such licence shall have been obtained it shall not be lawful for the Corporation to commence any of the said works.

(2) No works shall be constructed other than those authorised by the licence and all works shall be constructed and maintained under and subject to the reasonable rules regulations and restrictions of the harbour-master or engineer for the time being of the Conservators and all reasonable costs charges and expenses which the Conservators may incur in connexion with the grant of any licence shall be paid to the Conservators by the Corporation on demand.

(3) Nothing contained in this Order shall take away prejudice diminish or alter any of the estates rights interests privileges liberties powers or authorities vested in or enjoyed or exerciseable by the Conservators under the Medway Conservancy Act 1881 or otherwise.

(4) Nothing contained in this section shall authorise the Conservators or their harbour-master to make any demands rules regulations or restrictions which involve any alterations in deposited plans and sections of the works authorised by this Order without the consent in writing of the Admiralty.

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Power to levy rates.

Rates.

18.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) Subject to the provisions of this Order the pier shall for the purposes of rates and for all other purposes be deemed to be part of the pier wharf and landing-place referred to in the Order of 1869 and the powers and the provisions of that Order as amended by this Order shall extend and apply to the pier.

(3) Parts I. and II. of the schedule to the Order of 1869 are hereby repealed and from and after the commencement of this Order the Corporation may subject and according to the provisions of the Order of 1869 as amended by this Order and of this Order demand receive and recover for the use of the pier by persons and vessels using the same any sums not exceeding the rates mentioned in the First Schedule to the Order annexed.

(4) So much of Part III. of the schedule to the Order of 1869 as prescribes the rate for "bricks" and for "fir pine and other descriptions not enumerated" and for "firewood wood or burnwood" is hereby repealed and from and after the commencement of this Order the Corporation may subject and according to the provisions of the Order of 1869 as amended by this Order and of this Order demand receive and recover for the use of the pier in respect of the goods described in Part III. of the schedule to the Order of 1869 and in the Second Schedule to this Order annexed any sums not exceeding the rates mentioned in Part III. of the schedule to the Order of 1869 as amended by this Order and in the Second Schedule to this Order annexed.

(5) Notwithstanding the repeals in subsections 3 and 4 of this section contained all rates and moneys due before ths commencement of this Order may be received and recovered in like manner as if this Order had not been made.

Rates for warehouses &c.

19. The Corporation may (so far as the rates specified in the schedule to the Order of 1869 and the schedules to this Order do not extend) demand receive and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards and conveniences belonging to or provided by the Corporation or in respect of any services rendered by them in connexion with the pier undertaking.

Power to vary exemptions and compound for rates.

20. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by the Order of 1869 or this Order but so that no preference be in any case given to any person over any

other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of the Order of 1869 or this Order.

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Revision of rates.

21.—(1) The rates to be received by the Corporation shall be adjusted by them in such manner that as far as possible the pier revenue shall be sufficient and not more than sufficient for the purposes of the pier.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Corporation on the average of the then three last preceding years after payment of all expenses and outgoings (including all interest payable on moneys borrowed under this Order and all instalments of money borrowed under this Order and repayable by instalments and all contributions to any sinking fund created under this Order) exceeds the amount sufficient for the purposes of this Order that Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any times raise the rates to any amount not exceeding the rates specified in the schedules to this Order annexed.

Power of Leasing.

Power to lease rates and other charges.

22.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Admiralty lease to any company corporation or person (*a*) the pier undertaking or (*b*) the rates and other charges authorised to be taken by the Order of 1869 or this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by the Order of 1869 or this Order which the Corporation have or might exercise and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under the Order of 1869 and this Order in respect of the pier undertaking.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Admiralty.

(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof respectively with the Admiralty and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

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(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of the Order of 1869 and of this Order as to the keeping and delivery of accounts in respect of the pier undertaking shall apply to and be binding upon as well the lessees as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to lease pavilions &c.

23. The Corporation may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Powers of Management.

Power to close pier on special occasions.

24.—(1) The Corporation may on any special occasion but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any person to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Corporation may think fit.

(2) On all such occasions the Corporation shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the First Schedule to this Order annexed and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Corporation shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass tickets for use of pier.

25.—(1) The Corporation may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding

one year as they may think fit or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2) The Corporation may prescribe the conditions on which pass tickets or family tickets or books of tickets are issued and the persons by whom those tickets may be issued.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A pass ticket family ticket or book of tickets shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the conditions on which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

Power to contribute to entertainments.

26. The Corporation may from time to time out of the pier revenue provide and pay for or contribute towards the payment of bands of music concerts or other entertainments on the pier or in the pavilions or other buildings thereon and subscribe towards the funds of any regatta or fête held in the immediate vicinity of the pier.

Finance.

Power to borrow.

27.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

(*a*) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole eight thousand pounds;

(*b*) With the consent of the Board of Trade such further sum or sums as may from time time be required for any of the purposes of the pier undertaking; and

(*c*) Such sum as may be required for the payment of the taxed costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the pier revenue.

Periods for repayment of money borrowed.

28. All moneys borrowed by the Corporation under the section of this Order (the marginal note whereof is "Power to borrow" shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within thirty years from the commencement of this Order;

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(*b*) As to the money borrowed for the purpose (*b*) mentioned in the last preceding section within such period not exceeding thirty years from the date of borrowing the same as the Board of Trade may prescribe;

(*c*) As to the money borrowed for the purpose (*c*) mentioned in the last preceding section within five years from the commencement of this Order. 5

Provisions of Public Health Act as to mortgages to apply.

29. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order (that is to say):— 10

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

Protection of lenders.

30. A person lending money to the Corporation shall not be concerned to enquire as to the observance by the Corporation of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent. 15

Mode of payment off of moneys borrowed.

31. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments after the date of borrowing the sum in respect of which the payment is made. 20 25

Sinking fund.

32.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— 30

(*a*) By payment to the fund throughout the prescribe period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or 35

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund." 40

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5).—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payment thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund.

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(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent in writing of that Board reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient without any further payments thereto to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent in writing of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent in writing of the Local Government Board may determine.

(12) For the purposes of this section "statutory security" means and includes any investment in which trustees are for the time being by statute authorised to invest trust money and any mortgage bond debenture or stock of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

Return as to sinking fund &c. to be made to Board of Trade.

33.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or yearly or half-yearly payment or to be appropriated or paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or yearly or half-yearly payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and

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the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

(2) The town clerk in the event of any wilful default by him in making the return under this section shall for each offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Local Government Board and shall be recoverable by that Board by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by that Board out of the High Court.

(3) If it appears to the Local Government Board by the return under this section or otherwise that the Corporation have failed to pay any instalment or yearly or half-yearly payment or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund under this Order (whether such instalment payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the Local Government Board may by order direct that the sum mentioned in that order not exceeding double the amount in respect of which the default has been made shall be paid or applied as in that order mentioned and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to re-borrow.

34.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or 5

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of money borrowed.

35. All moneys borrowed under this Order shall be applied by the Corporation only for the purposes for which the money is authorised 10 to be borrowed by this Order and to which capital is properly applicable.

Proceeds of sale of surplus lands to be treated as capital.

36. The proceeds of sale of any surplus lands of the Corporation under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished 15 as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation under this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as 20 may be approved by the Local Government Board.

Contingency fund.

37.—(1) Subject to the provisions of this Order with reference to the application of the pier revenue the Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumu- 25 lations of income) one-fifth of the aggregate capital sums for the time being expended by the Corporation in connexion with the pier undertaking to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier undertaking set apart out 30 of the revenue such a sum as they may think fit.

(2) Every sum set apart under this section shall be invested in securities in which trustees are authorised to invest money other than securities of the Corporation and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital 35 sums for the time being expended by the Corporation on the pier undertaking or is required for any of the purposes mentioned in this section.

Application of pier revenue.

38. The pier revenue shall be applied for the purposes and in the order following and not otherwise (that is to say):— 40

(1) In payment of all expenses connected with the management and maintenance of the pier including therein the payment

of a contribution towards a band of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier:

(2) In payment of interest as it accrues due in respect of moneys borrowed under this Order:

(3) In payment of the instalments as they become due of the principal and moneys so borrowed:

(4) In providing a sinking fund for the repayment of any moneys borrowed under this Order and not repayable by instalments:

(5) In creating and maintaining if the Corporation think fit a contingency fund in manner specified in the last preceding section of this Order:

(6) In repaying to the borough fund or borough rate all moneys and interest which have been paid thereout for the purposes of the pier undertaking whether in respect of moneys borrowed or otherwise:

(7) In the general improvement of the pier undertaking:

(8) Sections 9 11 and 12 of the Order of 1869 are hereby repealed.

Deficiency of pier revenue to be charged on borough fund.

39. All charges on the pier revenue which that revenue may be insufficient to meet shall be charged on and paid out of the borough fund and borough rate and the Corporation shall include in each rate the amount (if any) which it is estimated may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has occurred during any previous period.

Annual accounts to be sent to Board of Trade, 25 & 26 Vict. c. 19.

40.—(1) The Corporation shall keep a separate account of all receipts payments credits and liabilities on capital and revenue accounts respectively in relation to the pier undertaking and shall within one month after sending to the clerk of the peace a copy of their annual account in abstract send a copy of the same account to the Board of Trade and the 16th section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the end of the 31st day of March in every year.

(3) The Corporation shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

(4) Section 13 of the Order of 1869 is hereby repealed.

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Byelaws.

Byelaws.

41.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Admiralty and that allowance and confirmation shall be sufficient for all purposes provided that no byelaw relating to the navigation or user of the River Medway shall come into operation until it has received the allowance and confirmation of as well the Conservators as the Admiralty.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order or as from the commencement of this Order with the Order of 1869 Provided however that any byelaws in force at such commencement shall continue in force and have effect until the same shall be revoked by the Corporation.

Lights.

As to lights during construction of works.

42.—(1) Before commencing the works the Corporation shall apply to the Admiralty for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Admiralty and the Conservators during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such direction.

As to lights after completion of works.

43.—(1) After the completion or permanent discontinuance or abandonment of the works the Corporation shall exhibit at the outer extremity of the pier or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond with the concurrence of the Admiralty and of the Conservators and shall apply to that Corporation for such directions.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

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Provision against danger to navigation.

44.—(1) In case of injury to or destruction or decay of the works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond with the concurrence of the Admiralty and of the Conservators and shall apply to that Corporation for directions as to the means to be taken.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit to apply for or refuse or neglect to observe any such directions.

Miscellaneous.

Appointment of officers to enforce bye-laws and regulations.

45. The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Council in respect of the pier undertaking under this Order or under the Order of 1869 and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until sworn in and unless in uniform or provided with a warrant.

Recovery of penalties. 10 & 11 Vict. c. 7.

46.—(1) All penalties under the Order of 1869 or this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847 and for all the purposes of that Act the Order of 1869 and this Order shall be deemed the special Acts.

(2) All penalties recovered under the Order of 1869 or this Order by the Corporation shall be paid to the treasurer for the time being of the Corporation and be by him carried to the credit of the borough fund.

Exclusion of sections 16 to 19 of 10 & 11 Vict. c. 27.

47. Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Exemption and savings for Government departments.

48. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order and the Order of 1869 shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government department specially named in those sections.

Exemption and savings for Conservators.

49. Officers of the Conservators being in the execution of their duty shall at all times have free access to the pier with their vessels without payment and also free ingress passage and regress to over and from the pier by land without payment.

Saving rights of Crown.

50. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein mentioned authorises the Corporation to take use or in any

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manner interfere with any portion of the shore or bed 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.

Protection of War Department.

51. Nothing in this Order contained affects the rights of His Majesty's Principal Secretary of State for the War Department under an indenture of lease dated the 6th day of December 1904 and made between the Corporation of the one part and the said Secretary of State of the other part or authorises the Corporation to enter upon use or interfere with any land soil or water or with any pier landing stage or structure thereon or therein or with any interest or right in respect thereof vested in or exercised or exerciseable by the said Secretary of State or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised or exerciseable by the said Secretary of State without his previous consent signified in writing under his hand which consent the said Secretary of State is hereby authorised to give subject to such special conditions as he shall see fit to impose on the Corporation.

Saving for fishery.

52. Nothing contained in this Order shall take away lessen prejudice or alter any estate right interest power or privilege of the Court of Admiralty of the corporation of Rochester and notwithstanding the making and confirmation of this Order and the execution of the works thereunder all persons free of the Rochester Oyster and Floating Fisheries shall be entitled to trawl for floating fish and to dredge for and otherwise gather shell fish within those limits but nothing contained in this section shall authorise any person to moor vessels within those limits.

Saving in respect of departmental property.

53. Nothing herein contained shall be deemed or construed to extend to prejudice or affect any right of property or title belonging to or any of the rights privileges powers or authorities vested in or enjoyed by His Majesty or by any person or body in trust for His Majesty or by any department of His Majesty's Government or any officers of the same for the public service in the dockyard port of Chatham and Sheerness or in any foreshore bed soil or other premises or hereditaments which may at any time be vested in or be in the possession of the Crown or any department or office aforesaid nor any of the rights powers or privileges conferred on the Admiralty by the Medway Conservancy Act 1881.

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54. Nothing in this Order or the Order of 1869 contained shall prejudice or affect the powers conferred by the Dockyard Ports Regulation Act 1865 or interfere with any regulations or rules from time to time made or to be made thereunder by Order in Council.

Provisions of Dockyard Ports Regulation Act 1865 to apply.

55. From and after the commencement of this Order the pier shall for all purposes be deemed to form part of the parish and borough of Gillingham in the administrative county of Kent.

Pier to be within parish and borough of Gillingham.

56. Sections 2 and 3 of the Order of 1869 are hereby repealed.

Repeal.

57. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the pier revenue or out of money borrowed for the purposes of the promotion of this Order.

Costs of Order.

FIRST SCHEDULE.

I.—Rates on Vessels using the Pier.

	£	s.	d.
For every vessel not exceeding the burden of fifteen tons per ton	0	0	4
For every vessel exceeding the burden of fifteen tons and under fifty tons - - - per ton register	0	0	6
For every vessel of the burden of fifty tons and under one hundred tons - - - per ton register	0	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons - per ton register	0	0	10
For every vessel of the burden of one hundred and fifty tons and upwards - - - per ton register	0	1	0
All lighters for each trip - - - per ton	0	0	6
All boats entirely open landing or taking on board goods each	0	0	6

II.—Rates for use of Pier.

For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - - - -	0	0	4

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	£	s.	d.	
For every person using the pier for the purpose or walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - - - - - -	0	0	2	5
For every bath or sedan chair including driver taken on the pier for each time any sum not exceeding - -	0	0	4	
For every perambulator including driver taken on the pier for each time any sum not exceeding - - -	0	0	4	
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	0	4	10
For every master of any vessel boat or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	0	10	0	
Or if the annual sum is not paid for every time - -	0	0	1	15

III.—Rates on Passengers' Luggage Landed or Shipped or Transhipped at the Pier.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding twenty-eight pounds - -	0	0	2	20
Over twenty-eight pounds and not exceeding eighty-four pounds - - - - - - -	0	0	4	
Over eighty-four pounds and not exceeding one hundred and twelve pounds - - - - - -	0	0	5	
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds - - - -	0	0	6	25
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds - - - -	0	0	7	
Over one hundred and ninety-six pounds and not exceeding two hundredweight - - - - - -	0	0	8	30
If exceeding two hundredweight for every hundredweight -	0	0	4	
And for every twenty-eight pounds weight in addition -	0	0	1	

IV.—Rates on Carriages &c. Landed or Shipped or Transhipped at the Pier.

For every four-wheeled carriage - - - -	0	4	0	35
For every two-wheeled carriage - - - -	0	2	6	
For every bicycle or tricycle for each and every time -	0	0	2	
For every motor car - - - - - -	0	5	0	

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SECOND SCHEDULE.

Rates on goods shipped or unshipped received or delivered at the pier or the existing pier:—

	s.	d.
Bricks per 1000 - - - - - -	0	6
Wood viz.:		
Fir pine and other descriptions not enumerated per ton of 40 cubic feet - - - - -	0	4¾
Firewood wood or burnwood per fathom of 216 cubic feet - - - - - - - - -	0	3
General cargoes of groceries and provisions:—		
Not exceeding 10 tons per freight - - -	5	0
Exceeding 10 tons and not exceeding 90 tons -	10	0
For every ton in excess of 90 tons - - -	0	2

LOWESTOFT (SOUTH) PIER.

Order for authorising certain widenings and improvements of the Lowestoft (South) Pier and for other purposes.

Lowestoft (South).

Preliminary.

Short and collective titles.

1.—(1) This Order may be cited as the Lowestoft (South) Pier Order 1912.

(2) This Order and the Lowestoft (South) Pier Order 1900 may be cited together as the Lowestoft (South) Pier Orders 1900 and 1912.

Commencement of Order.

2. This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpretation.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):—

"The Company" means the Coast Development Corporation Limited;

"The Order of 1900" means the Lowestoft (South) Pier Order 1900;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The pier" means and includes the existing pier and works buildings and conveniences connected therewith belonging to to the Company and the works authorised by this Order;

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"The works" means the works authorised by this Order;

"Pier undertaking" means and includes the pier undertaking of the Company authorised by the Order of 1900 and this Order and also the right to levy rates tolls and other charges and all other rights conferred on the Company by the Order of 1900 and this Order.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Company shall be the undertakers for carrying this Order into execution.

Acquisition of Land &c.

Incorporation of Lands Clauses Acts.

5. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

6. For the purposes of the pier or the works the Company may purchase by agreement and use all or such part of the lands within the limits of deviation shown upon the plans deposited for the purpose of this Order as they may think requisite for the purposes of those works.

Lands may be acquired by agreement.

7. The Company may by agreement purchase or take on lease for the purposes of the pier and of this Order any additional lands which the Company may deem requisite or convenient not exceeding two acres and any easements rights and interests in over or affecting such lands.

Limits and Works.

Limits.

8. Section 6 of the Order of 1900 shall be repealed as from the commencement of this Order and the limits within which the Company shall have authority and within which the powers of the pier-master may be exercised (which limits shall be deemed to be the limits to which the provisions of the Order of 1900 and of this Order apply and

extend) shall comprise the pier and an area below high-water mark lying within one hundred and fifty yards from any part of the pier which limits are in this Order termed "the limits of the Company."

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Power to construct works.

9.—(1) Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works in order to prevent injury to navigation the Company may on the lands and in the lines and situation and according to the levels shown on the said plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on that plan make and maintain the following works with all necessary and convenient works accesses and conveniences connected therewith (that is to say):—

Work No. 1.—A widening alteration extension or improvement of the existing pier on the northerly side thereof commencing at a point 16 yards or thereabouts and terminating at a point 116 yards or thereabouts each measured in a seaward direction from the commencement of the existing pier;

Work No. 2.—A widening alteration extension or improvement of the existing pier on the southerly side thereof commencing at a point 16 yards or thereabouts and terminating at a point 116 yards or thereabouts each measured in a seaward direction from the commencement of the existing pier;

Work No. 3.—A widening alteration extension or improvement of the existing pier on the northerly side thereof commencing at a point 11 yards or thereabouts and terminating at a point 45 yards or thereabouts each measured in a shoreward direction from the pier-head; and

Work No. 4.—A widening alteration extension or improvement of the existing pier on the southerly side thereof commencing at a point 11 yards or thereabouts and terminating at a point 45 yards or thereabouts each measured in a shoreward direction from the pier-head.

(2) The works shall be constructed upon piers or pillars and shall be of open work construction.

Power to deviate.

10. In constructing the works the Company may with the consent in writing of the Board of Trade deviate laterally within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Works to be part of pier undertaking.

11. Subject to the provisions of this Order the works shall for the purposes of rates and for all other purposes be deemed to be part of the pier undertaking as if it had been authorised by the Order of 1900

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and the provisions of that Order so far as the same are applicable to the works and are not inconsistent with the provisions of this Order shall mutatis mutandis apply to the works.

Consent of Board of Trade to works below high-water mark.

12. No part of the works below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the works shall be constructed only in accordance with the terms of such consent.

Erection of pavilion &c.

13 The powers conferred by sections 12 and 13 of the Order of 1900 shall apply to and be exerciseable over and in respect of the works in the same manner as if the works had been authorised by and formed part of the pier mentioned in that Order.

For protection of telegraphic lines of Postmaster-General.

14. Any electric lighting apparatus or electric mains and works constructed or maintained under the Order of 1900 or this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Powers of Sale and Leasing.

Power to sell.

15.—(1) The Company may (if authorised so to do by their Memorandum and Articles of Association and subject to the powers and provisions thereof) with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Order which the Company have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under this Order.

(2) The Company shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

Power to lease undertaking or rates.

16.—(1) The Company may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (*a*) the pier undertaking or (*b*) the rates and other charges authorised to be taken by the Order of 1900 and this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the

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powers conferred upon the Company by the Order of 1900 and this Order which the Company have or might exercise under the Order of 1900 and this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under the Order of 1900 and this Order.

(3) No lease made under subsection 1 of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Company shall within one month after the date of any lease made under this section deposit a certified copy thereof respectively with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Company from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with the Order of 1900 or this Order and of the Order of 1900 as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under the Order of 1900 and this Order.

(7) Section 28 of the Order of 1900 is hereby repealed.

Power to lease pavilions &c.

17. Notwithstanding anything in section 13 of the Order of 1900 the Company may let for hire or lease for any term not exceeding fourteen years any pavilions rooms aquaria shops bazaars saloons kiosks baths sheds warehouses lavatories or other buildings and conveniences separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions as they think fit.

Miscellaneous.

Appointment of officers to enforce bye-laws and regulations.

18. The Company may appoint officers for securing the observance of the byelaws and regulations made by them under the Order of 1900 and this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

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Application of Act. 10 & 11 Vict. c. 27.

19.—(1) For all the purposes of the Harbours Clauses Act 1847 this Order shall subject to the provisions of the Order of 1900 as applied to this Order be deemed the special Act.

(2) Sections 84 and 85 of the Harbours Clauses Act 1847 are not incorporated with the Order of 1900 or this Order. 5

(3) Sections 16 to 19 inclusive and sections 25 and 26 of the Harbours Clauses Act 1847 are not incorporated with this Order.

Works to be in parish of Kirtley.

20. The pier shall be deemed to be for all purposes within the parish of Kirtley or Kirkley and borough of Lowestoft in the county of East Suffolk. 10

Cost of Order.

21. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company.

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INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Annagassan Lossiemouth and Macduff. A.D. 1912.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty 10 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:—

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed and all the 15 provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act 1912. Short title.

20 **3.**—(1) The Undertakers named in the Annagassan Pier and Harbour Order hereby confirmed shall not under the powers of that Order purchase or acquire any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the Restriction on power to take houses of working class under Annagassan

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working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the said Undertakers acquire or appropriate any house or houses for the purposes of the said Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that any court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

The SCHEDULE of Orders.

1. ANNAGASSAN.—Incorporation of Harbour Commissioners and construction of pier, &c.

2. LOSSIEMOUTH.—Incorporation of Harbour Commissioners and construction of pier, &c.

3. MACDUFF.—Construction of pier, &c.

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Provisional Order for incorporating Commissioners for the Harbour of Annagassan in the County of Louth and for the Construction of a Pier and other Works and the Improvement Maintenance and Regulation of the Harbour.

Preliminary.

1. This Order may be cited as the Annagassan Pier and Harbour Order 1912. Short title.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order. Commencement.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):— Interpretation.

"The works" means the works shown on the deposited plan and authorised by this Order;

"The harbour" means the works and the area lying below high water mark which is comprised within the limits of this Order;

"The pier" means the Work No. 1 authorised by the section of this Order the marginal note whereof is "Description of works";

"The undertaking" means the works and the right to levy tolls rates and other charges and all other rights and powers conferred upon the Commissioners incorporated by this Order;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The Department" means the Department of Agriculture and Technical Instruction for Ireland;

"The county council" means the county council of the county of Louth;

"The Commissioners" means the Annagassan Pier Commissioners incorporated by this Order;

"The office" means the office for the time being of the Commissioners;

"The clerk" means the clerk for the time being to the Commissioners;

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"Ratepayers" means and includes all persons whose names are for the time being entered in the roll of voters for parliamentary purposes for the divisions of the county of Louth;

"The deposited plan" and "the deposited sections" mean respectively the plan and the sections deposited with reference to this Order with the Board of Trade. 5

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire. 10 15

Undertakers.

Undertakers.

4. The Annagassan Pier Commissioners as incorporated by this Order shall be the Undertakers for carrying this Order into execution. 20

Incorporation and Constitution of Commissioners.

Incorporation of Commissioners.

5. For the purpose of carrying this Order into execution there shall be a body of Commissioners not exceeding nine in number to be constituted as in this Order provided and those Commissioners and their successors are hereby incorporated by the name of the Annagassan Pier Commissioners and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take on lease hold and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order. 25 30

Incorporation of Commissioners Clauses Act 1847.

6. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors except as expressly varied by or inconsistent with this Order. 35

First Commissioners named.

7.—(1) The following nine persons shall be the first Commissioners:—

1. Michael Meade of Castlebellingham county Louth farmer.
2. Patrick Magee of Charleville county Louth farmer.
3. Patrick Byrne of Dromiskin county Louth farmer. 40

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4. Charles Dougherty King of Annagassan county Louth merchant.
5. John Hoey of Annagassan county Louth merchant.
6. Peter McGuinness of Annagassan county Louth merchant.
7. Joseph Sylvester Harmon of Salterstown county Louth farmer.
8. Matthew Clinton of Annagassan county Louth merchant.
9. Charles John Thornhill of Castlebellingham county Louth brewer.

(2) The first Commissioners shall come into office immediately on the commencement of this Order and shall go out of office on the first Monday in July one thousand nine hundred and fourteen.

Constitution of Commissioners.

8.—(1) As on and from the first Monday in July one thousand nine hundred and fourteen there shall be one trustee nominated by the Department and eight trustees nominated by the county council in this Order called "Nominated Commissioners."

(2) The county council shall on or before the third Monday in June one thousand nine hundred and fourteen and in every third year thereafter by notice in writing delivered to the clerk nominate eight persons being of the age of twenty-one years or upwards to be Commissioners and the Commissioners so nominated shall come into office on the first Monday in July following their nomination and shall go out of office on the first Monday in July in the third year thereafter.

(3) Three of the persons to be so nominated by the county council shall be members of the county council at the date of their nomination and are in this Order called "Council Commissioners."

(4) Three other of the persons to be so nominated by the county council shall be ratepayers resident at the date of their nomination within five miles measured in a straight line from the commencement of the pier and are in this Order called "Local Commissioners."

(5) The other two of the persons to be so nominated by the county council shall be ratepayers resident at the date of their nomination in the county of Louth and are in this Order called "County Commissioners."

(6) The Department shall on or before the third Monday in June one thousand nine hundred and fourteen and in every third year thereafter by notice in writing delivered to the clerk nominate a person being of the age of twenty-one years or upwards to be a Commissioner The person so nominated (in this Order called the "Department Commissioner") shall come into office on the first Monday in July following his nomination and shall go out of office on the first Monday in July in the third year thereafter.

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(7) The clerk shall within forty-eight hours after receiving notice of the nomination of any person to be a Commissioner give notice in writing to the person so nominated of his nomination.

Vacancies.

9.—(1) In the event of the death or resignation before the first Monday in July one thousand nine hundred and fourteen of any of the first Commissioners other than the said Charles John Thornhill or of any successor to any of the first Commissioners other than the said Charles John Thornhill the clerk shall forthwith give notice in writing to the county council of such vacancy and the county council shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate some person being of the age of twenty-one years or upwards to be a Commissioner in the place of the Commissioner so dying or retiring and the Commissioner so nominated shall hold office for so long only as the Commissioner whose vacancy he fills would have retained the same if the vacancy had not occurred.

(2) In the event of a casual vacancy occurring after the first Monday in July one thousand nine hundred and fourteen among the nominated Commissioners by reason of the death or resignation of a nominated Commissioner the clerk shall forthwith give notice in writing of such vacancy to the county council and the county council shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate a duly qualified person to fill the vacancy according as the person so dying or retiring was a council Commissioner a local Commissioner or a county Commissioner and the Commissioner so nominated shall hold office for so long as the Commissioner whose vacancy he is nominated to fill would have held office if the vacancy had not occurred.

(3) Upon the death or resignation of Charles John Thornhill or any other Department Commissioner the clerk shall forthwith give notice in writing thereof to the Department and the Department shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate a person being of the age of twenty one years or upwards to be a Commissioner and the person so nominated shall hold office so long as the Department Commissioner whose vacancy he is nominated to fill would have held office had the vacancy not occurred.

Renomination quorum and resignation.

10.—(1) A retiring Commissioner shall be eligible for renomination.

(2) A quorum for a meeting of the Commissioners shall be five.

(3) A Commissioner may resign office at any time by giving notice in writing of his resignation to the clerk.

Validity of acts of Commissioners.

11.—(1) The Commissioners may act notwithstanding any vacancy in their body so long as the number of the Commissioners is not reduced below six but not further or otherwise.

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(2) Every act of the Commissioners or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

Meetings.

12.—(1) The Commissioners need not hold monthly meetings but they may hold meetings at any time and place they think fit.

(2) The Commissioners shall hold at least two meetings in every year.

(3) The first meeting of the Commissioners shall be held on the second Thursday after the commencement of this Order at the Lace School Annagassan or other convenient place at Annagassan at eleven o'clock in the forenoon.

(4) The annual meeting of the Commissioners shall be held at such time and place in the month of May as may be fixed by the Commissioners.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(6) The clerk on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any three of the Commissioners shall cause a special meeting to be called within forty-eight hours and to be held within seven days after the receipt of such requisition.

(7) Two shall form a quorum for any committee of the Commissioners.

Limits.

Limits.

13.—(1) The limits within which the Commissioners shall have authority to levy rates and within which the powers of the harbour master may be exercised (in this Order called "the harbour") shall comprise the works and an area lying within an imaginary line commencing at a point where an imaginary line forming the prolongation in a straight line of the eastern boundary fence of the garden belonging or reputed to belong to Thomas Sharkey meets the high-water mark of ordinary spring tides on the shore of Dundalk Bay in the townland of Linns and proceeding seaward in a north-easterly direction for a distance of three hundred and seventy-three yards or thereabouts thence in an easterly direction for a distance of two hundred and sixty-three yards or thereabouts thence in a southerly direction for a distance of seven hundred and seven yards or thereabouts towards the north-east corner of Annagassan House in the townland of Dillonstown until it reaches the line of high-water mark of ordinary spring tides thence in a north-westerly direction following the line of high-water

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mark until it reaches a point forty yards or thereabouts eastward of the north corner of the lime kiln belonging or reputed to belong to Charles Dougherty King thence in a westerly direction for a distance of forty yards or thereabouts to the north corner of the said kiln thence in a south-westerly direction for a distance of forty-seven yards or thereabouts until it reaches the line of high-water mark of ordinary spring tides on the north-eastern bank of the River Glyde thence following the line of high-water mark in a south-easterly direction along that bank until it reaches the western face of Annagassan Bridge thence crossing the said river along the north-western face of the said bridge to the line of high-water mark of ordinary spring tides on the south-western bank of the said river thence in a north-westerly direction for a distance of twenty-five yards or thereabouts along the line of high-water mark of ordinary spring tides on the south-western bank of the said river thence in a straight line for a distance of one hundred and twenty yards or thereabouts to the north-eastern edge of the public road in the townland of Linns leading from Annagassan to Castlebellingham opposite the south-eastern corner of the dwelling house belonging or reputed to belong to John Hoey thence in a north-westerly direction along the north-eastern edge of the said public road to the north-western extremity of the fence wall separating the said public road from the said river thence in a northerly direction for a distance of one hundred and seventy-three yards or thereabouts to the line of high-water mark of ordinary spring tides on the west bank of the said river thence following the line of high-water mark to and terminating at the point of commencement.

(2) A map or plan showing the above limits having been signed in quadruplicate by an Assistant Secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited with the clerk of the peace for the county of Louth another copy thereof shall be deposited with the secretary of the county council and the remaining copy thereof shall be deposited at the office.

(3) In case of any discrepancy between the limits delineated on the said map or plan and the limits described in sub-section (1) of this section the said map or plan shall be deemed to be correct and shall prevail.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

14. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with and form part of this Order and for the purposes of that incorporation the expression "special Act" in those Acts shall mean this Order.

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15. For the purposes of the works the Commissioners may from time to time by agreement enter on take and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as the Commissioners may think requisite for the purposes of the works.

Power to take lands by agreement.

16. The Commissioners may (in addition to the lands by the preceding section authorised to be taken by them) by agreement purchase lease acquire and hold for the purpose of beaching boats or for extraordinary purposes connected with the undertaking any lands not exceeding in the whole one acre but nothing in this section shall exempt the Commissioners from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Lands for extraordinary purposes.

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

Power to take easements &c. by agreement.

Works and Powers.

18. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Commissioners may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and the deposited sections make and maintain the works.

Power to construct works.

19. The works will be situate on the foreshore and bed of the sea of Dundalk Bay in or adjacent to the county of Louth and are:—

Description of works.

Work No. 1 A pier of solid construction commencing at a point eighty yards or thereabouts measured in a northerly direction from the lime kiln belonging or reputed to belong to Charles Dougherty King and terminating at a point sixty-seven yards or thereabouts measured in a southerly direction from the point herein-before described as the commencement of the pier:

Work No. 2 A breakwater of solid construction adjoining and extending along the eastern side of the pier above described

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commencing at a point one hundred and eighty yards or thereabouts measured in a northerly direction from the above-named lime kiln and terminating at a point one hundred and seventy-five yards or thereabouts measured in a southerly direction from the point herein-before described as the commencement of the breakwater:

Work No. 3 A new cut being a straightening widening and deepening of the channel of the River Glyde for a distance of four hundred and fifty yards or thereabouts commencing at a point marked X on the deposited plan and terminating at a point marked Y on the said plan:

Work No. 4 The dredging a portion of the channel of the River Glyde and the foreshore of Dundalk Bay for the formation of a basin or pool one hundred and fifty yards or thereabouts in length adjoining and on the western side of Works Nos. 1 and 2 above described.

Department may execute certain of the works.

20.—(1) In the event of any agreement entered into before or after the commencement of this Order by the Department in pursuance of the Grand Jury (Ireland) Act 1836 Amendment Act 1908 providing for the contribution by the Department out of funds at their disposal of a sum or sums of money towards the expenses of the construction of such of the works as may be specified in such agreement the work or works so specified may if the Department so elect be carried out by the Department or shall if not executed by the Department be carried out under the supervision of the Department.

(2) If the Department elect to carry out any work or works as aforesaid they may for that purpose exercise such of the powers by this Order conferred upon the Commissioners as may be necessary in that behalf.

Power to deviate.

21. In constructing the works the Commissioners may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to maintain and improve works.

22.—(1) Subject to the provisions of this Order the Commissioners may maintain and from time to time with the consent of the Board of Trade alter and improve the works and in connection with the works may with the like consent construct alter improve and renew embankments excavations landing-places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also

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from time to time lay down and maintain rails tramways sidings and turn-tables on and along the works and land connected therewith and may take down or remove portions of the works and may provide motive power for tramways.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

(3) Before making any application for the consent of the Board of Trade under this section the Commissioners shall obtain the consent of the Dundalk Harbour Commissioners to such application which consent shall not be unreasonably withheld Any difference or question as to whether such consent is unreasonably withheld or otherwise arising under this section between the Commissioners and the Dundalk Harbour Commissioners shall on the application of either party be determined by the Board of Trade.

For protection of telegraphs.

23. Any electric lighting or other apparatus constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Consent of Board of Trade to works.

24. No part of the works below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

25. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

26.—(1) If within two years after the commencement of this Order the works are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

(2) If the works after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

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(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate. 5

Works Nos. 1 and 2 to be public property in certain event.

27. In the event of the county council contributing a sum or sums of money for the construction of the Works Nos. 1 and 2 authorised by this Order and the works connected therewith such works shall under the provisions of sections 67 and 68 of the Local Government (Adaptation of Irish Enactments) Order 1899 be deemed to be and 10 shall become public property within the meaning and for the purposes of section 18 of the Local Government (Ireland) Act 1898 and of the Acts in that section mentioned and the county council on the one hand and the Commissioners on the other hand may enter into agreements for the management and maintenance of the said works Provided 15 that any such agreement shall not have any operation until the same has been approved by the Board of Trade.

Management.

Power to construct warehouses &c.

28. The Commissioners may subject to the provisions of this Order purchase lease construct and maintain any houses warehouses 20 offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connection with the works for the accommodation of vessels using the harbour and the works and traffic landed at or embarked from the same and the convenient working thereof. 25

Power to dredge.

29.—(1) The Commissioners may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway within the harbour and approach to the works for vessels using the same.

(2) All sand mud and other materials dredged up or removed 30 under the powers of this section shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade 35 having been first obtained.

(3) All moneys arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied, 40

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30. The Commissioners may for the purposes of this Order provide purchase lease hire and use such steam or other dredgers eroders engines tugs lighters vessels machinery and apparatus as they think necessary and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Power to purchase or hire dredgers &c.

31. The Commissioners may provide maintain and employ ferry or other boats for the conveyance of passengers animals and goods to and from any part or parts of the harbour and from or to vessels to or from the works when owing to stress of weather or any other cause vessels are prevented from entering the harbour or mooring alongside the works.

Power to provide ferry boats.

Rates.

32. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works have been given the Commissioners may within the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the works and the conveniences connected therewith and in respect of passengers vessels boats goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to levy rates.

33. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Commissioners that the works have been so far completed as to afford increased accommodation for the purposes for which those works may be used the Commissioners may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Rates may be levied though works not completed.

34. The Commissioners may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the

Power to vary exemptions and compound for rates.

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harbour or the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for warehouses &c.

35. The Commissioners may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Commissioners or in respect of any services rendered by them in connection with the harbour or the works.

Supply of and rate for water.

36. If and so long as the Commissioners shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour or the works a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them.

Ballast for vessels.

37. The Commissioners may supply and remove ballast for the accommodation of vessels within the harbour or permit the master or owner of any vessel within the harbour to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Commissioners of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order.

Provision as to rates for protection of Dundalk Harbour.

38. Notwithstanding anything in the preceding sections of this Order contained the rates to be charged by the Commissioners under this Order in respect of vessels animals and goods specified in Parts I. to VI. of the schedule to this Order or for water or ballast shall not at any time be less than the rates on vessels and on goods and animals of a similar description or for water or ballast for the time being in force at Dunkalk Harbour whenever and so long as the last-mentioned rates do not exceed the maximum rates therefor respectively authorised by this Order Provided always that the combined rates to be levied and collected under the schedule on vessels and on goods and animals shall in no case be less at Annagassan than at Dundalk.

Anchoring of vessels within harbour.

39. No vessel shall without the consent of the Commissioners or their harbour-master anchor within the harbour.

Master of fishing-vessel to report take of fish.

40.—(1) The master or owner of every vessel or boat (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the harbour furnish to the collector of rates or the harbour-master a true and correct statement of his take or cargo of fish and the name of any person obtaining delivery thereof.

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(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Harbour-master may prevent sailing of vessels.

41. The harbour-master may prevent the removal or sailing from within the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence shall have been produced to him of the payment of those rates to the collector of rates and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in a statement of his take or cargo of fish required by this Order.

Provisions as to collection of rates on white fish fresh herrings and mackerel.

42.—(1) The Commissioners may levy demand receive and recover the rates for white fish fresh herrings and mackerel direct from the sea and transhipped or unshipped within the harbour either from the fish salesman or auctioneers who dispose of such fish or from the person purchasing or receiving delivery of the same (otherwise than as carriers) from any vessel.

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and shall when required furnish the Commissioners or the collector of rates with a true account under his hand of the quantity of such fish and verify the same by the production of his books accounts and other documents to the Commissioners or to the collector of rates.

(3) If any such fish salesman auctioneer purchaser or receiver shall when so required refuse or fail to give and verify such an account or shall give or subscribe a false account he shall be liable to a penalty not exceeding ten pounds for each offence.

Exemptions and savings for Government Departments.

43. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections.

Certain fishing vessels under stress of weather exempt from rates.

44. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

45. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using

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the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the harbour and the works.

Board of Trade may reduce rates.

46.—(1) Subject to the provisions of this Order the rates to be levied by the Commissioners shall be adjusted by them in such a manner that as far as possible the income derived from the rates leviable by the Commissioners shall be sufficient and not more than sufficient for the purposes of this Order.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Commissioners on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board may subject to the provisions of this Order if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Power to Lease.

Power to lease sheds &c.

47. The Commissioners may let for hire or lease for any term not exceeding seven years any sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

Byelaws.

48.—(1) The byelaws which may from time to time be made by the Commissioners in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Financial.

Application of tolls and rates for pier.

49. The tolls and rates to be received by the Commissioners in connection with the use of the pier shall be kept distinct from the other rates received by the Commissioners under this Order and shall be

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accounted for by the Commissioners to the county council and applied by the Commissioners in such manner as the county council shall direct.

Annual statement need not be printed.

50. It shall not be obligatory on the Commissioners under section 90 of the Commissioners Clauses Act 1847 as incorporated with this Order to cause the statement and accounts therein mentioned to be printed and notwithstanding anything in that Act the same person may be clerk treasurer and harbour master to the Commissioners.

Application of revenue.

51. The revenue received from rates or otherwise under this Order with the exception of the tolls and rates received by the Commissioners in respect of the use of the pier authorised by this Order shall be applicable for the purposes and in the order following and not otherwise:—

(1) In payment of the costs of and connected with the preparation and making of this Order:

(2) In payment of the expense of and connected with the management and maintenance of the undertaking other than the pier:

(3) In repayment to the county council of any sum or sums of money advanced by them for the construction of the Works Nos. 1 and 2.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Commissioners in the improvement of the harbour and the works (other than the Works Nos. 1 and 2) and the works and conveniences used in connection with the harbour.

Appointment of an auditor.

52.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this order.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

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Annual account to be sent to Board of Trade.

53.—(1) The Commissioners shall within one month after sending to the clerk of the peace for the county of Louth the copy of the annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 5

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

(3) The account shall be made up to the end of the thirty-first day of March in each year. 10

Life-Saving Apparatus.

Provision for life-saving apparatus.

54.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Commissioners shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. 15

(3) If the Commissioners fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 20

Life-saving apparatus may be attached to works.

55. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the works. 25

Lifebuoys to be kept.

56. The Commissioners shall at all times keep at convenient places on the works and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use. 30

Lights.

Lights during construction of works.

57.—(1) Before the works are commenced the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by 35

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the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

Lights after completion of works.

58.—(1) After completion or permanent discontinuance or abandonment of the works the Commissioners shall exhibit at the outer extremity of the works or the completed portion thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to those commissioners for such directions.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

As to buoys and lights in case of decay of works.

59.—(1) In case of injury to or destruction or decay of the works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Commissioners of Irish Lights and shall apply to those commissioners for directions as to the means to be taken.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

Meters and weighers.

60. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Commissioners to be a local authority.

61. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Application of Harbours Clauses Act 1847.

62. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be the special Act.

Recovery of penalties.

63. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

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Officers exempt from rates.

64. Officers of the Board of Trade and police officers acting in the exercise of their duty shall at all times have free ingress passage and egress to along and from the harbour and the works without payment.

Crown rights.

65. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of 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).

Works to be in parish of Drumcar.

66. The works shall be deemed to be for all purposes within the parish of Drumcar in the county of Louth.

Costs of order.

67. All the costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners.

SCHEDULE referred to in the foregoing Order.

I.—Rates on Vessels (other than Fishing Vessels) Anchoring or Mooring within the Harbour.

		s.	*d.*
For every vessel to or from all ports or places coastwise to load or unload - - - - -	- per register ton	0	4
For every such vessel not loading or unloading	- per register ton	0	2
For every such vessel to or from oversea ports or places to load or unload - - - - -	- per register ton	0	6
For every such vessel not loading or unloading	- per register ton	0	2½

II.—Rates for Mooring Anchors and Ballast Charges.

For every vessel made fast to mooring anchor - - -		1	0
For ballast supplied to any vessel - - -	- per ton	2	0
For ballast put out of any vessel - - -	- per ton	2	0

III.—Rates for Lights.

	s.	d.
For every vessel entering the harbour - - per register ton	0	0¼
For every vessel engaged in the herring or mackerel fishery and using the pier for the period of the fishery season - -	2	0

Rates for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

As to Rates in Parts I. II. and III.

In the case of vessels belonging to owners engaged in a regular trade to the harbour and making not less than fifty calls between the first day of January and the thirty-first day of December in any one year at Annagassan there shall be charged per register ton in respect of each such vessel or of any vessel the property of or chartered by the same owner substituted for such vessel on any trip not more than one-half of the actual tonnage rates for the time being in force Provided always that up to fifty calls the rates shall be paid in full and on the completion of fifty calls one moiety of such rates already paid shall be repaid to the owners.

For vessels sailing from the harbour and put back by stress of weather without having accomplished the voyage no additional rates shall be charged on such return.

IV.—Rates for Water.

	s.	d.
For each 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel - - -	0	1
Any vessel engaged in the herring or mackerel fishery and requiring water may pay as a composition for the period of the fishery season - - - - - -	2	6

V.—Rates on Fishing Vessels Anchoring or Mooring within the Harbour.

	s.	d.
Every vessel engaged in the herring or mackerel fishery as a composition in full of the tonnage duty for the period of the fishery season payable in advance - - - -	17	0
Every vessel loading or discharging herrings or mackerel not paying the aforesaid composition shall on each occasion pay	1	8
And when not loading or unloading - - -	0	10
Other fishing vessels loading or discharging each time each	2	0

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	s.	d.
Other fishing vessels not loading or unloading - - each	1	0
Other fishing vessels when above fifteen tons register to be charged according to tonnage dues for vessels as in Part I.		
Each white fishing vessel for season commencing 1st October may pay annually in advance as a composition—		
if manned by more than four hands - - -	10	0
if manned by four hands or less - - - -	5	0

VI.—Rates on Animals and Goods Loaded or Unloaded within the Harbour.

		s.	d.
Ale or beer	per 56 gallons	0	6
,, bottled	per cwt.	0	2
Bacon	per ton	1	4
Bark	per ton	1	0
Barrels empty not being returned packages	each	0	0½
Beef or pork	per ton	1	4
,,	per 224 lbs.	0	2
Biscuits	per ton	1	0
Blocks under 10 inches	per dozen	0	3
,, 10 inches and above	per dozen	0	6
Blubber	per 252 gallons	1	0
Boats	each	1	0
Bone dust	per ton	1	0
Bones	per ton	0	6
Bottles	per gross	0	2
Bricks of all sorts	per 1,000	1	0
Brooms	per dozen	0	1
Butter	per cwts.	0	9
Carriages four wheels	each	2	0
,, two wheels	each	1	0
Carts	each	0	6
Casks empty not being returned packages	each	0	3
Cattle viz.:—			
Bulls	each	1	6
Calves	each	0	6
Cows and oxen	each	1	0
Horses	each	1	6
Pigs	each	0	6
Sheep	each	0	6
Lambs	each	0	3
Chalk	per ton	0	8
Cinders	per ton	1	0

		s.	d.
Clay (fire) manufactured	per ton	0	6
Clay common	per ton	0	2
Cloth haberdashery &c.	per cwt.	0	2
Clover seeds	per ton	2	0
Coals	per ton	0	10
Copper	per ton	1	4
Corks	per cwt.	0	2
Corn	per 100 lbs.	0	1
Crystal	per cwt.	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs	each	0	2
Drugs	per cwt.	0	3
Earthenware	per cwt.	0	2
Eggs	per cwt.	0	2
Empty barrels not being returned	each	0	0½
Feathers	per cwt.	0	6
Fish :—			
(*a*) Other than herrings mackerel and shell fish :—			
Dried or salted	per cwt.	0	3
In pickle and undried	per cwt.	0	3
Fresh brought for sale for every shilling in value		0	0½
(*b*) Herrings and mackerel fresh	per 37½ gallons	0	3
,, ,, cured	per 26⅔ gallons	0	4
(*c*) Shell fish lobsters or crabs	per dozen	0	3
,, other than lobsters	per bushel	0	6
Flax and tow	per ton	1	4
Flour	per 280 lbs.	0	2
,,	per 100 lbs.	0	1½
Geese alive	each	0	0½
Glass	per cwt.	0	3
Grass seeds	per 100 lbs.	0	0½
Groceries viz. :—			
Almonds figs cinnamon currants pepper pimento plums prunes raisins and the like	per cwt.	0	3
Guano	per ton	0	8
Gunpowder and other explosives	per 100 lbs.	0	6
Hardware	per cwt.	0	3
Hares and rabbits	per dozen	0	3
Any less quantity	-	0	1
Harrows	per pair	0	6
Hay	per ton	1	0
Hemp	per ton	1	4

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		s.	d.
Hides :—			
Ox cow or horse salted or dried	per dozen	0	6
Sheep lamb or calves' skins	per dozen	0	3
Hooks reaping	per dozen	0	2
Hoops of wood bent per 24		0	0½
,, ,, straight per 120		0	0½
Household furniture new	per cwt.	0	2
Husbandry utensils not enumerated	per ton	0	2
Iron :—			
Bolt bar rod or hoop	per ton	1	0
Manufactured	per ton	1	4
Old or pig	per ton	0	8
Kelp	per ton	0	8
Lead all kinds	per ton	1	4
Leather	per ton	1	4
Lime	per ton	1	4
Limestone	per ton	0	3
Machinery	per cwt.	0	2
Manures	per ton	1	0
Meal	per 280 lbs.	0	1½
Musical instruments	per cwt.	0	3
Oakum	per ton	1	0
Oilcake	per ton	1	0
Oils	per 252 gallons	1	0
,,	per 36 gallons	0	3
Ores :—			
Copper iron lead and other ores	per ton	0	8
Paints	per ton	0	8
Peats	per ton	0	3
Pitch	per 36 gallons	0	3
Ploughs	each	0	3
Porter	per 56 gallons	0	6
,, bottled	per cwt.	0	2
Pot barley	per 280 lbs	0	2
Pots pans kettles	per cwt.	0	2
Poultry including pigeons game &c.	per dozen	0	3
Any less quantity		0	1
Rags	per ton	2	0
Rape cakes	per ton	0	8
Ropes and cordage old	per ton	1	8
,, ,, ,, any other	per ton	1	0
Salt	per ton	0	6
Scythes	per doz.	0	3

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			s.	d.
	Seeds flax and rape in bulk	per 100 lbs.	0	2
	„ garden	per ton	1	4
	Slates under size	per 1000	0	6
5	„ sizeable	per 1000	0	10
	„ over size	per 1000	1	5
	Soap	per ton	1	8
	Snuff	per cwt.	1	6
	Spades and shovels	per doz.	0	2
10	Spirits	per 56 galls.	3	0
	Steel	per ton	2	0
	Stones :—			
	Rubble	per 16 cubic feet	0	1
	Hewn ashlar freestone or limestone	per 16 cub. ft.	0	2
15	Rough ashlar freestone	per 16 cub. ft.	0	1
	Pavement not exceeding 3 inches thick	per 70 superficial ft.	0	1
	Pavement above 3 inches thick	per 16 cub. ft.	0	1
	Kerb pavement and building	per ton	0	1
	Paving setts	per ton	0	1
20	Scythe stones	per score	0	1
	Flagstones	per ton	0	1
	Mill stones	each	0	8
	Stucco	per ton	0	6
	Sugar	per cwt.	0	3
25	„	per ton	1	4
	Tar	per 36 galls.	0	2
	Tea	per 80 lbs.	1	0
	Tiles roofing	per 1000	1	0
	Tiles or pipes for draining	per 1000	1	0
30	Tin of all kinds	per ton	1	3
	Tobacco	per cwt.	1	6
	Treenails under 2 feet in length	per 1000	0	6
	„ exceeding 2 feet in length	per 1000	1	0
	Turnips	per ton	0	10
35	Turpentine	per 36 galls.	0	3
	Vegetables :—			
	Potatoes	per ton	0	9
	Turnips	per ton	0	10
	Others	per 14 lbs.	0	2
40	Vinegar	per 56 galls.	0	6
	Vitriol	per 36 galls.	0	2
	Whalebone	per ton	2	6
	Wheels	per pair	0	4
	Whitening	per ton	0	6
45	Wine	per 56 galls.	3	0

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		s.	d.
Wine bottled	per cwt.	0	6
Wood of all kinds for every pound sterling value (including invoice freight and duty when landed)		0	6

Or in the option of the Commissioners the rates following:—

		s.	d.
Fir, pine, and other descriptions not enumerated	per 50 cubic feet	1	0
Oak or wainscoat	per 50 cubic feet	1	6
Firewood	per 216 cubic feet	0	4
Lath and lathwood	per 216 cubic feet	2	6
Handspikes	per 120	1	6
Oars	per 120	2	6
Spars under 22 feet in length above $2\frac{1}{2}$ and under 4 inches in diameter	per 120	2	6
Spars $2\frac{1}{2}$ inches in diameter and under	per 120	1	4
Spars 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	6	6
Spars all length above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Spokes of wheels exceeding 2 feet in length	per 120	0	6
Wedges	per 1000	1	0
Pipe staves and others in proportion	per 100	1	0
Lignum vitæ fustic logwood mahogany and rosewood	per ton	1	4
Wool	per cwt.	0	4
Yarn	per ton	1	8
Zinc	per ton	1	4

All other goods not particularly enumerated in the above table:—

		s.	d.
Light goods	per cwt.	0	3
Heavy goods	per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures or quantities than those above specified a proportion of the respective rates shall be charged.

VII.—Rates on Passengers and Passengers' Luggage.

(1) *Passengers.*

	s.	d.
For every passenger or other person who shall land from or embark on any vessel within the harbour for each and every time	0	2

(2) *Passengers' Luggage.*

	s.	d.
For each trunk portmanteau box parcel or package within the description of luggage over 28 lbs. and not exceeding 84 lbs.	0	3
And in addition for every 20 lbs. exceeding 84 lbs. - -	0	1

VIII.—Rates for the use of Cranes Weighing Machines Warehouses Sheds &c.

(1) *Cranes.*

All goods or packages not exceeding one ton - - -	0	4
Exceeding one ton and not exceeding two tons - -	0	6
Exceeding two tons and not exceeding three tons - -	0	8
Exceeding three tons and not exceeding four tons - -	0	10
Exceeding four tons and not exceeding five tons - -	1	0
Exceeding five tons and not exceeding six tons - -	1	2
Exceeding six tons and not exceeding seven tons - -	1	4
Exceeding seven tons and not exceeding eight tons - -	1	6
Exceeding eight tons and not exceeding nine tons - -	1	10
Exceeding nine tons and not exceeding ten tons - -	2	4
Exceeding ten tons - - - - - - -	3	6

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton - -	0	2

(3) *Warehouses Sheds &c.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any warehouse or shed or on any part of the Work No. 1 for a longer time than forty-eight hours the sum of 3*d.* and the sum of 1½*d.* per 40 cubic feet or per ton for each day during which such goods shall remain after the first forty-eight hours.

For any portmanteau trunk or other article of passengers' luggage for each day or part of a day after the first twenty-four hours - - - - - - - -	0	2
All vessels using warps - - - per registered ton	0	0¼

Planks :—

Long - - - - - - - per pair	3	0
Short - - - - - - - per pair	1	0

The long planks to be paid for by vessel and the short planks by merchant.

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(4) *Cattle Yards.*

	s.	d.
For cattle each per day - - - - - -	0	1½
For horses each per day - - - - - -	0	1
For pigs each per day - - - - - -	0	0½
For sheep each per day - - - - - -	0	0½

(5) *Charges for use of Beaching Ground.*

	£	s.	d.
For every fishing or other boat beached or laid up on ground provided for the purpose by the Commissioners payable in advance per off season as same may be fixed by the Commissioners - - - - -	0	10	0
Each additional month or part thereof beyond said off season or at any other time - - - - -	0	2	0
For every other vessel beached or laid up for repairs or other purposes payable in advance for every month or part thereof—			
Vessels under 20 tons - - - - -	0	5	0
Vessels over 20 tons and under 50 tons of registered tonnage - - - - - -	0	10	0
Vessels over 50 tons of registered tonnage - -	1	0	0

Notes with reference to the foregoing Schedule.

No rates shall be charged for the following goods namely—returned empty bottles casks bags and packsheets and goods returned to the original shippers in the original state.

In weighing and measuring goods for ascertaining the rates payable the weight or measurement of the packages is to be included and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single package shall be one penny.

LOSSIEMOUTH OLD HARBOUR.

Lossiemouth Old Harbour.

Order for the Incorporation of Harbour Commissioners and the construction maintenance and regulation of Works for a Boat Shelter at the Harbour of Lossiemouth in the Parishes of Drainie and Urquhart and County of Elgin.

WHEREAS the Elgin and Lossiemouth Harbour Company (herein-after referred to as "the Company") are the successors in title of a company

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Lossiemouth Old Harbour.

incorporated by the Act 4 & 5 William IV. chapter 86 and by the Elgin and Lossiemouth Harbour Acts 1856 and 1890 and the Elgin and Lossiemouth Harbour Orders 1868 and 1891 further powers were conferred on the Company:

And whereas the Company are the proprietors of the Harbour of Lossiemouth in the burgh of Lossiemouth and county of Elgin which consists of three harbours connected with one another and together comprising an area of five acres or thereby and is herein-after called "the new harbour":

And whereas the Company are also the proprietors of another harbour which was formed at the mouth of the River Lossie at some distance from the new harbour and is known as and herein-after called "the old harbour":

And whereas since the construction of the new harbour the old harbour has not been used for the ordinary traffic of the port but has been used and maintained by the Company for laying up fishing boats for the winter months:

And whereas owing to the increase in size of fishing boats and the extended use of steam vessels in place of sailing vessels in the conduct and prosecution of the fishing industry the new harbour and the old harbour as now existing are insufficient for the accommodation of the boats belonging to or frequenting the Port of Lossiemouth and it is essential in the interests of that port that further accommodation shall be provided for the laying up overhauling repairing and fitting out of steam drifters and other vessels:

And whereas it is expedient that a body of Commissioners should be incorporated for the purpose of taking over the old harbour and constructing new works in order to adapt that harbour for the laying up overhauling repairing and fitting out of steam drifters and other vessels:

And whereas the cost of the works necessary for the purposes aforesaid is estimated at twelve thousand pounds or thereabouts and it is expedient that the said Commissioners should be authorised to raise the said sum:

And whereas it is not proposed that the old harbour shall be used for any commercial purpose or for embarking or disembarking goods or passengers or for any other purpose than the laying up overhauling repairing and fitting out of vessels or that the Commissioners shall have any power to levy rates except in respect of the laying up overhauling repairing and fitting out of vessels:

And whereas it is expedient that the Company should be authorised to transfer the site of the old harbour and the works at present existing

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Lossiemouth Old Harbour.

in connexion therewith to the said Commissioners in consideration for the payment of fixed annual sums:

And whereas application has been made to the Board of Trade by the Company for a Provisional Order under the General Pier and Harbour Act 1861 and the General Pier and Harbour Act 1861 Amendment Act for powers to carry out the above-mentioned objects and for other purposes:

Now therefore the Board of Trade hereby make the following Provisional Order:—

Short title and commencement.

1.—(1) This Order may be cited as the Lossiemouth Old Harbour Order 1912.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpretation.

2.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):—

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The Company" means the Elgin and Lossiemouth Harbour Company;

"The Commissioners" means the Lossiemouth Old Harbour Commissioners incorporated by this Order;

"The clerk" means the clerk for the time being to the Commissioners;

"The office" means the office for the time being of the Commissioners;

"The burgh" means the burgh of Lossiemouth;

"The town council" means the provost magistrates and councillors of the burgh;

"The existing harbour" means the harbour of Lossiemouth (other than and except the old harbour) and includes any alteration extension or enlargement of the existing harbour and the works connected therewith belonging to the Company;

"The old harbour" means and includes the area situated and comprised within the following boundary:—

Commencing at a point distant about one hundred and fifteen feet measured in a south-westerly direction from the south-east corner of the station building of the Great North of Scotland Railway Company and proceeding thence in a north-easterly direction for a distance of about thirty-six

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feet thence in a south-easterly direction for a distance of about sixty-five feet thence in a north-easterly direction for a distance of about four hundred and sixty-six feet thence in a south-westerly direction for a distance of about one thousand five hundred and sixty-six feet to the north side of the Seatown public road thence north-westerly along the said north boundary of the said public road till the said boundary meets the corner of the said railway company's wall at the level crossing about twenty-five feet to the east of the railway crossing thence bounded by the easterly side of the railway line in a north-easterly and then in an east-north-easterly direction for a distance of about nine hundred and ninety-five feet thence round the east side of the said railway company's signal cabin for about fifty-five feet where it joins the first-named point and the works lands buildings and conveniences now existing and connected with or being within that area and also the works authorised by this Order and any lands or buildings for the time being used for or in connexion with those works;

"The Police Acts" means the Burgh Police (Scotland) Acts 1882 to 1903;

"The Harbour Acts" means the Elgin and Lossiemouth Harbour Acts 1856 to 1901.

(2) The following expressions used in the Harbours Clauses Act 1847 have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

3. The Lossiemouth Old Harbour Commissioners as incorporated by this Order shall be the Undertakers for carrying this Order into execution.

Acquisition of Land.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except so much thereof as relates to the taking of lands otherwise than by agreement and to the entry upon

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lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Conveyance of old harbour by Company to Commissioners.

5.—(1) The Company may sell or transfer to the Commissioners and the Commissioners may acquire or take a transfer from the Company of the site of the old harbour and as from the date of the completion of such acquisition or transfer the old harbour shall be held and used by the Commissioners for the purposes and according to the provisions of this Order Such transfer shall be subject to a right of pre-emption by the Company and to such other terms and conditions as may be agreed.

(2) The price or consideration to be paid by the Commissioners to the Company for the transfer of the site of the old harbour shall be the payment of a sum of one hundred pounds per annum but such annual payment shall only be payable out of the annual revenue of the Commissioners after the several payments by the section of this Order (the marginal note whereof is "Application of revenue") directed to be paid out of such revenue in priority to that annual sum shall have been made.

Power to take lands by agreement.

6. For the purposes of the works authorised by this Order the Commissioners may from time to time by agreement enter on take and use all or such parts of the lands shown on the deposited plan as they may think requisite for the purposes of those works.

Lands for extraordinary purposes.

7. The Commissioners may (in addition to the lands by the two last preceding sections authorised to be acquired or taken by them under this Order) by agreement purchase feu lease acquire and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Commissioners from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Owners may grant servitudes.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Commissioners any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties or ground-annuals so far as the same are applicable in that behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Incorporation and Constitution of Commissioners.

Incorporation of Commissioners.

9. For the purpose of carrying this Order into execution there shall be a body of Commissioners to be constituted as by this Order provided

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and those Commissioners are hereby incorporated by the name of "the Lossiemouth Old Harbour Commissioners" and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property for the purposes but subject to the provisions and restrictions of this Order.

Incorporation of Commissioners Clauses Act. 10 & 11 Vict. c. 16.

10. The Commissioners Clauses Act 1847 is incorporated with this Order except so far as it is expressly varied by or is inconsistent with this Order.

First Commissioners named.

11.—(1) The following six persons shall be the first Commissioners:—

1. Charles James Johnston of Lesmurdie Elgin.
2. James Grant of Glengrant Rothes.
3. Alexander Cowie Lossiemouth.
4. James Clark Peterkin Lossiemouth.
5. Charles Duff Wilson Elgin.
6. The Provost of the Burgh.

(2) The first Commissioners shall come into office at the expiration of fourteen days after the commencement of this Order and shall go out of office on the third Friday of December one thousand nine hundred and thirteen.

Constitution of Commissioners.

12.—(1) As on and from the third Friday in December one thousand nine hundred and thirteen the Commissioners shall subject to the provisions of this Order consist of seven persons of whom one shall be ex-officio Commissioner and the other six shall be elected as herein-after provided and are herein-after collectively called "the elected Commissioners."

(2) The Chairman for the time being of the Company shall be ex-officio Commissioner.

(3) The elected Commissioners shall be the following persons namely:—

(A) A person (herein-after called the "Boat Owners' Commissioner") to be elected as herein-after provided:

(B) A person (herein-after called the "Insurance Club Commissioner") to be appointed as herein-after provided:

(C) A person (herein-after called the "Guarantors' Commissioner") to be appointed as herein-after provided:

(D) A person (herein-after called the "Mortgagees' Commissioner") to be appointed as herein-after provided:

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(E) A person (herein-after called the "Elgin Commissioner") to be appointed as herein-after provided:

(F) A person (herein-after called the "Lossiemouth Commissioner") to be appointed as herein-after provided.

(4) The elected Commissioners shall come into office on the third Friday in December after their respective election and shall go out of office on the third Friday in December in the third year thereafter.

Election of Boat Owners' Commissioner.

13.—(1) The Boat Owners' Commissioner shall be elected at the times and in the manner herein-after prescribed by the following persons (herein-after called the "boat owners electors") viz.:—

All persons being of the age of twenty-one years or upwards resident in the burgh who are registered owners or part owners of steam drifters or owners or part owners of fishing boats using the harbour who shall have paid to the Commissioners during the twelve months ending on the thirtieth day of September last preceding any election the sum of twenty shillings or upwards in respect of rates recoverable under this Order.

(2) The first election of a Boat Owners' Commissioner shall take place on the first Friday in December one thousand nine hundred and thirteen and all future elections shall take place on the first Friday in December in every third year thereafter.

(3) The Commissioners shall before the first day of November one thousand nine hundred and thirteen and before the first day of November in every third year thereafter cause to be prepared a register of the boat owner electors entitled to vote at the election of Boat Owners' Commissioners and shall cause the said register to be publicly exhibited in manner herein-after provided with regard to notices of meetings of the boat owner electors on and after the first day of November one thousand nine hundred and thirteen and on and after the first day of November in every third year thereafter until the next succeeding election of Boat Owners' Commissioners Any boat owner elector whose name does not appear in the said register but who claims to be entitled to be included therein shall within ten days after publication of the said register lodge his claim with the clerk in writing and produce such evidence as the Commissioners think sufficient to substantiate his claim and upon production of such evidence the Commissioners may order his name to be added to the register Any such additions must be made before the first day of December following the publication of the said register Part owners of any registered steam drifter or of any fishing boat shall for the purposes of electing the Boat Owners' Commissioner be deemed to be one boat owner elector and shall be entered on the said register jointly as one elector and are herein-after referred to as "joint electors."

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(4) The boat owner electors whose names appear on the said register shall alone be qualified to vote at the election of boat owner Commissioners.

(5) In the case of joint electors they may by writing under their hands delivered or sent by prepaid post to the clerk on or before the Friday next preceding any election of Boat Owners' Commissioner nominate one of their number to vote at such election and after any such nomination so delivered or sent the joint elector so nominated shall alone be entitled to vote at such election In default of any such nomination being so delivered or sent to the clerk within the time aforesaid that one of the joint electors present at the meeting whose name stands first on the register shall alone be entitled to vote.

(6) In any case where any company is registered as the owner of a steam drifter or fishing boat that company may by notice under its seal delivered or sent by prepaid post to the clerk on or before the Friday next before any election of Boat Owners' Commissioner nominate any one of its directors for the time being to vote at such election and the director so nominated shall be entitled to vote at such election In default of any such nomination being so delivered or sent within the time aforesaid no person shall be entitled to vote for or on behalf of such company at such election.

(7) The election of Boat Owners' Commissioner shall take place at a meeting (to be held at a convenient place within the burgh) of the boat owner electors who are entered on the register mentioned in subsection (3) of this section as entitled to vote at that election.

(8) The Commissioners shall cause the hour and place of such meeting to be made public not less than seven clear days before such meeting by affixing notices written or printed on such conspicuous place or places in the burgh as they may think fit.

(9) Every candidate for the office of Boat Owners' Commissioner shall be proposed at such meeting by two boat owner electors and only persons bonâ fide resident in the burgh and being of the age of twenty-one years or upwards shall be eligible for the office of Boat Owners' Commissioner If one person only is proposed as a candidate the chairman shall declare him elected If more persons than one are proposed the election shall in the first instance be by show of hands.

(10) At every meeting for the election of a Boat Owners' Commissioner one of the boat owner electors present not being a candidate shall by a majority of the boat owners present be elected chairman of the meeting and shall declare the number of votes given by a show of hands to each candidate and in case his decision is challenged

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shall cause the number of votes for each candidate to be ascertained by a poll as herein-after provided.

(11) At each and every election at which a poll is taken every boat owner elector shall be entitled to one vote.

(12) The candidate having the greatest number of votes at any contested election shall be elected and in every case of equality the chairman of the meeting shall have a casting vote in addition to the vote to which he may be entitled as a boat owner elector.

(13) Any question or dispute regarding the election of a candidate shall be determined at the meeting by the chairman of the meeting whose decision shall be final.

(14) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct.

(15) The result of the poll shall be declared by the chairman of the meeting and his declaration shall be final.

(16) The chairman of the meeting shall report in writing to the clerk the name of the person elected as Boat Owners' Commissioner.

(17) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Commissioners out of the revenue from the old harbour.

Appointment of Insurance Club Commissioner.

14.—(1) The Moray Firth Mutual Insurance Boat Club (herein-after called "the insurance club") shall on or before the first day of December in the year one thousand nine hundred and thirteen and in every third year thereafter appoint some person of the age of twenty-one years or upwards to be the Insurance Club Commissioner as on and from the third Friday of that December and shall on or before the first Friday in December in the year one thousand nine hundred and thirteen and in every third year thereafter send to the clerk by prepaid post notice of such appointment with the full name and address of the person so appointed.

(2) The right of the insurance club to appoint an Insurance Club Commissioner shall cease and determine if and when all money at any time advanced by the insurance club to the Commissioners with all interest thereon shall have been fully paid and discharged but the Insurance Club Commissioner for the time being in office when all such money and interest shall be discharged shall continue in office during the residue of the period for which he was appointed.

Appointment of Guarantors' Commissioner.

15.—(1) The guarantors for the time being of the existing loan from the Public Works Loan Commissioners to the Company (herein-after called "the guarantors") shall on or before the first day of December in the year one thousand nine hundred and thirteen and in

every third year thereafter by writing under the hands of the guarantors appoint some person of the age of twenty-one years or upwards to be the Guarantors' Commissioner as on and from the third Friday of that December and shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk notice of such appointment with the full name and address of the person so appointed to be the Guarantors' Commissioner.

(2) The right of the guarantors to appoint a Guarantors' Commissioner shall cease and determine if and when all money at any time advanced to the Company by the Public Works Loan Commissioners and guaranteed by the guarantors with all interest thereon shall have been fully paid and discharged But the Guarantors' Commissioner for the time being in office when all such money and interest shall be discharged shall continue in office during the residue of the period for which he was appointed.

Appointment of Mortgagees' Commissioner.

16.—(1) The mortgagees and other secured creditors for the time being of the Company shall be entitled on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter to appoint some person of the age of twenty-one years or upwards to be Mortgagees' Commissioner as on and from the third Friday of that December.

(2) The secretary for the time being of the Company shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the name and address of the person so appointed by the mortgagees or other secured creditors for the time being to be Mortgagees' Commissioner Such notice shall be accompanied by a certificate signed by two directors of the Company and countersigned by the secretary certifying that the person named in the notice has been duly appointed by such mortgagees and other secured creditors as aforesaid of the Company to be Mortgagees' Commissioner and such certificate shall be conclusive evidence of such appointment.

(3) The right of the mortgagees and other secured creditors as aforesaid of the Company to appoint a Mortgagees' Commissioner shall cease and determine if and when all money for the time being owing by the Company upon any security with all interest thereon shall have been fully paid and discharged But the Mortgagees' Commissioner for the time being in office when all such money and interest is discharged shall continue in office during the residue of the period for which he was appointed.

Appointment of Elgin Commissioner.

17. The town council of Elgin shall on or before the first day of December in the year one thousand nine hundred and thirteen and in

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every third year thereafter appoint some person being of the age of twenty-one years or upwards to be the Elgin Commissioner as on and from the third Friday in the same December respectively and the town clerk of Elgin shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the full name and address of the person so appointed to be the Elgin Commissioner.

Appointment of Lossiemouth Commissioner.

18.—(1) The town council shall on or before the first day of December in the year one thousand nine hundred and thirteen and in every third year thereafter appoint some person being of the age of twenty-one years or upwards to be the Lossiemouth Commissioner as on and from the third Friday in the same December respectively and the town clerk of the burgh shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the full name and address of the person so appointed to be the Lossiemouth Commissioner.

(2) If and when the town council shall have levied any assessment for the purpose of meeting any guarantee which may have been given by them under the powers conferred by the section of this Order the marginal note whereof is "Power to town council to guarantee" the town council may in addition to the Lossiemouth Commissioner appointed under subsection (1) of this section with the consent of the Secretary for Scotland appoint another person being of the age of twenty-one years or upwards to be an additional Lossiemouth Commissioner.

(3) The person so appointed shall hold office during the period for which the Lossiemouth Commissioner then in office is entitled to hold office and shall go out of office at the same time as such Lossiemouth Commissioner.

(4) After the town council shall have appointed an additional Lossiemouth Commissioner and so long as any such guarantee as aforesaid shall continue the town council shall be entitled to appoint two Lossiemouth Commissioners and the provisions of subsection (1) of this section shall apply mutatis mutandis to the appointment of both the Lossiemouth Commissioners and the number of elected Commissioners shall be increased accordingly.

Casual vacancies.

19.—(1) In the event of a casual vacancy occurring among the elected Commissioners by reason of death resignation or failure to make an appointment and give due notice thereof as herein-before provided or otherwise from any cause other than retirement from office in the regular course the other Commissioners shall as soon as conveniently may be thereafter at a meeting of the Commissioners elect a person to fill the vacancy and the Commissioner so elected shall continue in office for the same period and retire from office at the same time as the person

whose vacancy he fills would in ordinary course have continued in and retired from office but shall be eligible for re-election Provided always that on any casual vacancy occurring in the office of Boat Owners' Commissioner the person to be elected by the Commissioners shall be a person who was entered in the register of boat owners' electors at the date of the then last preceding election of Boat Owners' Commissioner.

(2) If and whenever the right of the insurance club or the guarantors or the mortgagees or other secured creditors of the Company (as the case may be) to appoint a Commissioner shall have ceased and determined the other Commissioners for the time being shall at the first meeting of the Commissioners to be held after the Insurance Club Commissioner the Guarantors' Commissioner or the Mortgagees' Commissioner (as the case may be) shall have gone out of office and in every third year thereafter appoint a Commissioner to take the place of such Insurance Club Commissioner Guarantors' Commissioner or Mortgagees' Commissioner respectively and the person so appointed shall hold office for the period during which the Insurance Club Commissioner the Guarantors' Commissioner or the Mortgagees' Commissioner (as the case may be) would have held office if such right of appointment had not ceased and determined and shall in all respects be substituted for such Commissioner respectively.

(3) In the case of an equality of votes at any meeting of the Commissioners in favour of any person to be a Commissioner the chairman of the meeting shall have a second or casting vote.

Re-election quorum and resignation.

20.—(1) A retiring Commissioner may be re-elected or re-appointed as the case may be.

(2) The quorum for a meeting of the Commissioners shall be three.

(3) A Commissioner may resign office at any time by giving notice to the Commissioners or the clerk.

Validity of acts of Commissioners.

21.—(1) The Commissioners may act notwithstanding any vacancy in their body but if the number of the Commissioners is reduced below four they shall act only for the purpose of causing vacancies in their body to be filled up.

(2) Every act of the Commissioners or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

Meetings.

22.—(1) The Commissioners need not hold monthly meetings but they may hold meetings at any time and place they think fit.

(2) The Commissioners shall hold at least two meetings in every year.

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(3) The first meeting of the Commissioners shall be held on the third Wednesday after the commencement of this Order at twelve o'clock noon at the office of the Commissioners or other convenient place.

(4) The annual meeting of the Commissioners shall be held at such time in the month of November or in such other month and at such place as may be fixed by the Commissioners.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(6) The clerk on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any two of the Commissioners shall within forty-eight hours thereafter cause a special meeting to be called to be held within seven days after the receipt of such requisition.

(7) Two shall form a quorum for any committee of the Commissioners.

Limits.

Limits of Order.

23.—(1) The limits within which the Commissioners shall have authority to levy rates and within which the powers of their harbour-master may be exercised shall comprise the old harbour and those limits are in this Order referred to as "the limits of this Order."

(2) A map or plan showing the limits of the old harbour having been signed in triplicate by an assistant secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited with the sheriff clerk for the county of Elgin and another copy thereof shall be deposited at the office.

(3) In case of any discrepancy between the limits delineated on the said map or plan and the limits described in the first subsection of this section the said map or plan shall be deemed to be correct and shall prevail.

Works.

Power to construct works.

24. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and deposited sections as the Board of Trade may require from time to time before the completion of the works the Commissioners may on the lands and in the lines and according to the levels and within the limits of deviation shown on the plan and sections deposited with reference to this Order

with the Board of Trade make and maintain the works following (that is to say):—

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Work No. 1 A solid pier commencing at the end of the old pierhead distant fifty-six yards or thereby measured in a south seven degrees westerly direction from the south-east corner of the station building of the Great North of Scotland Railway Company and extending in a south eighty-two degrees easterly direction for a distance of ninety-two yards or thereby and there terminating in the foreshore or bed of the sea or alveus of the River Lossie:

Work No. 2 A line of open piling or protection work commencing at a point on the foreshore or bed of the sea or alveus of the River Lossie situate three hundred and thirty yards or thereby measured in a south twenty-four degrees westerly direction from the south-east corner of the said station building and extending in a north forty-five degrees easterly direction for a distance of two hundred yards or thereby where it meets the eastern pier in the old harbour and thence partly open and partly solid proceeding in a north forty-five degrees easterly direction for a distance of one hundred and sixty-two yards or thereby in the form partly of a restoration of the eastern pier and partly of new pilework and terminating on the foreshore or bed of the sea or alveus of the River Lossie or found of old east pierhead at a point distant one hundred and fifty-eight yards or thereby measured in a south sixty-four degrees easterly direction from the south-east corner of the station building:

Work No. 3 A deepening of the old harbour and alveus of the River Lossie and bed of the sea and removal of the footbridge over the area enclosed by the lines of the above described works and the old quays of the old harbour extending from the south corner of the old pierhead distant fifty-eight yards or thereby measured in a south ten degrees westerly direction from the south-east end of the station building to a point distant three hundred and ninety-five yards or thereby measured in a south forty-eight degrees westerly direction from the south-east corner of the station building thence bounded by a line drawn in a south thirty degrees easterly direction for a distance of one hundred and forty-three yards or thereby and thence bounded by a line extending in a north forty-five degrees easterly direction for a distance of one hundred and twenty-one yards or thereby:

Work No. 4 An improvement and deepening of the channel way of the River Lossie seawards of the works above described.

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Power to deviate.

25. The Commissioners in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to maintain and improve works.

26. Subject to the provisions of this Order the Commissioners may maintain and with the consent of the Board of Trade alter improve and extend the works authorised by this Order and may in connexion with those works construct maintain alter and improve embankments excavations landing-places piers quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains gas pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and boats.

For protection of Postmaster-General.

27. Any electric light apparatus or other electric mains and works constructed or maintained under this Order shall be so constructed used and worked as to prevent any interference with the electric communication by means of any telegraphic line of the Postmaster-General.

For protection of Great North of Scotland Railway Company.

28. If in the construction working use or maintenance of the works authorised by this Order the railway or any other property of the Great North of Scotland Railway Company shall at any time or from time to time be interfered with endangered or disturbed the Great North of Scotland Railway Company may execute and maintain at the expense of the Commissioners all such needful and proper works as may be reasonably necessary for removing or obviating any such interference danger or disturbance Provided that the Great North of Scotland Railway Company in executing any works under this section shall forthwith give notice thereof in writing to the Commissioners specifying in such notice the particular interference danger or disturbance complained of and the character and extent of the works which are being executed in consequence thereof and any difference with respect to the necessity for or otherwise in respect of or concerning such works or any of them shall be settled by arbitration and shall be referred to a single arbiter to be agreed on between the parties or failing agreement to be appointed by the Board of Trade upon the application of either party.

As to footbridge over River Lossie.

29. In the event of the existing footbridge across the River Lossie being removed by the Commissioners for the purpose of constructing maintaining or using the works by this Order authorised the Commissioners shall at their own expense re-erect or re-build such footbridge at such other point across the said river as they may think fit The conditions and provisions contained in the minute of agreement between

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the Company and the town council dated the thirtieth day of August and the first and third days of September one thousand nine hundred and six shall apply in all respects to such footbridge when re-erected or re-built in the same manner and to the same extent as if it were the existing footbridge.

Power to construct or lease sheds and other buildings.

30. Subject to the provisions of this Order the Commissioners may construct and maintain or take on feu or lease offices sheds cranes and other works buildings and conveniences which may be found necessary or convenient in connexion with the old harbour for the accommodation of vessels and boats using the same.

Consent of Board of Trade to works.

31. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

32. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

33.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement is extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any further period not exceeding five years.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Management.

Dredging &c.

34.—(1) The Commissioners may dredge scour deepen enlarge alter and improve the old harbour and also the entrances channels and approaches thereto to the extent necessary to secure a sufficient waterway and approach to the works for boats and vessels using the same.

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(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Commissioners and they may sell or otherwise dispose of the same as they think fit Provided that no sand mud gravel or other materials shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained or the existing harbour without the consent of the Company having been first obtained.

(3) All money arising from any sale or other disposition of sand mud gravel and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

Power to purchase or hire dredgers &c.

35. The Commissioners may for the purposes of the works authorised by this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters and other vessels diving-bells ballast-lighters rubbish-lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of them as they think fit and may sell or dispose of them and the money realised from such sale or disposal shall be applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Power to make bye-laws.

36.—(1) The byelaws relating to the old harbour which may from time to time be made by the Commissioners in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(4) At the expiration of one month after any byelaws made by the Commissioners shall have received the confirmation of the Board of Trade the byelaws of the Company for the time being in existence shall cease to affect or apply to the old harbour.

Restrictions as to user of old harbour by steamers and other mechanically driven vessels.

37.—(1) No vessel or boat propelled by steam or other mechanical power shall be moved by such power within the limits of the old harbour without the consent of the harbour-master or other duly authorised officer of the Commissioners.

(2) No boat or vessel propelled by steam or other mechanical power shall when aground or fast in a berth use or drive her propeller without the authority of the harbour-master or other duly authorised officer of the Commissioners.

(3) If the owner or person in charge of any such boat or vessel as in this section mentioned shall be guilty of any wilful breach of

the provisions of this section he shall be liable to a penalty not exceeding ten pounds for each such breach.

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Powers of Leasing.

Power to lease.

38.—(1) The Commissioners may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (A) the entire undertaking of the Commissioners or (B) the rates and other charges authorised to be taken by this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Commissioners by this Order which the Commissioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Commissioners shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Commissioners from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Commissioners and all moneys received by the Commissioners under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to lease sheds &c.

39. The Commissioners may let for hire or lease for any term not exceeding seven years any rooms shops sheds or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

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Power to levy rates.

Rates.

40.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) From and after the commencement of this Order the Commissioners may within the old harbour subject and according to the provisions of this Order demand receive and recover for the use of the old harbour and the conveniences connected therewith any rates not exceeding those specified in the schedule to this Order.

(3) The Commissioners may also demand receive and recover for the use of any part of the existing harbour by any boat or vessel laying up overhauling repairing or fitting out any rates not exceeding the rates specified in the schedule to this Order and the Company shall :—

(A) Either collect such rates on behalf of the Commissioners on such terms as may be agreed between the Company and the Commissioners or in the event of difference as may be determined by a single arbiter to be agreed between the parties or failing agreement to be appointed by the Board of Trade on the application of either party ; or

(B) If they think fit allow the Commissioners by any officers appointed by them for the purpose to enter upon the existing harbour and collect such rates.

(4) Notwithstanding anything in the Harbour Acts contained any vessel or boat that has paid to the Commissioners the rates authorised by this Order shall be entitled to the use of the existing harbour without being liable to pay to the Company any of the rates authorised by the Harbour Acts for the user of the existing harbour Provided always that such user shall not be permitted when it will in the opinion of the Company interfere with or interrupt the ordinary traffic of the existing harbour.

(5) On and after the commencement of this Order the powers of the Company of demanding receiving and recovering rates for the use of the old harbour or (subject to the provisions of subsection (3) of this section) for the use of the existing harbour by any boat or vessel for laying up overhauling repairing or fitting out shall not be exercised by the Company while and so long as the Commissioners levy the rates mentioned in the schedule to this Order and in consideration thereof the Commissioners shall pay to the Company the annual sum of three hundred and fifty pounds (hereinafter called "the rates annuity") Provided always that in the event of the Commissioners at any time failing to pay the rates annuity or any part thereof the Company may enter upon the old harbour and demand receive and recover the rates specified in the schedule to this Order until the rates received after

paying the expense of collection are sufficient to pay off all arrears for the time being owing to the Company in respect of the rates annuity and until the amount due to the Company has been so paid off the Commissioners shall not be entitled to demand levy and recover any of the rates by this Order authorised.

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41.—(1) The old harbour shall be used only for the purposes of laying up overhauling repairing and fitting out of boats and vessels and the Commissioners shall not use or permit the use of the old harbour for any commercial purpose or the embarking or disembarking thereat of goods or passengers as defined in the schedule to Elgin and Lossiemouth Harbour Order 1901.

Goods and passengers not to be embarked or disembarked at old harbour

(2) If the Commissioners make default in complying with the provisions of this section they shall forfeit and pay to the Company the rates authorised to be taken by the Company by the Harbour Acts in respect of such goods and passengers.

(3) Nothing in this Order shall prohibit the owner or master of any boat or vessel from taking in at the old harbour stores (other than coal) for use in such boat or vessel.

42.—(1) The rates to be received by the Commissioners shall be adjusted by them in such manner that as far as possible the income to be derived under this Order shall be sufficient and not more than sufficient for the purposes of the old harbour.

Revision of rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Commissioners on the average of the then three last preceding years after payment of all expenses and outgoings including all interest payable on moneys borrowed under this Order and all contributions to any sinking fund created under this Order exceeds the amount sufficient for the purposes of this Order that Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

43. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the old harbour without payment.

Lifeboat crew exempt from rates

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Finance.

Power to borrow.

44.—(1) The Commissioners may from time to time borrow at interest not exceeding five per centum per annum for the purposes of this Order such sum or sums not exceeding twelve thousand pounds.

(2) In order to secure the repayment of money borrowed under this section and the payment of interest thereon the Commissioners may mortgage or charge the revenue of the old harbour.

Power to take credit from bank.

45. The Commissioners for the purpose of raising any money by this Order authorised to be borrowed may accept and take from any bank or banking company credit to such amount as they think expedient (not exceeding in the whole taken together with any sums borrowed on mortgage or charge under the last preceding section and for the time being remaining unpaid) the sum of twelve thousand pounds exclusive of interest on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland.

Application of borrowed money

46. All money borrowed under this Order shall be applied only for the purpose for which capital money may properly be applied and not otherwise.

Power to reborrow.

47. Any money borrowed under the powers of this Order which shall be discharged otherwise than by means of a sinking fund or instalments may be reborrowed by the Commissioners from time to time if required for the purposes of this Order.

Power to Moray Firth Mutual Insurance Boat Club to lend moneys to Commissioners.

48. The Moray Firth Mutual Insurance Boat Club may lend moneys to the Commissioners or guarantee the principal and interest or principal or interest on money borrowed by the Commissioners on such terms and conditions as may be agreed between the said Club and the Commissioners Any money so lent may be advanced without security and may be postponed both as regards principal and interest to all other loans effected by the Commissioners.

Power to town council to guarantee.

49.—(1) The town council being a rating authority as defined by section 7 of the Public Works Loans Act 1882 may (subject to the provisions of this Order) if they think it expedient in the interests of the inhabitants at large of the burgh so to do guarantee the payment of the principal and interest or the principal or interest of or in respect of any moneys which may from time to time be borrowed by the Commissioners under the powers in this Order contained to the extent of the assessment hereinafter authorised to be made by the town council and may for the purpose of meeting such guarantee charge in equal proportions all owners and occupiers of lands or premises within the burgh with an assessment which shall be levied and recovered in the same manner as the general improvement rate

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authorised by the Police Acts is levied and recovered and all the provisions of the Police Acts with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised.

(2) The said assessment so leviable shall be in addition to any assessments levied by the town council under the Police Acts but shall not exceed sixpence in the pound of the rateable value of the burgh.

But only under special resolution.

(3) The town council shall not give any charge under the power conferred on them by this section except in pursuance of a special resolution for the purpose passed at a meeting of the town council and published once at least in each of two successive weeks in a local newspaper circulating in the burgh and confirmed at a second meeting of the town council held not less than fourteen days after the first publication of notice of such resolution and not more than three months after the meeting at which the resolution was passed.

Commissioners to furnish accounts to town council.

50. The Commissioners shall in the month of September in every year so long as any guarantee of the town council under this Order is in force ascertain whether their resources will after retaining in hand a proper balance for current expenditure and claims and a reserve not exceeding two hundred pounds for contingencies enable them to meet the interest on and any instalments and sinking fund contributions due or falling due towards repayment of principal of any loan raised by them If their resources will after retaining such balance and reserve as aforesaid be insufficient they shall before the end of the same month of September by writing under the hand of their clerk claim from the town council payment of such sum as they shall deem to be the amount of the deficiency to the extent of but not beyond the total amount guaranteed by the town council under the powers of this Order The town council shall in order to enable them to judge of the propriety of such claim be at liberty by themselves or by any person or persons on their behalf to examine the books accounts and papers of the Commissioners so far as they relate to or affect the subject matter of the claim and the Commissioners shall give to the town council or such person or persons as aforesaid all other information in their possession or power relating to or affecting the said subject matter If the town council shall be of opinion that the amount of the claim is incorrect or that the claim is otherwise improper and shall signify such opinion under the hand of their clerk to the Commissioners the matter in difference shall be referred to the determination of an arbiter to be appointed by the Board of Trade as hereinafter provided If in manner aforesaid it shall be found that there is such deficiency as aforesaid it shall be the duty of the town council to fulfil their guarantee by providing and paying

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to the Commissioners the amount of such deficiency to the extent of but not beyond their guarantee but the town council shall in respect of any claim to be made by the Commissioners in any month of September be allowed as respects one half of the amount till the end of the following month of March and as respects the other half of the amount till the end of the then following month of September during which to raise and provide the amount payable by them Such amount when paid to the Commissioners shall be applied by them in or towards meeting the actual deficiency and for no other purpose and if there is any surplus of such amount after paying the actual deficiency such surplus shall be repaid to the town council.

Proceedings in case of default.

51. If the town council make default in fulfilling their guarantee in manner by this Order provided the Commissioners may recover the amount due thereunder as a simple contract debt by action in any court of competent jurisdiction or the Secretary for Scotland may on the application of the Commissioners order the town council to remedy their default and such order may on the application of the Commissioners be made a rule of the Court of Session or of the High Court.

Sums paid under guarantee to be repaid.

52. All sums paid by the town council in fulfilment of their guarantee shall be repaid by the Commissioners to the town council with interest at the rate of four per centum per annum from the date of payment as soon as the resources of the Commissioners will admit and any doubt or difference as to the time and amount of any such repayment shall on the application of the town council stand referred to and be settled by an arbiter to be appointed by the Secretary for Scotland.

Application of money repaid.

53. All money repaid by the Commissioners to the town council shall be applied by the town council in such manner as the town council with the previous consent in writing of the Secretary for Scotland may determine.

Powers to town council to provide sums for purpose of guarantee.

54. The town council shall provide out of the burgh assessments any sums from time to time required for the fulfilment of their guarantee and shall from time to time raise and levy as part of the burgh assessments such sums as may be necessary for that purpose.

Reference of disputes.

55. Any dispute arising between the Commissioners and the town council with respect to the construction of this Order or the giving effect to the same or with respect to their mutual duties or obligations under this Order which is not otherwise provided for by this Order shall on the written application of either party to the Secretary for Scotland stand referred to and be determined by an arbiter to be appointed by the Secretary for Scotland and the determination of such

arbiter shall be binding on the Commissioners and the town council and final for all purposes.

Saving for Company and town Council.

56. Save as herein expressly otherwise provided nothing in this Order shall abridge affect or interfere with any powers rights or privileges of the Company or of the town council.

Application of money borrowed.

57. All money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

For appointment of a judicial factor.

58.—(1) The mortgagees or other creditors of the Commissioners in respect of money borrowed under this Order may enforce payment of arrears of principal and interest or principal or interest due on their mortgages or other loans by the appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees or other creditors by whom the application for a judicial factor is made shall not be less than five hundred pounds in the whole.

(3) In sections 86 and 87 of the Commissioners Clauses Act 1847 as incorporated with this Order the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Period for repayment.

59. All moneys borrowed by the Commissioners under this Order shall be repaid within forty years after the date when those moneys are respectively borrowed (hereinafter called "the prescribed period").

Mode of repayment.

60. The Commissioners shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments after the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

61. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments within the prescribed period appropriate and set apart in every year out of the revenues to be received by them under this Order such a sum as will with the accumulations thereon by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within the prescribed period.

Contingency fund.

62. The Commissioners may if they think fit form and maintain a contingency fund not exceeding in amount for the time being the sum

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of four thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the old harbour and for that purpose may appropriate and set apart (subject to the provisions of this Order as to the application of revenue) any amount which they think fit in any year and shall deposit such amount in some joint stock bank of issue in Scotland or invest the same in any security in which trustees are by law authorised to invest trust money and shall accumulate the resulting income therefrom in the way of compound interest until required for any of the aforesaid purposes.

Annual statement need not be printed.

63. It shall not be obligatory on the Commissioners under section 90 of the Commissioners Clauses Act 1847 as incorporated with this Order to cause the statement and accounts therein mentioned to be printed and notwithstanding anything in the said Act the same person may be both clerk and treasurer to the Commissioners.

Application of revenue.

64. The Commissioners shall apply all money received by them from the rates dues and charges authorised by this Order for the purposes and in the order following (that is to say):—

(1) In paying any feu duties and rents payable in respect of the lands and property belonging or leased to the Commissioners (other than the feu duties or rents payable to the Company) and the expenses of the maintenance management and regulation of the old harbour:

(2) In payment to the Company of the rates annuity as hereinbefore provided:

(3) In paying year by year the interest on any money borrowed under this Order and in payment of the instalments as they become due in respect of any such money which is repayable by instalments:

(4) In providing a sinking fund for the repayment of any money borrowed under this Order and not repayable by instalments:

(5) In repaying to the Company the costs charges and expenses of and incident to the preparing for and obtaining of this Order and otherwise incurred in connexion therewith:

(6) In payment of the sum of one hundred pounds to the Company as provided by the section of this Order the marginal note whereof is "Conveyance of old harbour by Company to Commissioners":

(7) In creating and maintaining (if the Commissioners think fit) a contingency fund in manner specified in the section of this Order the marginal note whereof is "Contingency fund":

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(8) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Commissioners in the improvement of the old harbour.

Auditor.

65.—(1) The Board of Trade unless they see special reason to the contrary shall appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this Order as part of the expenses of management.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon unless they see special reason to the contrary shall appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they refuse or neglect so to comply.

Annual account to be sent to Board of Trade.
25 & 26 Vict. c. 19.

66.—(1) The Commissioners within one month after sending to the Sheriff Clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

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

(3) The account shall be made up to the end of the thirty-first day of May in each year.

Life-saving Apparatus.

Portions of Harbours Act excepted.
10 & 11 Vict. c. 27.

67. Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Life-saving apparatus may be attached to pier.

68. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the old harbour spars and other apparatus for saving life and may also either in course

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of using or of exercising the apparatus for saving life fire rockets over the old harbour.

Lifebuoys to be kept.

69. The Commissioners shall at all times keep at convenient places at the old harbour and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and life-lines in good order and fit and ready for use.

Lights.

As to lights during construction of works.

70.—(1) Before commencing the works authorised by this Order the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

71.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order or any of them the Commissioners shall exhibit at the outer extremity of the works or the completed portions thereof respectively or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

As to buoys and lights in case of decay of works.

72.—(1) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof 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 Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

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Miscellaneous.

73. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Recovery of penalties. 10 & 11 Vict. c. 27.

74. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Local lighthouse authority.

75. The old harbour shall be deemed to be for all purposes within the burgh of Lossiemouth and county of Elgin.

Works to be in burgh of Lossiemouth.

76. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heriditaments 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 of 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).

Crown rights.

77. All costs charges and expenses of and incident to the preparing for and obtaining of this Order and otherwise incurred in connexion therewith shall in the first instance be paid by the Company and ultimately by the Commissioners out of the revenues received by them under this Order as provided by the section of this Order of which the marginal note is "Application of revenue."

Costs of Order.

The SCHEDULE to which the foregoing Order refers.

	£	s.	d.
For every steam drifter or other vessel propelled by mechanical power using the old harbour—			
For the first month or any part thereof - -	3	0	0
For the second month or any part thereof - -	2	0	0
For the third or any subsequent month or any part thereof - - - - - - -	1	0	0
For other boats or vessels not propelled by mechanical power using the old harbour—			
For the first month or any part thereof - -	2	0	0
For the second or any subsequent month or any part thereof - - - - - - -	1	0	0

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Macduff Harbour.

MACDUFF HARBOUR.

Order for empowering the Provost Magistrates and Councillors of the Burgh of Macduff to construct New Works at and for the Maintenance and Regulation of the Harbour to alter the Dues Rates and Charges leviable thereat and for other purposes. 5

Interpretation.

Short title and interpretation and commencement.

1.—(1) This Order may be cited as the Macduff Harbour Order 1912.

(2) The Macduff Harbour Improvement Act 1847 the Macduff Harbour Order 1875 the Macduff Harbour Order 1898 and the Macduff Harbour Order 1901 as that Act and those Orders are respectively varied and amended by this Order and this Order may be cited together as the Macduff Harbour Acts 1847 to 1912. 10

(3) Expressions to which a special meaning is attached by the Macduff Harbour Order 1898 have the same respective meanings in this Order. 15

(4) This Order shall come into operation on the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order. 20

Interpretation of terms.

2.—(1) The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings unless excluded by the subject or context and in this Order the following expressions have the following meanings (that is to say):— 25

"The Act of 1847" means the Macduff Harbour Improvement Act 1847;

"The Order of 1875" means the Macduff Harbour Order 1875;

"The Order of 1898" means the Macduff Harbour Order 1898;

"The Order of 1901" means the Macduff Harbour Order 1901; 30

"The previous Acts" means the Act of 1847 the Order of 1875 the Order of 1898 and the Order of 1901;

"The burgh" means the burgh of Macduff;

"The Town Council" means the provost magistrates and councillors of the burgh; 35

"The existing harbour" means and includes the harbour of Macduff as defined by the Act of 1847 and the existing works in connexion therewith;

"The harbour" means and includes the existing harbour and the works authorised by this Order; 40

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"The harbour undertaking" means and includes the harbour and the conveniences connected therewith and the right to levy rates and tolls and all other rights vested in the Town Council by the previous Acts and this Order and the entire undertaking of the Town Council in connexion with the harbour;

"The harbour revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the previous Acts and this Order;

"The deposited plan" and "the deposited sections" mean respectively the plan and sections deposited with reference to this Order with the Board of Trade;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance and contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

3. The Town Council shall be the Undertakers for carrying this Order into execution.

Acquisition of Land.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except so much thereof as relates to the taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

5. For the purposes of the works authorised by this Order the Town Council may from time to time by agreement enter on take and use all or such parts of the lands shown on the deposited plan as they may think requisite for the purposes of those works and of the conveniences connected therewith.

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Works and Powers.

Construction of works.

6. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and sections as the Board of Trade may require from time to time before the completion of the works the Town Council may on the lands and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this order.

Description of works.

7. The works authorised by this Order comprise—

Work No 1 A solid pier commencing at a point on the seaward face of the north quay of the north harbour 85 feet or thereabouts measured on its seaward face from the north-west end of the said quay and extending in a direction approximately north-north-east for a distance of 450 feet or thereabouts from the said point of commencement thence in a direction approximately east-north-east for a distance of 80 feet or thereabouts and terminating by a junction with Work No. 2 herein-after described at a point of commencement of Work No. 2:

Work No. 2 A solid wall or quay and roadway (with retaining wall over 255 feet of its length) commencing at the termination herein-before described of Work No. 1 and extending in a direction approximately east-north-east for a distance of 64 feet or thereabouts thence in a direction approximately east-south-east for a distance of 150 feet or thereabouts thence in a direction approximately south by east for a distance of 30 feet or thereabouts thence in a direction approximately south-west by south for a distance of 318 feet or thereabouts thence in a direction approximately south-south-west for a distance of 100 feet or thereabouts and there terminating at the root of the north quay of the north harbour:

Work No. 3 A solid wall or quay commencing at the termination herein-before described of Work No. 2 and extending in a direction approximately south-west by west for a distance of 20 feet or thereabouts thence in a westerly direction in line with the seaward face of the north quay of the north harbour for a distance of 40 feet or thereabouts and there terminating:

Work No. 4 An embankment commencing at the termination herein-before described of Work No. 1 and extending in a direction approximately east-north-east for a distance of 65 feet or thereabouts thence in a direction approximately east-south-

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east for a distance of 300 feet or thereabouts and there terminating:

Work No 5 The pulling down and removal of the parapet wall on the seaward face of the north quay of the north harbour commencing at the junction of the proposed Work No. 1 with the said quay and extending landwards to the termination of the said parapet wall:

Work No. 6 The pulling down and removal to the level of the adjacent harbour beds of a portion of the north quay commencing at the junction of proposed Work No. 1 with the said quay and extending landwards therefrom for a distance of 36 feet or thereabouts:

Work No. 7 The excavation of the area contained between the proposed pier Work No. 1 herein-before described and the proposed Works No. 2 3 and 5 respectively herein-before described to a depth of 11 feet or thereabouts below the level of high water of ordinary spring tides with the exception of approximately one-third of the said area at its north end and the formation of a "lying-up" slope thereon including the removal of the sheds buildings warehouses curing yards paths walls fences and other works now existing on the said area:

Work No. 8 The diversion of the existing sewer commencing at a point where it crosses the proposed road Work No. 2 extending in a direction approximately north-east by north for a distance of 600 feet or thereabouts and there terminating on the foreshore or bed of the sea at the level of low water of ordinary spring tides.

Power of deviation.

8. In constructing the works authorised by this Order the Town Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically from the levels of those works as shown on the deposited sections to any extent.

Penalty for obstructing works.

9. Any person who wilfully obstructs any person acting under the authority of the Town Council in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for each offence be liable to a penalty not exceeding five pounds.

Power to construct warehouses &c.

10.--(1) The Town Council may construct and maintain or take on feu or lease any warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connexion with the harbour for the accommodation of

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vessels and traffic landed at or embarked from the harbour and may also lay down and maintain apparatus for supplying light or power rails tramways sidings and turntables in or upon any of the piers quays or works forming part of the harbour or the lands connected therewith.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

Power to maintain and improve works.

11. Subject to the provisions of this Order the Town Council may maintain and with the consent of the Board of Trade alter deepen improve and extend the harbour and may in connexion with the harbour construct maintain alter and improve embankments excavations breakwaters booms shipping places landing places piers quays jetties dolphins floats stages staiths wharves fishcuring stations custom houses beaches for hauling boats buoys moorings lights beacons slipways roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and boats.

For protection of the Postmaster General.

12. Any apparatus for the supply of light or power and any mains and pipes used in connexion with or for the purpose of the supply of electric light or power shall be so constructed used and worked as to prevent interference with any telegraphic communication by means of any telegraph line of the Postmaster-General.

Dredging &c.

13.—(1) The Town Council may dredge scour deepen widen enlarge alter and improve and maintain the harbour and also the entrances channels and approaches to the harbour to the extent necessary to secure a sufficient waterway and approach to the works for vessels using the same.

(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Town Council and they may sell or otherwise dispose of the same as they think fit Provided that no sand mud gravel or other materials shall be laid down or deposited in any place below high water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud gravel and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

Powers to town council to purchase or hire dredgers and apparatus.

14.—(1) The Town Council may provide purchase take on lease hire and use such steam or other dredgers engines tugs lighters or other vessels diving bells machinery and apparatus as they think necessary for effecting the purposes of this Order and may let the

same on hire for such sums and upon and subject to such terms and conditions as they may think fit All sums received in respect of such letting on hire shall be deemed to form part of the harbour revenue.

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(2) The Town Council may from time to time in their discretion sell or dispose of any of the articles and things purchased under this section and the money realised by any sale thereof shall be deemed to be money received on capital account and be applied for any of the purposes of this Order to which capital is properly applicable.

Consent of Board of Trade to works.

15. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in accordance with the terms of such consent.

Powers to cease in certain events.

16.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Rates.

Revision of rates authorised by Order of 1898.

17.—(1) Sections 25 and 26 of the Harbour Clauses Act 1847 shall not be incorporated with this Order.

(2) Schedule A. of the Order of 1898 is hereby repealed and the Town Council may demand recover and receive for the use of the harbour and in respect of the persons vessels goods matters and things specified in the schedule to this Order annexed any sums not exceeding the several rates mentioned in that schedule.

(3) If and so long as the Town Council shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water

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they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order annexed for pure and wholesome water supplied by them.

Rates for use of warehouses &c.

18. The Town Council may (so far as the rates specified in the schedule to this Order and in Schedule B. of the Order of 1898 do not extend) demand and receive such rates or other consideration as they think reasonable for the use of any buildings works and conveniences belonging to or leased by the Town Council for the use of which rates are not specially fixed by the schedule to this Order annexed and by Schedule B. of the Order of 1898.

Power to vary exemptions and compound.

19. The Town Council may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order or the provisions of the previous Acts.

Adjustment of rates.

20.—(1) The rates to be received by the Town Council under this Order and the Order of 1898 as amended by this Order shall be adjusted by the Town Council in such a manner that so far as possible the income of the harbour shall be sufficient and not more than sufficient for the purposes of the previous Acts and this Order.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear harbour revenue on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient to answer the purposes of the previous Acts and this Order the Board may if they think fit reduce the rates leviable under the previous Acts and this Order to such amounts as will be sufficient to provide the amount aforesaid and may at any time again raise those rates to any amounts not exceeding the sums specified in the schedule to this Order annexed and Schedule B. of the Order of 1898.

Restrictions as to user of harbour by steamers and other mechanically driven vessels.

21.—(1) No vessel or boat propelled by steam or other mechanical power shall be moved by such power within that part of the harbour which lies on the landward side of an imaginary line drawn between the seaward extremities of the piers or quays at the entrance of the harbour.

(2) No boat or vessel propelled by steam or other mechanical power shall when aground or fast in a berth use or drive her propeller without

the authority of the harbour-master or other duly authorised officer of the Town Council.

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(3) If the owner or person in charge of any such boat or vessel as in this section mentioned shall be guilty of any wilful breach of the provisions of this section he shall be liable to a penalty not exceeding ten pounds for each such breach.

Finance.

Power to borrow money.

22.—(1) The Town Council may borrow and reborrow at interest by means of mortgage bond or otherwise such money as may be required—

(A) For the purposes of this Order not exceeding in the whole the sum of thirty-five thousand pounds;

(B) For paying the costs of the Order the amount necessary.

(2) Any money borrowed by the Town Council under this Order may be borrowed on the security of the harbour revenue and also on the security of an assessment to be levied on the owners of all lands and premises within the burgh in manner provided by Part V. of the Burgh Police (Scotland) Act 1892 and the Acts amending the same as if it were an assessment authorised by that Act.

(3) The assessment so to be levied shall be in addition to any assessment levied by the Town Council under the said Act; but shall not exceed (with any assessment levied under section 2 (2) of the Order of 1901) one shilling and sixpence in the pound on the rateable value of the burgh.

Period for repayment.

23. All moneys borrowed by the Town Council under this Order shall be repaid within the respective periods following (which periods are in this Order called "the prescribed periods") (that is to say):—

(A) As to the money borrowed for the purposes (A) mentioned in the section of this Order the marginal note of which is "Power to borrow money" within a period of fifty years from the date of borrowing:

(B) As to money borrowed for the purposes (B) mentioned in the same section within a period of five years from the commencement of this Order.

Mode of borrowing.

24. Any money so to be borrowed may be borrowed on terms of repayment thereof by means of annual or half-yearly instalments of principal and interest or by means of a sinking fund or the Town Council may accept and take from any bank or banking company credit to such amount as they think expedient not exceeding in the whole taken together with any sums borrowed and for the time

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being remaining unpaid the sum of fifty-five thousand pounds on a cash account to be opened and kept in name of the Town Council according to the usage of bankers in Scotland and may assign the rates and charges and assessment to the extent herein-before mentioned or any part of them in security for the repayment of the sum or sums so borrowed or of the amount of the credit or of the sums advanced on the cash account with interest thereon. 5

Power to reborrow.

25. Any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of a sinking fund or instalments may be reborrowed from time to time if required for the purposes of this Order. 10

Incorporation of provisions of Police Acts.

26. The provisions of the Burgh Police (Scotland) Act 1892 as to the borrowing of money for the general purposes of that Act shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall far so as aforesaid apply to the borrowing by the Town Council of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Town Council for the purposes of this Order shall refer to the title of this Order. 15

Payments by instalments.

27. Where money borrowed is repayable by instalments the annual or half-yearly amount of the instalments shall be sufficient to pay off the whole of the money so borrowed within the prescribed period. 20

Sinking fund.

28. Where money borrowed is repayable by means of a sinking fund the Town Council shall appropriate and set apart in every year out of the harbour revenues and out of the assessments to be so levied as herein-before provided such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys so borrowed within the prescribed period. 25

Application of borrowed money.

29. Any money borrowed under this Order shall be applied by the Town Council only for the purposes for which the money is authorised to be borrowed and to which capital is properly applicable. 30

Priority of existing charges.

30. Any charge on the harbour revenue existing before the commencement of this Order shall have priority to any charge thereon created under this Order. 35

For appointment of a judicial factor.

31.—(1) The mortgagees of the Town Council in respect of money borrowed under this Order may enforce payment of arrears of interest and principal or principal or interest due on their mortgages by the appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by 40

whom the application for a judicial factor is made shall not be less than two thousand five hundred pounds in the whole.

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(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in such sections the expression "the Commissioners" shall mean the Town Council and the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Separate account to be kept of harbour undertaking.

32.—(1) The Town Council shall keep an account of the harbour undertaking separate from the other accounts of the burgh showing all moneys received and all moneys expended on account of or in connexion with the harbour undertaking.

(2) In the application of section 96 of the Town Councils (Scotland) Act 1900 to such separate account as forming part of the yearly account of the Town Council the expressions "any person assessed or elector" and "any ratepayer or elector" occurring therein shall be deemed to include (*a*) any person who has advanced any money to the Town Council under the powers of the previous Acts or of this Order and to whom any part of such money or any interest thereon remains owing and (*b*) any person who has during the year to which such separate account relates paid any rates tolls or dues for or in respect of the user of the harbour and (*c*) any person who is otherwise interested in such separate account.

Annual return to be sent to Board of Trade.

33.—(1) The Town Council shall within one month after the date when a copy of the annual account of the Town Council or abstract thereof is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary of Scotland send to the Board of Trade a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act (25 & 26 Vict. c. 19) shall apply to and include such account.

(2) The Town Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week during which they refuse or neglect to comply with this section.

(3) Sections 44 and 45 of the Order of 1898 are hereby repealed.

Byelaws.

34.—(1) The byelaws which may from time to time be made by the Town Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

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(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order. 5

(4) Section 48 of the Order of 1898 is hereby repealed but notwithstanding the repeal of that section all byelaws made under the powers of the Order of 1898 and in force at the commencement of this Order shall continue in force for one year from the commencement of this Order but shall then cease to have effect and be repealed. 10

(5) The repeal of the said byelaws shall not affect any penalty forfeiture or punishment in respect of any offence against those byelaws committed before the date on which those byelaws cease to have effect and are repealed.

Life-saving Apparatus. 15

Provision for life-saving apparatus.

35.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Town Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on that site a house or other 20 proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Town Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 25

Life-saving apparatus may be attached to pier.

36. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of 30 exercising the apparatus for saving life fire rockets over the harbour.

Life-buoys to be kept.

37. The Town Council shall at all times keep at convenient places at or near the harbour and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use. 35

Lights.

Temporary lights on works.

38.—(1) Before commencing the works authorised by this Order the Town Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions 40

given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works.

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(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

39.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Town Council shall at the outer extremity of the works or the completed portion thereof or at such other places as may be required exhibit from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lights and shall apply to those Commissioners for such directions.

(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to buoys and lights in case of decay of works.

40.—(1) In case of injury to or destruction or decay of the works included in or connected with the harbour or any part thereof the Town Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as may from time to time be directed by the Commissioners of Northern Lights and shall apply to those Commissioners for directions as to the means to be taken.

(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

Miscellaneous.

Application of Act 10 and 11 Vict. cap. 72.

41. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of penalties.

42. All penalties under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and shall when recovered form part of the harbour revenue.

Officers exempt from rates.

43. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to in and upon the harbour and every part thereof without payment.

Local lighthouse authority.

44. The Town Council shall within the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

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Crown rights.

45. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Town Council 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 heritages 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 of 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).

Harbour to be within burgh of Macduff.

46. The harbour shall be deemed to be for all purposes within the burgh of Macduff in the county of Banff.

Costs of Order.

47. All costs charges and expenses of or incident to the preparing for and obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Town Council.

The SCHEDULE to which the foregoing Order refers.

TABLE OF SHORE AND HARBOUR DUES AT CREEKS AND HARBOUR.

I.—RATES FOR VESSELS.

Class I.

	£	s.	d.
(1) For all vessels to or from any port or place in Great Britain or Ireland per register ton - - - -	0	0	6
(2) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place in Great Britain or Ireland per register ton - - - -	0	0	6

Class II.

(1) For all vessels to or from all other places not in Great Britain or Ireland and all vessels from a home port whose cargo was shipped abroad per register ton -	0	0	10
(2) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place not in Great Britain or Ireland per register ton - - - -	0	0	6

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For vessels launched at the harbour half rates shall be paid on the first sailing thereafter outwards if in ballast only but if loading goods or passengers full rates shall be paid.

For vessels entering the harbour for safety or wind-bound and not breaking bulk nor taking in goods subject however to the provisions of the Order of 1898 as to fishing vessels belonging to countries with which treaties exist the following rates shall be paid namely—

One penny per register ton if on a voyage to or from any port or place in Great Britain or Ireland and 2*d.* per register ton if on a voyage to or from any other port or place.

But in the case of all classes if they break bulk or take in goods full rates shall be paid.

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards but shall be charged only on one of them and it shall be in the option of the Town Council to charge the said rates according to the class either on the sailing inwards or on the sailing outwards.

If the rates shall be charged on the sailing outwards there shall be deducted therefrom the amount of rates that may have been previously paid on the sailing inwards but if any vessel having sailed inwards sail outwards in ballast the rates shall be charged only on the sailing inwards.

For vessels sailing from the harbour and put back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return the period for remaining in port to be restricted to eight days on such return.

For vessels remaining in the harbour there shall be paid in advance a rate of 1½*d.* per register ton for a week or for any period less than a week in which such vessels shall remain in the harbour after the expiration of fourteen days from their arrival.

The rate shall not be chargeable for any vessels while under repair on slips or in graving or dry docks.

	£	*s.*	*d.*
For any new boats and vessels fitting up and for boats and vessels repairing per week or part of a week - -	0	10	0

Vessels arriving and departing in ballast to pay half dues.

Exemption.

No rate shall be charged for tug steamers while those tug steamers are employed only in towing vessels into or out of the harbour.

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II.—Rates on Fishing Vessels &c.

For every boat engaged in the herring white or other fishing and using the harbour as a composition in full of tonnage rates for the period of the herring white or other fishing season from 1st May to 1st August payable in advance :—

	£	s.	d.
If under 15 tons register - - - -	1	15	0
If 15 tons register or above - - - -	2	0	0
Skiffs and other small boats each - - -	0	5	0

For every boat engaged in the white fishing or other fishery and using the harbour as a composition in full of tonnage rates for any of the following fishing seasons payable in advance :—

For season from 1st August to 1st November - -	1	10	0
For season from 1st November to 1st February -	1	10	0
For season from 1st February to 1st May - -	1	10	0
Skiffs and other small boats each - - -	0	5	0

For every sailing boat bonâ fide loading or discharging herrings or white or other fish which has not paid in advance the above composition dues for each occasion it uses the harbour - - - - - - - 0 3 0

For every sailing boat engaged in the herring or white or other fishery wind-bound which has not paid the above composition dues for each occasion when it uses the harbour 0 1 6

For every trawler liner or drifter propelled by steam or other mechanical power which has not paid in advance the above composition dues for each occasion of entering the harbour :—

If under 25 tons register - - - -	0	3	6
If 25 tons register or above - - - -	0	5	0

For every boat or fishing vessel other than above entering the harbour :—

If under 15 tons register - - - -	0	2	0
If 15 tons register or above - - - -	0	4	0

In the event of any boat or fishing vessel not paying composition dues remaining in the harbour more than twenty-four hours the above rate shall be payable for each twenty-four hours or part thereof after the first twenty-four hours.

The above charges shall also be payable in respect of any hull lying in the harbour for purposes of being completed or engined.

Note—A sailing vessel engaged in the fishing trade and fitted with auxiliary motor power in addition to her sails shall be deemed to be a sailing vessel and be chargeable as such.

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III.—Berthing.

	£	s.	d.
All vessels under 30 tons register for each voyage - -	0	0	8
All vessels of 30 tons register and under 60 tons - -	0	1	3
All vessels of 60 tons register and under 80 tons - -	0	1	9
All vessels of 80 tons register and under 120 tons - -	0	2	3
All vessels of 120 tons register and under 300 tons -	0	3	6
All vessels of 300 tons register and upwards - -	0	4	6

IV.—Rates for Vessels and Boats propelled by Steam or other Mechanical Power or Sail Fishing Boats laid up in the Harbour or at any of the Quays of the Town Council.

	Rate.		
	£	s.	d.
For first four weeks or any shorter period - - -	5	0	0
For every succeeding week or part of a week - -	0	10	0

V.—Rates for the use of Sheds Cranes Weighing Machines Warps &c.

(1) *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier of the Town Council for a period not exceeding 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day or part of a day during which such goods shall remain after the first 24 hours.

(2) *Cranes.*

	£	s.	d.
All goods or packages not exceeding 1 ton - - -	0	0	3
Exceeding 1 ton and not exceeding 2 tons - -	0	0	4
Exceeding 2 tons and not exceeding 3 tons - -	0	0	6
Exceeding 3 tons and not exceeding 4 tons - -	0	0	8
Exceeding 4 tons and not exceeding 5 tons - -	0	0	10
Exceeding 5 tons and not exceeding 6 tons - -	0	1	0
Exceeding 6 tons and not exceeding 7 tons - -	0	1	2
Exceeding 7 tons and not exceeding 8 tons - -	0	1	4
Exceeding 8 tons and not exceeding 9 tons - -	0	1	8
Exceeding 9 tons and not exceeding 10 tons - -	0	2	0
Exceeding 10 tons - - - - -	0	3	0

(3) *Weighing Machines.*

For potatoes salt and coals each ton or part of a ton -	0	0	4
Goods in quantities of 20 tons and upwards of same cargo per ton - - - - - - -	0	0	3
Other goods per ton or part of a ton - - -	0	0	6

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(4) *Warps or Planks.*

	£	s.	d.
Harbour warps all vessels per register ton - - -	0	0	0¼
Harbour planks long per pair - - - -	0	3	0
Harbour planks short per pair - - - -	0	1	0

The long planks to be paid for by vessel and short planks by merchant.

(5) *Water Money.*

For each 25 gallons or part of 25 gallons of pure and wholesome water supplied to any vessel or boat - -	0	0	1½

(6) *Harbour Lights.*

For every fishing boat under 30 tons payable in advance per season - - - - - - - -	0	2	6
For every fishing boat of 30 tons or above payable in advance per season - - - - - - - -	0	5	0
For all other boats each - - - - - -	0	0	6
For every ship entering the harbour per register ton -	0	0	0¼

But rates for lights shall only be demanded and received when they have been provided to the satisfaction of the Board of Trade and so long thereafter as a light or lights are duly exhibited during the proper hours.

(7) *Ballast.*

For all ballast supplied by the Town Council to vessels or discharged from vessels within the harbour per ton -	0	1	0

VI.—Rates for Salmon Fishers.

The lessee or other person carrying on the salmon fishing industry at Macduff shall pay the sum of two pounds two shillings per annum for the use of the harbour.

General Note.

All seaborne bunker coal supplied to any vessel engaged in the fishing industry or to any vessel propelled by steam and which vessel has paid harbour rates to the Town Council shall be exempt from further rates.

All rates on vessels where not otherwise provided to be paid before leaving the harbour For boats &c. remaining in the harbour dues payable weekly in advance.

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Hove Porthcawl Rhyl and Southend-on-Sea. A.D. 1912.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty 10 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:—

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions 15 thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 4) Act 1912. Short title.

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THE SCHEDULE OF ORDERS.

1. Hove—Construction of pier &c.
2. Porthcawl—Construction of pier &c.
3. Rhyl—Extension of pier &c.
4. Southend-on-Sea—Construction of pier and widening of existing pier.

SCHEDULE.

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HOVE PIER.

Order authorising the construction maintenance and regulation of a Pier at Hove in the County of Sussex. Hove.

5 *Preliminary.*

1. This Order may be cited as the Hove Pier Order 1912. Short title.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." Commencement of Order.

10 3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:— Interpretation.

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

15 "The Corporation" means the mayor aldermen and burgesses of the borough of Hove;

"The pier" means and includes the works authorised by this Order and the buildings and conveniences belonging to the Undertakers and used by them in connexion with those works.

20 (2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the 25 Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties 30 any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

4. Henry Hoyne Fox of 185 Church Road Hove in the county of Sussex and Owen Davies of 48 Westbourne Villas Hove in the said 35 county shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers" which expression Undertakers.

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shall in this Order unless the context otherwise requires include the survivor of the said Henry Hoyne Fox and Owen Davies and the executors and administrators of such survivor their and his assigns.

Transfer of Undertaking.

Powers not to be exercised unless undertaking is transferred to a registered company.

5.—(1) The powers given by this Order shall not be exercised unless within six months or such extended period not exceeding in the whole twelve months as the Board of Trade allow after the commencement of this Order the Undertakers transfer the undertaking to a limited company registered under the Companies (Consolidation) Act 1908 and approved by the Board of Trade for the purpose.

(2) Within that period the Undertakers may transfer and the company to whom the transfer is to be made may take a transfer of the undertaking with the consent of and on such terms and conditions as may be approved by the Board of Trade.

(3) On any such transfer the rights powers authorities obligations and liabilities of the Undertakers in respect of the undertaking shall be transferred to and may be exercised by and shall atttach to the company to whom the transfer is made and that company shall subject to the provisions of this Order become as from the date of such transfer the Undertakers for the purposes of this Order.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

6. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

7. For the purposes of the works authorised by this Order the Undertakers may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Lands for extraordinary purposes.

8. The Undertakers may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Undertakers from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take easements by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being

an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such land and the provisions of the said Acts with respect to lands so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

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Limits.

Limits.

10.—(1) The limits within which the Undertakers shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below low-water mark within a distance of one hundred yards measured in any direction from the southern extremity of the pier which limits are in this Order termed "the limits of this Order."

(2) The limits within which the power to levy rates may be exercised herein-after termed "the rating limits" shall comprise the pier.

Works and Powers.

Power to construct works.

11. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section make and maintain the works authorised by this Order

Description of works.

12.—(1) The works authorised by this Order are—A pier commencing in the parish and borough of Hove in the county of Sussex at a point in Medina Esplanade about 5¼ chains eastward from the eastern side of Hove Street and extending thence into and terminating in the bed of the sea (extra-parochial) at a distance of about 22 chains from the point of commencement.

(2) The works shall be constructed upon piers piles or pillars and shall be open work.

Further powers as to works.

13.—(1) The Undertakers may construct maintain and use temporarily or permanently piles groynes caissons cofferdams approaches landing stages and places moorings buoys tramways toll-houses gates and such other works and conveniences as may be requisite or expedient for the purposes of or in connexion with the pier or the construction maintenance and use thereof or for the purposes of this Order.

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(2) Any tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

Power to deviate.

14. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Consent of Board of Trade to works.

15. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

16. Any person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

17.—(1) If within three years from the commencement of this Order the works authorised by this Order are not substantially completed the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the completion of the works be extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for six consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially completed or that they have been virtually suspended for six consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

(4) The Undertakers before making any application to the Board of Trade under this section shall give to the Corporation fourteen days' previous notice of their intention to make such application.

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Power to erect pavilions and other buildings.

18. The Undertakers may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions theatre buildings galleries saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands arcades shops bazaars kiosks aquaria water-closets urinals lavatories swimming medicated and other baths and sanitary and other conveniences and they may also construct under the pier-head and maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming-baths.

Power to dredge.

19.—(1) The Undertakers may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the landing stage.

(2) All sand mud and other materials dredged up or removed shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained and if such place is between high and low water marks within the borough of Hove without the consent in writing of the Corporation also.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

For protection of Corporation.

20. Notwithstanding anything contained in this Order or shown on the plans and sections deposited with reference thereto the following provisions for the protection of the Corporation shall unless otherwise agreed in writing apply and have effect (that is to say):—

(1) The Undertakers shall not commence the construction of (*a*) any works by this Order authorised (*b*) any additional works mentioned or referred to in the section of this Order the marginal note whereof is "Further powers as to works" or (*c*) any pavilion or other buildings or conveniences mentioned or referred to in the section of this Order the marginal note whereof is "Power to erect pavilions and other buildings" except in accordance with plans sections elevations and specifications to be previously submitted to and approved by the Corporation and the said works additional works and buildings shall be constructed to the satisfaction and approval and in manner required by the Corporation and under the superintendence (if required) of their borough surveyor;

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(2) The Undertakers shall not enter upon take use or interfere with temporarily or permanently the foreshore or beach or any land or property owned by or leased to the Corporation or over which they have control except for the purpose of constructing the pier and works which shall be so constructed that there be a free passage for boats thereunder and a free passage for persons proceeding along the beach or foreshore;

(3) The Undertakers shall not except with the previous consent in writing of the Corporation under their common seal deviate laterally from the lines of any works by this Order authorised or vertically from the levels thereof shown on the said deposited plan and section unless in accordance with plans sections elevations and specifications to be first submitted to and approved by the Corporation;

(4) Before commencing any such works further works or buildings as aforesaid the Undertakers shall submit to the Corporation for their approval the arrangements proposed to be made by the Undertakers with reference to the sanitary arrangements drainage smoke and other like matters and with reference to getting rid of waste material and refuse and no such arrangement shall be carried out until the Corporation have signified their approval thereof in writing;

(5) No part of the works authorised by this Order shall be commenced unless and until the Undertakers shall have satisfied the Corporation that a sum of not less than sixty-five thousand pounds has been subscribed or is secured or otherwise available to the Undertakers for the purposes of the pier;

(6) The Undertakers shall not execute or do temporarily or permanently in or upon the foreshore or beach or any land or property owned by or leased to the Corporation or over which they shall have control anything which may be or become a breach of the restrictions or restrictive and other covenants or conditions entered into by the Hove Commissioners or by the Corporation unless or until the Undertakers shall have obtained the consent of the persons having the benefit of any such covenant or which may be inconsistent with the provisions of the Hove Commissioners Act 1873;

(7) If the Undertakers fail to carry out and complete the said works as provided in the section of this Order of which the marginal note is "Powers to cease in certain events" or at any time after the completion of any of the said

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works or buildings permit or suffer the same or any of the same to become dilapidated or ruinous or if the Undertakers shall fail to properly maintain to the satisfaction of the Corporation the pier and the buildings and works thereon then and in any such case and as often as the same may happen without prejudice to other remedies the Corporation may give to the Undertakers notice in writing requiring the Undertakers within three months after such notice to complete the said works and buildings or to repair and make good the dilapidations or perform the obligation as to maintenance as the case may be and if the Undertakers shall not within a period of six months from the date of such notice have complied with the requirements thereof then at the expiration of that period if they so elect the Corporation may complete the aforesaid works and buildings and repair and make good such dilapidations or otherwise do all such works as may be necessary in performance of the obligations of the Undertakers under this Order or remove and abate the work so left uncompleted or out of repair and the reasonable expenses incurred by the Corporation in repairing such works or making good the dilapidations or otherwise carrying into effect the provisions of this section shall be paid by the Undertakers to the Corporation on demand;

(8) The Undertakers shall send to the Corporation a copy of the account referred to in section 49 of the Harbours Clauses Act 1847 at the same time as such account is sent to the clerk of the peace for the county of Sussex;

(9) Any dispute or difference between the Undertakers and the Corporation arising under or in relation to any of the provisions of this Order shall unless otherwise agreed be determined by an arbitrator to be appointed on the application of either party with notice to the other by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Use of pier for landing &c.

21. The Undertakers shall not allow anything except persons passengers' luggage and vehicles to be landed upon or embarked from the pier.

Rates.

Power to levy rates.

22. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on

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the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within the rating limits subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and of any tramway and in respect of vessels boats persons and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Rates may be levied though works not completed.

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

Power to confer exemptions and compound for rates.

24. The Undertakers may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates in respect of services &c.

25. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any buildings works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connexion with the pier.

Certain fishing vessels under stress of weather exempt from rates.

26. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

27. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought

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ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers.

Special charges for entertainments &c.

28. Notwithstanding anything contained in this Order the Undertakers may charge in addition to the rates mentioned in Part II. of the schedule to this Order such a sum as may be reasonable for admission from the pier to any entertainment held in any theatre pavilion or other building erected upon the pier or to any building or part of the pier set apart for any special purpose.

Power to close pier on special occasions.

29.—(1) The Undertakers may on any special occasions but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may think fit.

(2) On all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Undertakers shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass and family tickets.

30.—(1) The Undertakers may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such period not exceeding one year as the Undertakers may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Undertakers shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

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(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Undertakers and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Order shall apply thereto accordingly.

Annual account to be sent to Board of Trade. 25 & 26 Vict. c. 19.

31.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

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

(3) The account shall be made up to the end of the thirty-first day of December in each year.

Board of Trade may reduce rates.

32. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum

per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

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Application of revenue.

33. All moneys received from rates or otherwise as income under this Order shall be applicable to payment of the expenses properly chargeable to revenue of the maintenance repair and management of the pier and the surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

Powers of Sale and Leasing.

Notice to be given of application to sell or lease in certain cases.

34.—(1) Before making application to the Board of Trade for their consent to any sale or lease or to the assignment of any lease under either of the two next succeeding sections of this Order to or in favour of any person or persons the Undertakers shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Board of Trade in order that all persons interested may have an opportunity of making objections to the proposed sale lease or assignment.

(2) The Undertakers shall give fourteen days previous notice to the Corporation of their intention to apply for the consent of the Board of Trade to any sale lease or assignment of any lease so as to give the Corporation an opportunity of making representations to the Board of Trade with reference thereto.

Power to sell undertaking.

35.—(1) At any time after the works have been completed the Undertakers may with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell their undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order or which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(2) The Undertakers shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

Power to lease undertaking or rates.

36.—(1) The Undertakers may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (*a*) the entire undertaking of the Undertakers or

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any part or parts therof or (*b*) the rates and other charges authorised to be taken by this Order or any of such rates or charges.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order or which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Undertakers shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

Power to lease pavilions &c.

37. The Undertakers may let for hire or lease for any term not exceeding seven years any tramway pavilions theatre buildings rooms shops baths or other buildings or structures separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

Byelaws.

38.—(1) The byelaws which may from time to time be made by the Undertakers in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(4) The Undertakers shall send to the Corporation a copy of any proposed byelaws at least fourteen days before those byelaws are submitted to the Board of Trade.

Life-saving Apparatus.

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Sections 16 to 19 of Act of 1847 not to apply.

39.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving apparatus may be attached to pier.

40. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Lifebuoys to be kept.

41. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights during construction of works.

42.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

Lights after completion of works.

43.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season

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of the year such lights (if any) and shall take such other steps for the prevention of 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 such directions.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction. 5

As to buoys and lights in case of decay of works.

44.—(1) In the case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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. 10

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions. 15

Miscellaneous.

Meters and weighers.

45. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Appointment of officers to enforce bye-laws and regulations.

46. The Undertakers may appoint officers for securing the observance of the byelaws and regulations made by the Undertakers under this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant. 20 25

Application of Harbours Clauses Act 1847.

47. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of penalties.

48. All penalties recoverable by the Undertakers under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and be applied as income under the provisions of the section of this Order the marginal note whereof is "Application of revenue." 30

Officers exempt from rates.

49. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment. 35

Local lighthouse authority.

50. The Undertakers shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Saving rights of Crown.

51. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing 40

herein contained authorises the Undertakers 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).

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52. The pier shall be deemed to be for all purposes within the parish and borough of Hove in the county of Sussex.

Works to be in borough of Hove.

53. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

Costs of Order.

SCHEDULE referred to in the foregoing Order.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel not exceeding the burden of fifteen tons per ton - - - - - - - - -	0	4
For every vessel exceeding the burden of fifteen tons and under fifty tons per ton register - - - - - -	0	6
For every vessel of the burden of fifty tons and under one hundred tons per ton register - - - - - -	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons per ton register - - -	0	10
For every vessel of the burden of one hundred and fifty tons and upwards per ton register - - - - - -	1	0

II.—Rates for Use of Pier.

	£	*s.*	*d.*
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - - - - -	0	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - - - - - - -	0	0	2

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	£	s.	d.	
For every bath or sedan chair including driver taken on the pier for each time any sum not exceeding - - -	0	0	4	
For every perambulator including driver taken on the pier for each time any sum not exceeding - - -	0	0	4	5
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	0	4	
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding -	1	0	0	10

III.—Rates on Passengers' Luggage Landed or Shipped or Transhipped at the Pier.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding twenty-eight pounds - -	0	0	2	15
Over twenty-eight pounds and not exceeding eighty-four pounds - - - - - - -	0	0	4	
Over eighty-four pounds and not exceeding one hundred and twelve pounds - - - - - -	0	0	5	
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds - - - -	0	0	6	20
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds - - - -	0	0	7	
Over one hundred and ninety-six pounds and not exceeding two hundredweight - - - - - -	0	0	8	25
If exceeding two hundredweight for every hundredweight -	0	0	4	
And for every twenty-eight pounds weight in addition -	0	0	1	

IV.—Rates for Vehicles Landed at the Pier or Shipped or Transhipped.

For every four-wheeled carriage - - - -	0	4	0	30
For every two-wheeled carriage - - - -	0	2	6	
For every bicycle or tricycle for each and every time -	0	0	3	

V.—Rates for Use of Tramway.

For every passenger using any tramway for each time any sum not exceeding - - - - - - -	0	0	3	35

[For passengers' luggage rates not exceeding rates on same for use of pier.]

PORTHCAWL PIER.

A.D. 1912.

Order for the construction maintenance and regulation of a Pier and Works at Porthcawl in the County of Glamorgan.

Porthcawl.

Preliminary.

5 1. This Order may be cited as the Porthcawl Pier Order 1912. Short title.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." Commencement.

3.—(1) In this Order the following words and expressions shall 10 unless the context otherwise requires have the meanings herein-after assigned to them namely:— Interpretation.

The "Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

The "pier" and the "undertaking" mean respectively the pier 15 and works and the undertaking by this Order authorised.

"The Council" means the Urban District Council of Porthcawl.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

20 The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same 25 Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

30 4. The Porthcawl Improvements Syndicate Limited and their assigns shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers." Undertakers.

Acquisition of Lands.

5. The Lands Clauses Acts (except so much thereof as relates to 35 the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order. Incorporation of Lands Clauses Acts.

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Power to take lands by agreement.

6. For the purposes of the works authorised by this Order the Undertakers may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Lands for extraordinary purposes.

7. The Undertakers may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Undertakers from any proceedings for nuisance caused or permitted by them on land acquired by them under the powers conferred by this section.

Power to take easements by agreement.

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

Limits.

Limits.

9.—(1) The limits within which the Undertakers shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works by this Order authorised and an area below low-water mark within two hundred yards in any direction seawards from the seaward extremity of those works and those limits are in this Order termed "the limits of this Order."

(2) The limits within which the power to levy rates may be exercised herein-after termed "the rating limits" shall be and comprise the pier.

Works and Powers.

Works not to be commenced until Board of Trade is satisfied as to capital.

10. No part of the works authorised by this Order shall be commenced unless and until the Undertakers shall have satisfied the Board of Trade that a sum has been raised or secured by or otherwise made available for the Undertakers sufficient to ensure the due completion by the Undertakers under and in accordance with the provisions of this Order of the whole of the works authorised by this Order.

Power to construct works.

11.—(1) Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers may on the lands belonging

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to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order.

(2) The Undertakers shall not begin to construct any part of the said works unless and until they are in a position and able to carry out and complete all the works authorised by this Order and they shall after they shall have begun the construction of the works proceed continuously with such construction until the said works have been completed in all respects.

Works to be maintained.

12. The Undertakers shall at all times maintain the whole of the works authorised by this Order in good repair and forthwith restore and make good any damage that may be occasioned thereto and in the event of the works being so damaged as to become a danger to navigation or otherwise and not restored for a period of twelve months shall remove the same or so much thereof as shall have become dangerous.

Description of works.

13. The works authorised by this Order are:—

(*a*) A promenade pier of open-work construction with a solid approach thereto commencing in the esplanade at a point therein two hundred and fifty feet or thereabouts south-east of the gateway leading to Lock's Common and three hundred feet south-west of the west corner of Caroline Street and extending seawards in a direction nineteen degrees west of south for a distance of seven hundred feet or thereabouts from the point of commencement and there terminating:

(*b*) All necessary embankments slips accesses approaches cranes buoys lights tramways and other works connected with the pier.

For protection of Council.

14. For the protection of the Council the following provisions shall unless otherwise agreed be observed and have effect:—

(1) Notwithstanding anything in this Order contained or shown on the deposited plan and sections the approach to the pier shall be so constructed as to form a junction with the proposed extension of the Council's sea defence wall as shown on the deposited plan and a continuation of the Council's esplanade and no building or erection shall be placed thereon:

(2) The Undertakers shall forthwith after the pier has been constructed and opened to the public give up to the Council the piece of land coloured pink upon a plan which has

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been signed in duplicate by Ernest McKaig on behalf of the Undertakers and by Arthur Samuel Lilley on behalf of the Council for the purpose of widening their road and esplanade and for free and uninterrupted user by the public in connexion with the esplanade provided by the Council and the Undertakers shall not erect any erection or building on the piece of land coloured green on the said plan except so far as may be necessary for the purpose of constructing the pier and the approach thereto in accordance with the powers of this Order:

(3) The works authorised by this Order shall be so executed as not to prevent the Council constructing the intended extension of their sea defence wall and esplanade westwards from the present termination thereof up to the point of commencement of the solid approach to the Work (A) as shown on the deposited plan:

(4) Notwithstanding anything in this Order contained the Undertakers after receiving notice in writing from the Council in that behalf shall not ship tranship or unship at the pier any goods or other things which the Council shall consider to be of an offensive or objectionable nature or which may cause inconvenience or annoyance to the inhabitants of the district.

Power to deviate.

15.—(1) Subject to the provisions of this Order the Undertakers may in constructing the works authorised by this Order with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

(2) The Undertakers shall give to the Council at least fourteen days' notice of their intention to apply to the Board of Trade for their consent to any such deviation.

Plans &c. to be submitted to Council before works commenced.

16.—(1) Before the Undertakers commence any part of the works they shall give to the Council facilities for inspecting the plan elevation and sections contained in the general drawings of the pier submitted to the Board of Trade so as to give the Council an opportunity of making representations to the Board of Trade thereon and the Undertakers shall construct the pier in accordance with the said plan elevation and sections subject to any modifications which may be made therein by the Board of Trade and the Undertakers shall not alter the works so approved (with or without modifications) without giving the Council an opportunity of making representations to the Board of Trade thereon.

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(2) The Undertakers shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable requirements as may be made by the Council for the purpose of securing so far as may be the uninterrupted use by the public of the esplanade sea defence wall and the approaches thereto and of the seashore within the limits to which the provisions of this Order extend whether for the purpose of promenading boating recreation or otherwise.

Power to provide landing places &c.

17.—(1) The Undertakers may in connexion with the works authorised by this Order construct provide and maintain all proper landing places for passengers lamps lamp-posts electric lighting apparatus tramways rails roads footpaths sheds toll-houses toll gates or bars cranes hydraulic and other lifts buoys moorings approaches ways walls sewers drains and other works and conveniences connected with the pier Any sewers and drains constructed under this subsection shall be constructed to the satisfaction of the Council.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

For protection of Postmaster-General.

18. Any electric lighting or other apparatus constructed provided and maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Consent of Board of Trade to works.

19. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

20. Any person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

21.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

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(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

(4) Before applying to the Board of Trade for any special directions under this section the Undertakers shall give notice to the Council of such application so as to give the Council an opportunity of making representations to the Board of Trade thereon.

Power to erect pavilions and other buildings.

22.—(1) The Undertakers may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria water-closets urinals lavatories baths and sanitary and other conveniences.

(2) Before the Undertakers commence any works under this section they shall give to the Council facilities for inspecting the plans elevations and sections contained in the general drawings of all such pavilions saloons rooms and other erections to be so constructed so as to give the Council an opportunity of making representations to the Board of Trade respecting the same.

(3) The Undertakers shall not construct any floating or other swimming bath on under or adjacent to the pier.

Power to dredge.

23.—(1) The Undertakers may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

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(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

Power to purchase dredgers &c.

24. The Undertakers may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands" and be dealt with and applied in the manner provided by that section.

No offensive trade &c. to be allowed on pier.

25. The Undertakers shall not carry on or allow to be carried on upon the pier or in or upon any building or erection thereon any trade or business of an offensive or objectionable nature or which may cause inconvenience or annoyance to the inhabitants of the urban district of Porthcawl.

For protection of owner of Seabank Hotel.

26. Notwithstanding anything in this Order contained or shown on the deposited plan the Undertakers shall not without the consent in writing of John Elias or other the owner or owners for the time being of the premises known as the Seabank Hotel at Porthcawl place any building or erection upon the piece of land coloured green on the plan referred to in the section of this Order of which the marginal note is "For protection of Council."

Rates.

Power to levy rates.

27. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within "the rating limits" subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Rates may be levied though works not completed.

28. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Undertakers that the works authorised by this Order have

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been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the accommodation afforded.

Power to vary exemptions and compound for rates.

29. The Undertakers may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for weighing machines &c.

30. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any buildings weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connexion with the pier.

Supply of and rate for water.

31. If and so long as the Undertakers shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the works a supply of pure and wholesome drinking water they shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rates specified for that purpose in the schedule to this Order for pure and wholesome drinking water supplied by them.

Master of fishing vessel to report take of fish.

32.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the pier-master a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Pier-master may prevent sailing of vessels.

33. The pier-master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the pier-master (and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given

in the account of his take or cargo of fish required by this Order).

Certain fishing vessels under stress of weather exempt from rates.

34. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

35. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers.

Power to charge higher rates at certain times.

36.—(1) Notwithstanding anything contained in this Order the Undertakers may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and ten p.m.) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding the sum mentioned in the schedule hereto.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Undertakers shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be opened for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

Power to close pier on special occasions.

37.—(1) The Undertakers may on any special occasions but not exceeding twelve days in any one year or for more than three days

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consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may think fit.

(2) On all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Undertakers shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass and family tickets.

38.—(1) The Undertakers may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Undertakers may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Undertakers shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

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(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Undertakers and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Order shall apply thereto accordingly.

(7) The Undertakers may make special arrangements with and concessions to fishermen for admission to the pier for such periods and on such terms and conditions as the Undertakers may think fit but so that no preference shall be given to one fisherman over another.

Board of Trade may reduce rates.

39. If at any time the clear annual income derived from the undertaking on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed under this Order exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Powers of Sale and Leasing.

Notice to be given of application to sell or lease in certain cases.

40.—(1) Before making application to the Board of Trade for their consent to any sale or lease or to the assignment of any lease under either of the two next succeeding sections of this Order to or in favour of any person or persons owning or working passenger steam vessels the Undertakers shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Board of Trade in order that all persons interested may have an opportunity of making objections to the proposed sale lease or assignment.

(2) The Undertakers shall give fourteen days' previous notice to the Council of their intention to apply for the consent of the Board of Trade to any sale lease or assignment of any lease so as to give the Council an opportunity of making representations to the Board of Trade with reference thereto.

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Power to sell.

41.—(1) The Undertakers may (if authorised so to do by their Memorandum and Articles of Association and subject to the powers and provisions thereof) with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell their undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(2) The Undertakers shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

Power to lease undertaking or rates.

42.—(1) The Undertakers may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (*a*) the entire undertaking of the Undertakers or (*b*) the rates and other charges authorised to be taken by this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Undertakers shall within one month from the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

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(6) Nothing in this section shall exempt the Undertakers from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Undertakers and all moneys received by the Undertakers under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to lease pavilions &c.

43.—(1) The Undertakers may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

(2) Nothing in the preceding subsection shall authorise the Undertakers to let for hire or lease any landing stage or other work which is used for the landing or embarkation of passengers or goods.

Finance.

Power to borrow.

44. The Undertakers may borrow or re-borrow on mortgage at interest not exceeding five per cent. per annum on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the subscribed capital of the Undertakers.

Application of money borrowed.

45. The money borrowed under this Order shall be applied only for the purposes of this Order for which capita money may properly be applied and not otherwise.

Proceeds of sale of surplus lands.

46. The proceeds of sale of any surplus lands of the Undertakers under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Undertakers and shall be applied in discharge of moneys borrowed by the Undertakers under this Order.

Appointment of a receiver.

47.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth

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of the sum for the time being due on account of money borrowed under this Order.

(3) Sections 53 and 54 of the Companies Clauses Consolidation Act 1845 are incorporated with this Order and in those sections as so incorporated any reference to the special Act shall be construed as a reference to this Order. 5

Protection of lenders.

48. Any person advancing money to the Undertakers shall not be bound to require any further or other evidence of the power of the Undertakers to borrow the money advanced by such person than such as is afforded— 10

(*a*) by a certificate signed by two of the directors and countersigned by the secretary of the Undertakers that the Undertakers are not exceeding the powers of borrowing conferred on them by the regulations of the Undertakers for the time being and this Order ; and 15

(*b*) by an inspection of the register of mortgages by the Companies (Consolidation) Act 1908 required to be kept by the Undertakers.

Contingency fund.

49. The Undertakers may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time one-tenth of the issued capital of the Undertakers for the time being to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the works authorised by this Order appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise invested in trust securities until required for any of the aforesaid purposes. 20 25 30

Application of rates.

50. The revenue received from rates or otherwise as income under this Order shall be applicable for the purposes and in the order following and not otherwise :—

(1) In payment of the costs of and connected with the preparation and making of this Order: 35

(2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith :

(3) In payment year by year of the interest accruing on money borrowed under this Order and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments: 40

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(4) In making such payments (if any) as the Undertakers think fit into a contingency fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

Annual account to be sent to Board of Trade.

51.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and to the Council and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

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

(3) The account shall be made up to the end of the 31st day of March in each year.

Byelaws.

Byelaws.

52.—(1) The byelaws which may from time to time be made by the Undertakers in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(4) The Undertakers shall send to the Council a copy of any proposed byelaws at least fourteen days before those byelaws are submitted to the Board of Trade.

Life-saving Apparatus.

Provision for life-saving apparatus.

53.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

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Life-saving apparatus may be attached to pier.

54. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Lifebuoys to be kept.

55. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights during construction of works.

56.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

Lights after completion of works.

57.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of 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 such directions.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

As to buoys and lights in case of decay of works.

58.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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.

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(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

59. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Meters and weighers.

60. The Undertakers may appoint officers for securing the observance of the byelaws and regulations made by the Undertakers under this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Appointment of officers to enforce byelaws and regulations.

61. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Application of Act 10 & 11 Vict. c. 27.

62. All penalties recoverable by the Undertakers under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and be applied in the manner provided by the section of this Order the marginal note whereof is "Application of rates."

Recovery of penalties.

63. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Officers exempt from rates.

64. The Undertakers shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Local lighthouse authority.

65. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers 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).

Saving rights of Crown.

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Works to be in parish of Newton Nottage.

66. The works authorised by this Order shall be deemed to be for all purposes within the parish of Newton Nottage in the urban district of Porthcawl in the county of Glamorgan.

Costs of Order.

67. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

The SCHEDULE referred to in the foregoing Order.

I.—Rates on Vessels (other than Fishing Vessels) making Fast to or Mooring at the Pier.

		s.	d.
For every vessel under 50 tons - - -	per registered ton	0	4
For every vessel of 50 tons and under 100 tons - - - - - - - -	per registered ton	0	6
For every vessel of 100 tons and upwards	per registered ton	0	8
All lighters from any vessel inside the rating limits shall be exempted from rates but if the vessel do not enter the rating limits every lighter shall pay for each trip - - - - - - -	per registered ton	0	2

II.—Rates on Fishing Vessels making Fast to or Mooring at the Pier.

	s.	d.
For every sailing fishing boat including those fitted with auxiliary motor power each time - - - - - - -	0	3
Or in full of rates per annum payable in advance - - -	10	0

Fishing boats propelled by steam or other mechanical power except auxiliary motor power to be rated as vessels.

III.—Rates for use of Pier.

	s.	d.
For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - - - - - - -	10	0
Or if the annual sum is not paid for each and every time	0	1
For every passenger or other person not being the master or a member of the crew who shall land on or embark from it on board of any ship vessel packet or passage boat for each and every time any sum not exceeding - - - -	0	6

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	s.	d.
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except of embarking or disembarking for each and every time any sum not exceeding - - - - - - - - -	0	4
For every person using the pier under the section whereof the marginal note is "Power to charge higher rates at certain times" for each time any sum not exceeding - - -	0	6
For every bath or sedan chair (including the person in charge or carriers) taken on the pier for each and every time any sum not exceeding - - - - - - - - -	0	6
For every perambulator including the person in charge for each and every time any sum not exceeding - - -	0	3
For every person using the pier for bathing purposes any sum not exceeding - - - - - - - - - -	0	6

IV.—Rates on Passengers' Luggage Landed or Shipped.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 56 lbs. - - - - - -	0	2
Over 56 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every 20 lbs. weight in addition - - - -	0	1

V.—Rates on Goods Shipped Transhipped or Unshipped at the Pier.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Ale and beer - - - - -	per 3 gallons - -	0	0½
Ale and beer (bottled) - - - -	per gross - -	1	0
Alum - - - - - -	per cwt. - -	0	1¾
Anchors - - - - - -	per ton - - -	5	0
Ashes - - - - - -	per ton - - -	2	0
Asphalte and bitumen - - - -	per ton - - -	1	3
Aerated water (all kinds) - - -	per ton - - -	1	8
Bacon or hams - - - - -	per ton - - -	3	4
Barilla - - - - - -	per ton - - -	3	0
Bark oak - - - - - -	per ton - - -	2	6
Barley and other groats - - - -	per ton - - -	2	0
Barrels (empty herring) - - - -	each - - -	0	1
Baskets under 12 inches in diameter - -	per dozen - -	0	6
Baskets above 12 inches in diameter - -	per dozen - -	1	0

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Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Basket rods	per cwt.	0	2
Beef or pork (fresh or salt)	per ton	3	6
Beer (black or spruce)	per 3 gallons	0	2
Billiard table	per cwt.	0	2
Biscuits	per ton	3	0
Blacking	per cwt.	0	6
Bleaching salts	per cwt.	0	2¼
Blubber	per 252 gallons	3	0
Bones (crushed or uncrushed)	per ton	1	6
Books and stationery	per cwt.	0	4
Bottles	per gross	0	4
Bottles (broken)	per ton	0	6
Boxwood	per cwt.	0	1¾
Bran	per ton	1	0
Brass	per ton	2	0
Bricks	per 1000	0	10
Brimstone	per ton	2	0
Bristles	per cwt.	0	9
Brooms (common)	per dozen	0	2
Bulrushes	per cwt.	0	2
Butter	per cwt.	0	3
Boxes (empty)	each	0	1
Candles	per ton	3	6
Canvas	per cwt.	0	2
Carpets rugs and upholstery articles	per ton	2	6
Cane reeds	per cwt.	0	2
Carboys (empty)	each	0	1
Carriages with springs under 5 cwt.	each	3	0
Carriages 5 cwt. and under 7½ cwt.	each	5	6
Carriages 7½ cwt. and under 10 cwt.	each	7	6
Carriages 10 cwt. and above	each	10	0
Carrots	per ton	1	0
Casks boxes sacks and kits (empty) except returned empties as provided for in the notes to this schedule	each	0	1
Cattle :—			
Bulls cows and oxen	each	0	6
Calves	each	0	1
Horses	each	1	0
Ponies under 12 hands	each	0	6
Asses or mules	each	1	0
Pigs	each	0	3
Sheep and lambs	each	0	1
Small cattle and ponies from Orkney and Shetland	each	0	8
Cement	per ton	1	6
Chalk	per ton	1	6
Cheese	per ton	2	6
Chimney tops	each	0	1
Chocolate	per cwt.	0	3
Cider	per 3 gallons	0	0½
Cinders and charcoal	per ton	0	9
Clay (china or stone)	per ton	1	0
Clay pipes	per ton	1	0

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Clocks	each	1	0
Clothing haberdashery silk mercery &c. not otherwise enumerated	per ton	3	0
Coals	per ton	0	4
Cocoa	per cwt.	0	3
Cocoa nuts	per 100	0	4
Coffee	per cwt.	0	3
Coke	per ton	0	10
Confections of all kinds	per cwt.	0	2
Copper	per ton	3	0
Copper (old)	per ton	2	0
Copper ore	per ton	0	1
Copperas	per cwt.	0	1¾
Colours	per cwt.	0	1¾
Cordage	per ton	2	6
Cordage old not in use	per ton	1	0
Cork wood and corks	per ton	3	4
Corn and meal viz :—			
Barley and bigg	per ton	1	4
Bere and meal	per ton	1	6
Beans	per ton	1	4
Indian corn	per ton	1	4
Indian meal	per ton	1	6
Malt	per ton	2	8
Oats	per ton	1	4
Oatmeal	per ton	1	6
Peas	per ton	1	6
Rye	per ton	1	4
Wheat	per ton	1	6
Cotton wool &c.	per ton	5	0
Crystal	per ton	5	0
Cutch	per ton	3	4
Dogs	each	0	6
Drugs	per cwt.	0	4
Dung	per ton	0	4
Earthenware	per ton	2	6
Eggs	per cwt.	0	3
Emery and emery stones	per cwt.	0	3
Feathers	per ton	10	0
Felt	per ton	2	6
Fish dried	per cwt.	0	2
Fish pickled or salted	per cwt.	0	2
Fish fresh haddock cod ling and fish not enumerated	per cwt.	0	2
Fish large fresh cod ling and skate	per 20	0	3
Fish offal	per ton	0	4
Flax	per cwt.	0	2
Flour	per ton	2	8
Flower roots	per cwt.	0	2
Flint stones	per ton	0	6

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Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Fruit viz. :—			
Apples pears and berries	per cwt.	0	3
Plums cherries and grapes	per cwt.	0	4
Melons	per cwt.	0	2
Peaches	per 100	0	2
All not enumerated	per 10*l.* value	0	10
Furniture (household)	per 10*l.* value	1	0
Furriers' waste	per ton	0	4
Game	per head	0	0½
Ginger	per cwt.	0	3
Ginger preserved	per cwt.	0	6
Glass of all descriptions	per cwt.	0	2
Glue	per cwt.	0	4
Grates stoves &c.	per ton	3	6
Gravel	per ton	1	6
Grease	per ton	2	6
Groceries all kinds not enumerated	per cwt.	0	3
Gunpowder	per cwt.	0	3
Guano	per ton	1	6
Hair all kinds { baken	per cwt.	0	4½
Hair all kinds { plasterers'	per ton	2	0
Hardware	per cwt.	0	2
Hats	per dozen	0	6
Hay	per ton	1	6
Hemp	per ton	3	6
Herrings fresh imported or exported	per 37½ gallons	0	3
Herrings cured imported or exported	per 26⅔ gallons	0	2
Hides raw	per cwt.	0	2
Honey	per cwt.	0	3
Hoops of wood	per 1000	0	10
Hops	per cwt.	0	6
Horns slugs and tips	per 1000	1	8
Husbandry implements	per ton	1	4
Iron viz. :—			
Bar plate bolt and rod	per ton	2	0
Forged made work and hoops	per ton	3	4
Old	per ton	1	3
Old and broken goods	per ton	0	6
Cast-iron goods	per ton	2	6
Wire	per cwt.	0	2
Pig	per ton	1	0
Kelp	per ton	1	0
Kiln pavement	per 30 feet	0	4
Lard	per ton	2	0
Lead	per ton	2	0
„ black	per ton	2	0
„ ore	per ton	2	0
„ red and white	per ton	2	0
„ shot	per ton	3	0
„ sugar of	per cwt.	0	2
Leather tanned and dressed	per cwt.	0	3
Lemons	per cwt.	0	4

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Lignum vitæ	per ton	3	0
Lime	per ton	0	6
5 Loam	per ton	0	4
Machinery	per ton	0	2
Manures manufactured and not otherwise enumerated	per ton	1	6
Mats and basses	per dozen	0	1
10 Mill waste	per ton	2	0
Molasses	per ton	2	0
Mussels	per ton	0	6
Nuts all kinds (except cocoa)	per cwt.	0	3
Oakum	per ton	3	0
15 Ochre	per cwt.	0	1½
Oil of all kinds	per ton	3	4
Oilcakes	per ton	2	0
Onions	per cwt.	0	3
Oranges	per cwt.	0	2
20 Oysters	per cwt.	0	3
Peats	per ton	0	3
Paper	per cwt.	0	2
Pewter	per ton	2	0
Pewter (old)	per ton	1	8
25 Pianoforte	per 10*l.* value	1	0
Pictures under two feet square	each	0	6
Pictures two feet and under four feet	each	1	0
Pictures four feet and upwards	each	2	0
Pigs' heads	per cwt.	0	0¾
30 Pipes drain under three inches diameter	per 1,000	0	6
Pipes above three inches in diameter	per 1,000	0	9
Pipes collars three inches in diameter	per 1,000	0	3
Pipes spigot and faucet-clay glazed	per ton	1	0
(Note.—Drain tiles and mugs one-third less.)			
35 Pipes tobacco	per cwt.	0	4
Pitch	per cwt.	0	2
Plaster of Paris	per ton	2	8
Plants nursery and garden (all kinds)	per cwt.	0	4
Porter	per 3 gallons	0	0½
40 Porter (bottled)	per gross	1	0
Potatoes	per ton	1	0
Poultry (all kinds)	each	0	0½
Provisions preserved (all kinds)	per cwt.	0	2
Pumice stone	per cwt.	0	3
45 Rags	per ton	2	0
Rice	per cwt.	0	2
Rosin	per ton	2	6
Saddlery (all kinds)	per cwt.	0	3
Salt in bulk	per ton	0	9
50 Salt rock	per ton	0	9
Salt saltpetre and Glauber salt	per ton	3	4
Salt in barrel including dues of barrel	per ton	1	4

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Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Salmon	per cwt.	0	6
Sand	per ton	1	6
Seed viz. :—			
Rape and flax	per cwt.	0	1
Clover	per cwt.	0	3
Rye grass	per ton	3	4
Shoes of all kinds	per ton	3	0
Sheep skins with wool	per cwt.	0	3
Sheep pelts	per cwt.	0	2
Slates large	per 1,000	1	4
Slates sizeable	per 1,000	0	10
Slates small	per 1,000	0	6
Snuff	per cwt.	0	6
Soap	per ton	2	0
Soda	per ton	1	6
Spades or shovels	per dozen	0	1
Spirits of all kinds	per gallon	0	0¼
Starch	per cwt.	0	3
Steel	per ton	3	0
Straw	per ton	1	0
Stones viz. :—			
Freestone building	per ton	0	5
Polished granite	per ton	2	6
Causeway granite	per ton	0	3
Kerb pavement and building	per ton	0	5
Rubble and chips	per ton	0	2
Rigging stones	per 100 running feet	1	6
Flagstones	per ton	0	9
Gravestones	each	3	0
Marble	per ton	3	0
Scythe stones	per cwt.	0	2
Grindstones	each	0	4
Millstones	each	0	6
All other descriptions except flint	per ton	1	0
Stucco	per ton	1	8
Sugar (all kinds)	per ton	1	8
Stoneware (all kinds)	per cwt.	0	2
Tallow	per ton	2	0
Tanners's waste	per ton	1	0
Tar (coal)	per 39 gallons	0	1
Tar (Archangel)	per 26½ gallons	0	2
Tea	per cwt.	0	6
Tiles roofing	per 1,000	1	0
Tin of all kinds	per ton	2	0
Tin plates	per ton	2	0
Tobacco in leaf	per cwt.	0	2¼
Tobacco manufactured	per 100 lbs.	0	4½
Tobacco stalks	per cwt.	0	3
Tongues smoked	per dozen	0	1½
Tongues pickled	per cwt.	0	4
Toys	per cwt.	0	3
Treenails	per 1,000	1	6
Turnery	per 10*l.* value	0	10
Turnips	per ton	0	6

Articles of Export or Import.	Weight or measure.	Rates. s.	Rates. d.
Twine	per cwt.	0	3
Tow (all kinds)	per ton	1	6
Vases or sculptured marble	per cwt.	0	3
Vinegar	per 3 gallons	0	0½
Vitriol	per gallon	0	0½
Varnish	per cwt.	0	2
Veneers (all kinds)	per cwt.	0	4
Vegetables	per ton	0	6
Whalebone or whalefins	per ton	3	4
Wheels coach carriage or cart	per pair	0	9
Whitening	per ton	0	10
Willow reeds	per cwt.	0	2
Wine	per gallon	0	0¼
Wine bottled	per gross	1	0
Wood viz. :—			
Herring barrel billets	per ton	1	0
Herring barrel staves	per 1,000 superficial feet	1	4
All other kinds not enumerated	per 1*l.* value	0	4
Wool	per ton	3	4
Yarn viz. :—			
Lint and cotton	per ton	4	6
Hemp	per ton	3	6
Worsted	per ton	4	6
Zinc	per ton	2	0

Note 1.—All goods or articles not enumerated in the foregoing schedule, per cwt. 2*d.*

Note 2.—All empty boxes barrels sacks and packages returned to the original shipper within three months from the date of import are exempt from rates.

VI.—Rates for Supplying Water.

	s.	d.
For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel or boat	0	1½

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RHYL PIER.

Rhyl.

Provisional Order for the widening improvement and extension of the pier at Rhyl and other purposes in connexion therewith.

WHEREAS application has been made to the Board of Trade by the Rhyl Urban District Council for a Provisional Order under the General Pier and Harbour Act 1861 and the General Pier and Harbour Act 1861 Amendment Act for the widening improvement and extension of the existing pier at Rhyl in the county of Flint and for other purposes in connexion therewith:

And whereas the Rhyl Urban District Council are empowered by the Rhyl Improvement Act 1872 and the Rhyl Improvement Act 1892 to purchase the existing pier and to borrow money therefor and have agreed with the mortgagees in possession of the said pier to purchase the same and have made application for the sanction of the Local Government Board to the raising of the money necessary for the purpose:

And whereas the said application is still under consideration by the Local Government Board:

Now therefore the Board of Trade hereby make the following Provisional Order:

Preliminary.

Short title.

1.—(1) This Order may be cited as the Rhyl Pier Order 1912.

(2) This Order and the Order of 1864 may be cited together as the Rhyl Pier Orders 1864 and 1912.

Commencement of Order.

2.—(1) This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

(2) Notwithstanding anything in the last preceding subsection contained none of the powers by this Order conferred on or things authorised by this Order to be done by the Undertakers shall be exercised or done until the purchase and transfer of the pier and pier undertaking shall have been actually completed and until the pier and pier undertaking shall have been and become vested in the council.

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Interpretation.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:—

The "Order of 1864" means the Rhyl Promenade Pier Order 1864;

The "Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

The "existing pier" means and includes the existing pier and the works connected therewith which have been constructed under the powers of the Order of 1864;

The "pier" means and includes as well the existing pier and works authorised by this Order;

The "pier undertaking" means and includes the pier and all lands buildings and property of the Undertakers used for the purposes of or in connexion with the pier and also the right to levy tolls rates and other charges and all other rights contained in the Order of 1864 (as varied by this Order) and this Order and the entire assets and undertaking in connexion with the pier;

"The Council" means the Rhyl Urban District Council.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Council shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Council.

Acquisition of Lands.

Incorporation of parts of Lands Clauses Acts.

5. The Lands Clauses Acts (except so much of section 127 of the Lands Clauses Consolidation Act 1845 and of those Acts as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that

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incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

6. For the purposes of the works authorised by this Order the Council may lease or puchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Limits.

Limits.

7. The limits within which the Council shall have authority and within which the powers of the Council or piermaster may be exercised and which shall be deemed the limits to which this Order and the Order of 1864 extend shall comprise the pier and the area below high-water mark within a distance of one hundred yards measured seawards in any direction from the seaward extremity of the pier which limits are in this Order termed "the limits of this Order."

Works and Powers.

Power to construct works.

8. Subject to the provisions of this Order and subject also to such alterations in and additions to (if any) the plan and section deposited with reference to this Order as the Board of Trade may require before the completion of the works in order to prevent injury to navigation the Council may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order.

Description of works.

9. The works authorised by this Order comprise the following:—

Widening improvement and extension of the existing pier commencing at the northerly end thereof and extending seaward in a northerly direction for a distance of 650 yards or thereabouts and there terminating.

The extension of the pier will be constructed of open work.

Power to deviate.

10. In constructing the works authorised by this Order the Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent not exceeding fifteen feet.

Power to maintain and improve works.

11.—(1) The Council may maintain alter widen extend and improve the pier and in connexion therewith may construct erect maintain alter and improve landing places buildings lamps lamp-posts gas and electric

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lighting apparatus lifts cranes offices sheds toll-houses gates pipes sewers drains approaches and other works and conveniences and may lay down and maintain rails and tramways on or along the pier and may construct provide and lay down and maintain mooring-posts buoys and other appliances and works for the use of vessels frequenting the pier.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

(3) Every sewer or drain constructed under the powers given by this section shall be connected with the main sewer of the Council in accordance with their regulations as to sewers and drains and no such sewer or drain shall be discharged otherwise or elsewhere than into that main sewer.

Motive power.

12. The carriages used on the tramways may with the consent of the Board of Trade and subject to such regulations as may be made by that Board be moved by electrical power or such mechanical or other motive power as may be approved by the Board of Trade.

For protection of Postmaster-General.

13. Any electric lighting or other apparatus constructed provided or maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Power to construct groynes

14. The Council may with the consent in writing of the Board of Trade and the Commissioners of Woods respectively construct such groynes as may be necessary for preventing the pier from being damaged or injured by the movement of shingle or other debris.

Power to erect pavilions and other buildings.

15.—(1) The Council may construct and maintain on the pier and may furnish and equip and make such reasonable charges as they may think fit for the use of and admission to fishing platforms pavilions shelters concert refreshment reading and other rooms shops bandstands lavatories sanitary conveniences bathing shed and swimming and other baths and they may with the consent in writing of the Commissioners of Woods let the pavilions and other works and conveniences constructed under this section or any of them for such period not exceeding seven years and upon such terms and conditions as they may think fit.

(2) The Council may at any time and as and when they think proper close any of the pavilions and other works and conveniences constructed under this section to the general public.

(3) The provisions of any byelaws and local Acts for the time being in force within the urban district of Rhyl shall so far as the same are applicable apply except as to materials to be used to all buildings and sanitary conveniences constructed by the Council under this section.

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Penalty for obstructing works.

16. Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

17.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Consent of Board of Trade to works below high-water mark.

18. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

19. No vessel or boat of any kind shall be moored or attached alongside or to the pier without the consent of the piermaster.

Power to dredge.

20.—(1) The Council may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other materials shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the

expenses connected therewith shall be deemed to form part of the pier revenue.

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21. The Council may provide purchase take on lease hire and use such steam or other dredgers erodors engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all money realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order the marginal note whereof is "Proceeds of sale of surplus lands" and be dealt with and applied in the manner provided by that section.

Power to purchase dredgers &c.

22. Subject to the provisions of the Order the works authorised by this Order shall for the purpose of rates and for all other purposes be deemed to be part of the pier undertaking as if they had been authorised by the Order of 1864.

New works to be part of pier undertaking.

23. Nothing in the Order of 1864 or this Order shall entitle any person with any vessel or boat to ship or unship at the pier any sheep cattle or merchandise or anything which in the opinion of the Council might in any way interfere with the use of the pier for recreation or for the embarking or landing of passengers and their luggage.

Power to prevent use of pier for cattle or merchandise.

24. The rates set out in the schedule to this Order shall be deemed to be included in the schedule to the Order of 1864 and the schedule to that Order including as aforesaid and that Order shall have effect accordingly and apply to the pier.

Power to take additional rates.

25. If and so long as the Council shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the pier a supply of pure and wholesome water the Council shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them.

Supply of and rate for water.

26. The Council may (so far as the rates specified in the schedules to the Order of 1864 and to this Order do not extend) demand and recover reasonable rates rents or other considerations for the use of any buildings tramways cranes works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connexion with the pier.

Rates for use of buildings &c.

27.—(1) The Council may on any occasion which they may deem special but not on more than twelve days in any one year or for more than three days consecutively close the pier against the public

Powers to close pier on special occasions &c.

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and may if they think fit on such occasions charge such special rates of admission not exceeding one shilling for each person.

(2) On all such occasions the Council shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates so long only as they use the pier as a passage and do not remain thereon.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to the Order of 1864 and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Council shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Power to charge higher rates at certain times.

28.—(1) Notwithstanding anything contained in the Order of 1864 and this Order the Council may charge for every person entering upon and using the pier between the hours of six p.m. and eleven p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and eleven p.m.) is held on the pier or any pavilion building or room for the time being on the pier any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Council shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

Family and day tickets.

29.—(1) The Council may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family

tickets at such rates on such terms and for such periods not exceeding one year as the Council may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Council shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets are issued.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted No pass ticket or family ticket shall be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

(6) The Council may make special arrangements with and concessions to fishermen for admission to the pier for such periods and on such terms and conditions as the Council think fit but so that no preference be given to one fisherman over another.

(7) Section 7 of the Order of 1864 is hereby repealed.

Power to vary exemptions from rates and to enter into compositions &c.

30. The Council may confer vary or extinguish exemptions from and enter into composition with any person with respect to the payment of the rates and charges authorised by the Order of 1864 and this Order but so that no undue preference be in any case given to any person over any other person and that anything done under this section shall not prejudice the other provisions of the Order of 1864 and this Order.

Contracts with railway companies &c.

31. The Council may from time to time in connexion with and for the purposes of the pier undertaking enter into and carry into effect contracts with railway and other companies shipowners owners of boats and vessels and other persons with reference to the construction of lifts railways tramways and other works which the Council are by this Order authorised to construct or to the receiving forwarding and conveyance of passengers and traffic including the user by any such company or person of the pier Provided that no undue preference be given to any company or person by or under any such contract.

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Exemption of lifeboat crews.

32. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons actually employed in saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to and along and on and from the pier.

Exemption from rates of certain fishing vessels under stress of weather.

33. Fishing vessels belonging to the United Kingdom or to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order and the Order of 1864.

Board of Trade may reduce rates.

34. If at any time the clear annual income derived from the pier undertaking on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Council in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Power of Leasing.

Power to lease.

35.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade and Commissioners of Woods lease to any company corporation or person (A) the entire pier undertaking or (B) the rates and other charges authorised by the Order of 1864 and this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Council by the Order of 1864 and this Order which the Council have or might exercise under the Order of 1864 and this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under the Order of 1864 and this Order.

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(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade and Commissioners of Woods.

(4) The Council shall within one month after the date of any lease made under this section deposit certified copies thereof with the Board of Trade and Commissioners of Woods and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Byelaws.

Byelaws.

36.—(1) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for that breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and the allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1837 shall not be incorporated with this Order.

37. Every byelaw made under the Order of 1864 shall cease to have any force or operation after the expiration of two years from the commencement of this Order and is hereby repealed as from that date but this repeal shall not affect any penalty in respect of any offence against any byelaw made under the Order of 1864 committed before the date on which the same is hereby repealed.

Lights.

As to lights during construction of works.

38.—(1) Before commencing the works authorised by this Order the Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any direction

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given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. 5

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

As to lights after completion of works.

39.—(1) After completion or permanent discontinuance or abandonment of the works by this Order authorised the Council shall at 10 the outer extremity of the pier or the completed portions thereof or in such other places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to 15 navigation as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for such directions.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions. 20

Provision against danger to navigation.

40.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that 25 corporation for directions as to the means to be taken.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Life-saving Apparatus. 30

Provision of life-saving apparatus.

41.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other 35 proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 40

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42. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Life-saving apparatus may be attached to pier.

43. The Council shall at all times keep at convenient places on the pier and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lifebuoys to be kept.

Finance.

44.—(1) The Council may from time to time borrow at interest not exceeding 5 per cent. per annum:—

Power to borrow.

(*a*) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole fifty thousand pounds;

(*b*) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of this Order; and

(*c*) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the district fund and the general district rate as the pier revenue.

45. All moneys borrowed by the Council under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") that is to say:—

Period for repayment.

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within 40 years from the date of borrowing the same;

(*b*) As to the money borrowed with the consent of the Board of Trade within such period as that Board may prescribe;

(*c*) As to the money borrowed for the purpose (*c*) mentioned in the last preceding section within five years from the commencement of this Order.

46.—(1) The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order (that is to say):—

Portions of Public Health Act as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

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Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

(2) A person lending money to the Council shall not be concerned to enquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent.

Mode of payment off of moneys borrowed.

47. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months (if by yearly repayments) or within six months (if by half-yearly repayments) after the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

48.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed under this Order the Council in every year shall appropriate and set apart out of the pier revenue and the district fund and the general district rate such equal annual sums as will with the accummulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed within the period by this Order or by the Board of Trade in pursuance of this Order prescribed for the repayment thereof respectively.

(2) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stocks debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Council and securities transferable by delivery).

(3) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or the part thereof so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based.

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(4) If and so often as the income of the sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the prescribed rate any deficiency shall be made good by the Council.

5 (5) If and so often as the income of the sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the prescribed rate any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund 10 under this Order shall be paid by the Council in addition to the payments provided for by this Order.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the 15 provisions of this Order together with the accumulations thereon will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that 20 purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund created to 25 meet that loan.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period 30 the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking 35 fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may 40 with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

Return as to sinking fund &c. to be made to Local Government Board.

49.—(1) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or paid to a sinking fund in pursuance of the provisions of this Order or in respect of any moneys raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and (if required by that Board) verified by statutory declaration of the clerk to the Council showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

(2) The clerk to the Council in the event of any wilful default by him in making the return under this section shall for each offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Local Government Board and shall be recoverable by that Board by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by that Board out of the High Court.

(3) If it appears to the Local Government Board by the return under this section or otherwise that the Council have failed to pay any instalment or annual payment or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund under this Order (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the Local Government Board may by Order direct that the sum mentioned in that Order not exceeding double the amount in respect of which the default has been made shall be paid

or applied as in that Order mentioned and that Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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Power to re-borrow.

50. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow Provided that the Council shall not have power to re-borrow any moneys which have been repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of money borrowed.

51. All moneys borrowed under this Order shall be applied by the Council only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Proceeds of sale of surplus lands.

52. The proceeds of sale of any surplus lands of the Council under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council under this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Contingency fund.

53.—(1) Subject to the provisions of this Order with reference to the application of the pier revenue the Council may in any year if they think fit for the purpose of forming and maintaining a contingency fund (not exceeding at any one time inclusive of accumulations of income one-fifth of the aggregate capital sums for the time being expended by the Council on the pier) to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier set apart out of the revenue such a sum as they may think fit.

(2) Every sum set apart under this section shall be invested in securities in which trustees are authorised to invest money other than securities of the Council and the interest thereon shall be accumulated

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until the fund reaches one fifth of the aggregate capital sums for the time being expended by the Council on the pier or is required for any of the purposes mentioned in this section.

Application of pier revenue.

54. All rates tolls dues rents and receipts or other revenue received by the Council in respect of the pier under the authority and provisions of this Order including the interest on the contingency fund when that fund amounts to the maximum herein-before prescribed (all of which are in this Order referred to as "the pier revenue") shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1) In payment of all expenses connected with the management and maintenance of the pier including therein the payment of or contribution towards a band of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier;

(2) In paying year by year the interest for the time being being due in respect of moneys borrowed by the Council under this Order;

(3) In paying the instalments as they become due of the principal moneys so borrowed;

(4) In providing a sinking fund for the repayment of the moneys so borrowed and not repayable by instalments;

(5) In creating and maintaining if they think fit a contingency fund in manner specified in the section of this Order of which the marginal note is "Contingency fund";

(6) In repaying to the district fund or general district rate all moneys and interest paid thereout for the purposes of the pier whether in respect of money borrowed or otherwise;

(7) In the general improvement of the pier;

(8) And the balance shall subject to the provisions of this Order be carried to the district fund.

Deficiency of revenue to be charged on district fund.

55. All charges on the pier revenue which that revenue may be insufficient to defray shall be charged on and paid out of the district fund and general district rate and the Council shall include in each rate the amount (if any) which it is estimated may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has occurred during any previous period.

Local Government Board audit.

56. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committee and officers under this Order and to the audit of such accounts.

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57.—(1) The Council shall keep a separate account of all receipts payments credits and liabilities in capital and revenue accounts respectively in relation to the pier and shall within one month after sending to the clerk of the peace a copy of such account in abstract (which account shall be made up at the end of the day on the thirty-first day of March in each year) send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account as if the Council were a company.

Annual accounts to be sent to Board of Trade. 25 & 26 Vict. c. 19.

(2) If the Council refuse or neglect to comply with this provision they shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which such refusal or neglect continues.

Miscellaneous.

58. All penalties recovered by the Council under the Order of 1864 and this Order shall be paid to the treasurer for the time being of the Council and be carried by him to the credit of the district fund.

Recovery of penalties.

59. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Extension of 10 & 11 Vict. c. 27 (sections 28 and 29) to all Government departments.

60. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 of 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).

Saving of Crown rights.

61. The pier shall for all purposes be deemed and taken to be within and form part of the parish and urban district of Rhyl in the county of Flint.

Pier and works to be deemed to be within parish of Rhyl.

62. All costs charges and expenses of and incident to preparing and obtaining this Order and otherwise incurred in reference thereto (as taxed by the proper officer) shall be paid by the Council primarily

Costs of Order.

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out of the pier revenue or out of moneys borrowed under the authority of this Order for that purpose.

Repeal.

63. The Rhyl Pier Order 1910 and section 70 of the Rhyl Improvement Act 1872 and sections 34 and 111 of the Rhyl Improvement Act 1901 are hereby repealed.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Goods Shipped or Unshipped at the Pier.

	s.	d.
Bicycles or tricycles each - - - - -	0	3
Motor cars not exceeding two tons - - - -	7	6
Motor cars exceeding two tons - - - - -	10	0

II.—Rates for supplying Water.

Fresh water on pier per 100 gallons - - -	0	6
Sea water on pier per 100 gallons - - -	0	6

SOUTHEND-ON-SEA PIER.

Southend-on-Sea.

Order for authorising the construction of a Pier or Jetty at Southend-on-Sea in the County of Essex and the widening and improvement of the existing Southend Pier and for other purposes.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Southend-on-Sea Pier Order 1912.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Definitions.

2. In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely—

"The Corporation" means the mayor aldermen and burgesses of the borough of Southend-on-Sea;

"The borough" means the borough of Southend-on-Sea;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

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"The Port Authority" means the Port of London Authority;

"The Act of 1887" and "the Act of 1895" and "the Order of 1911" mean respectively the Southend Local Board Act 1887 and the Southend-on-Sea Corporation Act 1895 and the Southend-on-Sea Loading Pier Order 1911;

"The existing pier Acts" means the Act 10 Geo. IV. cap. xlix. intituled "An Act for making and maintaining a pier at or "near Southend in the parish of Prittlewell in the county of "Essex and for making convenient approaches to and from "the same" the Act 5 & 6 William IV. cap. xc. intituled "An Act to explain and amend the powers of an Act of His "late Majesty King George the Fourth for making a pier at "Southend in the county of Essex" the Southend Local Board Act 1875 the Act of 1887 and the Act of 1895;

"The existing pier" means the piers and works authorised by the existing pier Acts;

"The Southend pier" means the existing pier and the works connected therewith and authorised by this Order;

"The pier undertaking" means the pier undertaking of the Corporation authorised by the existing pier Acts the Order of 1911 and this Order and also all the right to levy rates tolls and other charges and all other rights conferred upon the Corporation by the existing pier Acts the Order of 1911 and this Order;

"The pier revenue" means the revenue of the pier undertaking.

Undertakers.

Undertakers.

3. The Corporation shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and so much of those Acts as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

5. For the purposes of the works authorised by this Order the Corporation may purchase by agreement and use all or such part of the lands within the limits of deviation shown upon the plans

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deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Lands may be acquired by agreement.

6. The Corporation may by agreement purchase or take on lease for the purposes of the pier undertaking any interest in the foreshore of the borough not already acquired by them and any additional lands which the Corporation may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them upon land acquired by them under the provisions of this section.

Power to retain and sell lands

7. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under the existing pier Acts or this Order for the purposes of or in connexion with the pier undertaking and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Limits.

Limits.

8.—(1) The prescribed limits for the purposes of the Harbours Clauses Act 1847 shall comprise the Southend pier and the Westcliff pier (Work No. 1 authorised by this Order) and the area below high-water mark within a distance of two hundred yards from any part of those piers respectively.

(2) Nothing contained in this section shall limit or affect the powers of the Corporation to levy rates tolls charges and duties under the provisions of the existing pier Acts or any of them.

Works and Powers.

Power to construct works.

9. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works the Corporation may on the lands and in the lines and according to the levels shown on the said plans and sections and

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within the limits shown on those plans make and maintain the following works:—

Work No. 1.—A pier or jetty (in this Order called "the Westcliff pier") commencing at or near to high-water mark of ordinary spring tides and 45 yards or thereabouts measured in a southerly direction from the south-west corner of Crowstone Road at its junction with Chalkwell Esplanade and terminating at a point 140 yards or thereabouts measured in a southerly direction from its point of commencement and 626 yards or thereabouts above low-water mark of ordinary spring tides:

Work No. 2.—A widening and improvement of the existing pier on the east side thereof commencing at a point 437 yards or thereabouts below high-water mark of ordinary spring tides and terminating at a point 133 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 3.—A widening and improvement of the existing pier on the east side thereof commencing at a point 1023 yards or thereabouts below high-water mark of ordinary spring tides and terminating at a point 63 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 4.—A widening and improvement of the existing pier on the east side thereof commencing at a point 1576 yards or thereabouts below high-water mark of ordinary spring tides and terminating at a point 133 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 5.—A widening and improvement of the existing pier on the east side thereof commencing at a point 14 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 73 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 6.—A widening and improvement of the existing pier on the east side thereof commencing at a point 184 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 100 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 7.—A widening and improvement of the existing pier on the west side thereof commencing at a point 200 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 93 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 8—A widening and improvement of the outer pier-head of the existing pier on the east side thereof commencing at a point 287 yards or thereabouts below low-water mark of ordinary

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spring tides and terminating at a point 37 yards or thereabouts measured in a southerly direction from its point of commencement.

The Westcliff pier (Work No. 1 above mentioned) will be partly of open work and partly of solid construction and the other works authorised by this Order will be of open-work construction.

Power to deviate.

10. In constructing the works authorised by this Order the Corporation may with the consent in writing of the Board of Trade deviate laterally within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Restriction on mooring.

11. No vessel or boat of any kind shall be moored or attached alongside or to the Southend pier or the Westcliff pier without the content of the Corporation or the pier-master.

New works to be part of pier undertaking.

12. Subject to the provisions of this Order the works authorised by this Order shall for the purposes of rates and for all other purposes be deemed to be part of the pier undertaking as if those works had been authorised by the existing pier Acts and the provisions of those Acts so far as the same are applicable and are not inconsistent with the provisions of this Order shall mutatis mutandis apply to the said works.

Power to improve works.

13.—(1) Subject to the provisions of this Order the Corporation may from time to time with the consent of the Board of Trade improve alter widen and extend the Southend pier and the Westcliff pier and they may in connexion with either of those piers from time to time construct erect maintain alter and improve any warehouses offices toll-houses sheds cranes lifts stairs embankments landing-places landing-stages slips wharves quays jetties buoys moorings groynes pile lights beacons lamps lamp-posts gas and electric lighting apparatus roads sewers drains water-courses tanks mains pipes wires engines weighing-machines and other works buildings apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways stations platforms sidings and turntables on and along the Southend pier and may provide motive power for tramways.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

(3) Any mains pipes wires or other apparatus constructed or maintained under the authority of this Order for the purpose of electric lighting or power shall be so constructed maintained and used as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

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14.—(1) The Corporation may maintain alter enlarge or improve all buildings and conveniences now erected or being on the Southend pier and may erect construct alter enlarge or improve and maintain on the Southend pier and on the Westcliff pier fishing platforms bathing platforms bathing places pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences and may furnish and equip the same and make such reasonable charges as they think fit for the use thereof and admission thereto.

Power to erect pavilions and other buildings.

(2) Subject to the provisions of this Order the Corporation may also construct maintain and equip swimming-baths or bathing-places under or near to the Southend pier or upon the foreshore belonging to them and may make such reasonable charges as they think fit for the use of and admission to such swimming-baths or bathing-places.

Powers to cease in certain events.

15.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If the Westcliff pier after having been substantially commenced is virtually suspended for twelve consecutive months the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease except as to so much of the Westcliff pier as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the Westcliff pier has not been substantially commenced or that it has been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Consent of Board of Trade to works below high-water mark.

16. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and such works shall be constructed only in accordance with the terms of such consent.

Finance and Miscellaneous.

Power to borrow.

17.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

(a) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole forty-nine thousand pounds;

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(*b*) With the consent of the Local Government Board such further sum or sums as may from time to time be required for any of the purposes of this Order or of the pier undertaking including the provision and equipment of tramcars engines carriages and other vehicles to be used upon or in connexion with the Southend pier; and

(*c*) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the pier revenue.

Periods for repayment of money borrowed.

18. All moneys borrowed by the Corporation under the last preceding section of this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within forty years from the date of borrowing the same:

(*b*) As to the money borrowed for the purpose (*b*) mentioned in the last preceding section within such period not exceeding forty years from the date of borrowing the same as the Local Government Boark may prescribe:

(*c*) As to the money borrowed for the purpose (*c*) mentioned in the last preceding section within five years from the commencement of this Order.

Application of provisions of Act of 1895 and Order of 1911.

19. The following provisions of the Act of 1895 and the Order of 1911 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order namely:—

The Act of 1895:—

Section 52 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 53 (Provisions of Public Health Act as to mortgages to apply);

Section 55 (Power to borrow under Local Loans Act 1875);

Section 56 (Payment off of money borrowed);

Section 57 (Provision as to sinking fund; investment of sinking fund);

Section 58 (Application of sinking fund);

Section 60 (Protection of lender from inquiry);
Section 61 (Corporation not to regard trusts);
Section 62 (Annual return to Local Government Board with respect to sinking funds);
Section 63 (Application of money borrowed);
Section 65 (Separate account of pier undertaking and foreshore);
Section 66 (Application of pier and foreshore revenue);
Section 67 (Providing for any deficiency in revenue from pier undertaking and foreshore).

The Order of 1911:—

Section 11 (Abatement of work abandoned or decayed);
Section 12 (Penalty for injuring works);
Section 15 (Power to purchase dredgers &c.);
Section 20 (Power to re-borrow);
Section 21 (Separate account of pier undertaking to be kept and sent to the Board of Trade);
Section 22 (Board of Trade may reduce rates);
Section 23 (Byelaws);
Section 24 (Provision of life saving apparatus);
Section 25 (Life-saving apparatus may be attached to pier);
Section 26 (Life-buoys to be kept);
Section 27 (As to lights during construction);
Section 28 (As to lights after completion);
Section 29 (Provision against danger to navigation);
Section 30 (Appointment of officers to enforce byelaws and regulations);
Section 33 (Recovery of penalties);
Section 34 (Application of 10 & 11 Vict. c. xxvii.).

For the protection of Port Authority.

29. Notwithstanding anything to the contrary in this Order contained the following provisions shall unless otherwise agreed in writing between the Corporation and the Port Authority have effect for the protection of the Port Authority in relation the execution of the works authorised by this Order and the exercise of the powers of this Order by the Corporation (that is to say):—

(1) The Corporation shall not make or commence any of the works by this Order authorised nor any improvement alteration widening or extension thereof or of the existing pier whether permanent or temporary in the River Thames or on or under the bed or shores thereof below high-water mark unless and until the plans elevations and sections referred

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to in the next succeeding subsection have been reasonably approved by the Port Authority:

(2) All such works improvements alterations widenings and extensions shall be executed according to plans elevations and sections to be reasonably approved in writing by the Port Authority and deposited at their office and to the reasonable satisfaction of the engineer for the time being of the Port Authority and during the execution of the same the Corporation shall take such precautions for the safety of the navigation as the Port Authority may reasonably direct and the traffic of the said river shall not be interfered with more than may be absolutely necessary in the construction of the said works and improvements alterations widenings and extensions:

(3) The works by this Order authorised when commenced shall be proceeded with and completed with all reasonable despatch and the Corporation shall upon reasonable notice in writing from the Port Authority under the hand of their Secretary so to do remove any temporary works and materials for temporary works which may have been placed in the River Thames by the Corporation and are no longer in use and in any event within the period by this Order prescribed for the completion of the works hereby authorised and on their failing to do so the Port Authority may remove the same and recover from the Corporation the expense of so doing and the Corporation shall forthwith repay to the Port Authority all reasonable expenses so incurred:

(4) The Corporation shall not without the consent in writing of the Port Authority deepen dredge scour or excavate any portion of the foreshore or bed of the River Thames at or near any part of the Southend pier and the Westcliff pier:

(5) No work of demolition or removal of structures in the River Thames not required or derelict shall be commenced carried on or continued by the Corporation without the written consent of the Port Authority under the hand of their secretary having been first obtained and all work necessary for or in connexion with such demolition or removal shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the Port Authority and at the expense in all things of the Corporation:

(6) The Corporation shall at all times allow the engineer of the Port Authority or his authorised representative to inspect or survey all or any of the works by this Order authorised both

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during and after construction and shall give all reasonable facilities for so doing:

(7) After construction of the works by this Order authorised the members of the Port Authority and the duly authorised officers and servants of the Port Authority shall at all reasonable times have free access to from in and over the Southend pier and the Westcliff pier without payment either from the landward side or from the River Thames and any vessel employed in the service of the Port Authority shall at all reasonable times when accommodation for any such vessel at such piers is reasonably available have the free use thereof without any payment or charge whatever:

(8) Nothing in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Port Authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of the Act confirming this Order the Port Authority did or might lawfully claim use or exercise under and by virtue of the Port of London Act 1908 or otherwise:

(9) If any question arises between the Corporation and the Port Authority under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Proceeds of sale of surplus lands to be treated as capital.

21.—(1) The proceeds of sale of any surplus lands of the Corporation sold under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed hy the Corporation under the existing pier Acts the Order of 1911 and this Order.

(2) Such proceeds of sale and other moneys borrowed as in the preceding subsection mentioned if and when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

(3) Subject to the provisions of the last preceding subsection such proceeds of sale and other moneys shall be applied in discharge of borrowed moneys in the order of date in which such moneys were borrowed and moneys borrowed later shall not be discharged until all moneys borrowed earlier and not repayable by instalments or a sinking fund shall have been discharged and satisfied.

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Amendment of section 21 of Act of 1887.

22. Section 21 of the Act of 1887 shall be read and have effect as if:—

(*a*) The words "or public bands of music" were inserted after the words "a public band of music":

(*b*) The words "borough fund" were substituted for the words "district fund":

(*c*) The words "one-half the amount" down to the end of the section were omitted therefrom and the words "the amount "carried to the credit of that fund in the same year from "the pier undertaking and the foreshore as appearing from "the account prepared by the Corporation in accordance "with the provisions of section 65 of the Act of 1895," were added in lieu thereof.

Saving rights of Crown.

23. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of 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).

Westcliff pier to be deemed to be within the borough.

24. The Westcliff pier shall for all purposes be deemed to be within the borough and in the parish of Prittlewell in the county of Essex.

Costs of Order.

25. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the pier revenue or out of money borrowed for the purposes of the promotion of this Order.

Pilotage Bill.

ARRANGEMENT OF CLAUSES.

Power of Pilotage Authorities to license Pilots and make Byelaws.

Masters' and Mates' Certificates.

Supplementary Provisions as to Licences and Certificates.

Rights and Obligations of Licensed Pilots.

A

B I L L

INTITULED

An Act to consolidate and amend the Law relating to Pilotage. A.D. 1913.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 PART I.—REVISION OF PILOTAGE ORGANISATION.

1. The Board of Trade shall take steps to obtain information with respect to pilotage organisation at the various ports in the United Kingdom, and, by the exercise of their powers under this Act to make Pilotage Orders, shall carry into effect any 10 re-organisation or improvement of organisation which the Board may consider necessary or expedient at any port, and shall also at any port deal by Pilotage Order with any Act, order, charter, custom, byelaw, regulation, or provision in force at the port with a view to rendering the law relating to pilotage at the 15 various ports in the United Kingdom accessible and, so far as possible, uniform. Improvement of pilotage organisation.

2.—(1) The Board of Trade shall also take steps to obtain information with respect to the byelaws as to pilotage in force at the various ports in the United Kingdom, and, after consulting 20 with the pilotage authority at the port and considering any byelaws proposed by that authority, shall when necessary or expedient and with a view to securing, so far as practicable, uniformity of administration and to carrying out any changes consequent on the passing of this Act, make recommendations 25 for the substitution of new byelaws for those in force at the port, or in case there are no such byelaws in force, for the making of such byelaws as may be required at the port. Recommendations with respect to pilotage byelaws.

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(2) If a pilotage authority fail to submit byelaws in accordance with the recommendations for confirmation by the Board of Trade under this Act, the Board may treat the byelaws recommended by the Board as if they were byelaws submitted to them by the pilotage authority for confirmation, and those byelaws, when confirmed by the Board of Trade in accordance with this Act, shall have the same effect as if they had been so submitted.

Commissioners for the purpose of Part I.

3.—(1) The Board of Trade shall appoint such persons as they think fit to act as Commissioners for the purposes of this Act, but the appointment of any person appointed to be a Commissioner under this section shall not have effect beyond the first day of January nineteen hundred and seventeen, or such date, not being more than five years later, as the Board of Trade, with the approval of the Treasury, may determine.

(2) The Board of Trade may appoint and employ such officers or other persons as they think fit to assist any persons acting as Commissioners in the execution of their duties under this Act.

(3) The salaries and remuneration of any persons acting as Commissioners and of any persons so appointed or employed shall be determined by the Board of Trade with the approval of the Treasury, and any such salaries and remuneration, and all expenses incurred by the Board of Trade in the execution of this Act, shall be paid out of moneys provided by Parliament.

Schemes for reorganisation of pilotage at ports.

4.—(1) With a view to the preparation of schemes for the re-organisation or improvement of organisation of pilotage, the Board of Trade shall cause local inquiries to be held by any persons acting as Commissioners under this Act at the various ports of the United Kingdom, except in cases where the pilotage authority of the port has submitted, in accordance with this Act, a scheme for the purpose to the Board of Trade, and the Board of Trade are satisfied that the scheme so submitted, with such modifications (if any) as may be made by the Board, is adequate for the purpose, or the pilotage authority have satisfied the Board of Trade that no scheme for the re-organisation or improvement of organisation of pilotage at the port is necessary or expedient. Any such local inquiry may, if the Board think it necessary or desirable, include an inquiry into the byelaws in force at the port where the inquiry is held, and into the operation of those byelaws.

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(2) Where any such inquiry is held at any port, the persons holding the inquiry shall make a report to the Board of Trade recommending to the Board a scheme for the purpose of the re-organisation or improvement of organisation of pilotage at the port, or if a scheme has been submitted by the pilotage authority, recommending any amendments which it appears expedient to make in the scheme so submitted.

(3) The Board of Trade may, in any case they think fit, group ports for the purpose of any such local inquiry, and in that case the ports so grouped shall be dealt with at the same inquiry.

(4) Any pilotage authority may, within three months after the passing of this Act, give notice to the Board of Trade of their intention to submit a scheme to the Board for the purpose of the re-organisation or improvement of organisation of pilotage at their port, and shall in such a case also give such public notice of their intention as the Board may require, and if such a scheme is so submitted to the Board within nine months after the passing of this Act, the scheme shall be treated as a scheme submitted to the Board in accordance with this Act.

Provision as to local inquiries.

5.—(1) Notice of any local inquiry to be held under this Part of this Act shall be given and published in such manner as the Board of Trade think best fitted for giving information of the time and place of the inquiry to those concerned, and all persons interested shall be permitted to attend and make representations.

(2) Any person holding a local inquiry shall have power, by summons signed by him, to require the attendance of all such persons as he thinks fit to call and examine for the purpose of the inquiry, and shall have power to require the production of all books, papers, and documents which he considers important for that purpose.

(3) Any persons attending as witnesses at any such local inquiry shall be allowed such expenses as would be allowed to witnesses attending before a court of record, and in case of dispute as to the amount to be allowed, the dispute shall be referred by any person holding the local inquiry to a master or district registrar of the supreme court, who on request signed by him shall ascertain and certify the proper amount of the expenses.

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(4) If any person without reasonable excuse, the proof whereof shall lie on him, fails to comply with any summons or requisition of a person holding a local inquiry under this section, or impedes a person holding a local inquiry in the execution of his duty, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds, and in addition to a fine not exceeding one pound for every day during which the offence continues.

Consultation with pilots as to byelaws and schemes.

6. The Board of Trade, before making recommendations to a pilotage authority under this Act for the substitution of new byelaws for those in force in any port, and a pilotage authority, before submitting any scheme to the Board for the re-organisation or improvement of organisation of pilotage at their port shall, unless pilots are directly represented on the authority or on a pilotage committee of the authority, take steps to ascertain the opinion of the pilots at the port with respect to the matter in question.

Part II.—General Pilotage Law.

Pilotage Orders.

Power of Board of Trade to make Pilotage Orders.

7.—(1) The Board of Trade may, by Order made under this Act (in this Act referred to as a Pilotage Order)—

(*a*) make such rearrangement of pilotage districts and pilotage authorities as they think necessary or expedient; and

(*b*) establish new pilotage districts and new pilotage authorities and abolish existing pilotage districts and existing pilotage authorities in cases where it appears to the Board necessary or expedient; and

(*c*) define the limits of pilotage districts, distinguishing as respects any pilotage district in part of which pilotage is compulsory and in part of which pilotage is not compulsory, the part of the district in which pilotage is compulsory; and

(*d*) provide for the incorporation of any pilotage authority, and make such alteration in the constitution of any pilotage authority with reference to their powers and duties as pilotage authority, and such provisions as to the appointment of committees (including, if it is thought fit, persons not members of the authority), and as to the relations between the authority and the

committee, as the Board think necessary or expedient; and

(*e*) empower a pilotage authority to delegate to a committee thereof any of its powers and duties, and provide if it seems necessary or desirable that the decisions of the committee on questions so delegated shall not require confirmation by the pilotage authority; and

(*f*) make such provision for the direct representation of pilots and shipowners on any pilotage authority or committee of a pilotage authority as the Board think necessary or expedient; and

(*g*) in cases where a pilotage authority have powers and duties as to other matters as well as pilotage, provide for their accounts as pilotage authority being kept separate from their accounts in relation to other matters; and

(*h*) provide that pilotage shall be compulsory in any area where it has previously not been compulsory; and

(*i*) authorise, where it appears expedient, any pilotage authority to make byelaws providing for the grant of certificates (in this Act referred to as deep sea certificates) certifying that persons are qualified to act as pilots of ships for any part of the sea or channels outside the district of any pilotage authority, so, however, that a pilot holding such a certificate shall not be entitled to supersede any other person as pilot of a ship; and

(*j*) provide that any Act (other than this Act), order, charter, custom, byelaw, regulation, or provision shall, so far as it relates to pilotage, cease to have effect within any pilotage district or as respects any pilotage authority, but may re-enact the whole or any part thereof so far as is not inconsistent with the provisions of this Act; and

(*k*) provide for compensation being paid to any pilots for any loss or damage which may be incurred by them in consequence of any Order abolishing or rearranging any pilotage districts; and

(*l*) make any provisions which appear necessary or expedient for the purpose of giving full effect to the Order.

(2) Provision shall be made by Pilotage Order for the direct representation of pilots either on the pilotage authority or on

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the committee of the pilotage authority of any district where there are not less than six licensed pilots if a majority of the pilots licensed for the district signify in writing to the Board of Trade that they desire such representation, and, where such provision is made, provision shall also be made for the representation of shipowners on the authority or committee, as the case may be.

(3) A Pilotage Order establishing a pilotage authority for any pilotage district shall provide for the representation on the pilotage authority of any dock or harbour authority having jurisdiction within the district which was represented on the pilotage authority for the district at the time of the passing of this Act, and which desires to be so represented.

(4) A Pilotage Order shall not be made by the Board of Trade except—

(*a*) for any of the purposes of Part I. of this Act; or

(*b*) on the application in writing of any person interested in the pilotage of any pilotage district or in the operation of the laws relating to pilotage in that district or the administration of those laws.

(5) A Pilotage Order shall require confirmation by Parliament—

(*a*) if it is an Order made for any of the purposes of Part I. of this Act; and

(*b*) if, whatever the purpose for which it is made, a petition is presented to the Board of Trade against the Order by any person appearing to the Board of Trade to be interested in the administration of pilotage in the district within six weeks after the Order is published and the petition is not withdrawn.

(6) A Pilotage Order which does not require confirmation by Parliament shall have effect as if enacted in this Act.

(7) The provisions contained in the First Schedule to this Act shall have effect with respect to Pilotage Orders.

Pilotage Districts and Authorities.

Pilotage districts and pilotage authorities.

8.—(1) For the purposes of this Act the districts established as pilotage districts under Pilotage Orders made under this Act shall be pilotage districts, and the pilotage authorities shall be the pilotage authorities as constituted by Pilotage Orders made under this Act.

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(2) Every pilotage district which is at the time of the passing of this Act a pilotage district shall continue to be a pilotage district until a pilotage district is established in its place by Pilotage Order under this Act, and every pilotage authority which is a pilotage authority at the time of the passing of this Act shall continue to be a pilotage authority until a pilotage authority is constituted in its place by Pilotage Order under this Act.

Advisory Committee.

Power to appoint advisory committee.

9.—(1) The Board of Trade may appoint an advisory committee for the purpose of advising them with reference to the exercise of their powers or the performance of their duties under this Act, consisting of such persons as they may appoint, being pilots, shipowners, representatives of pilotage authorities, representatives of dock and harbour authorities, or other persons representing the interests principally affected, or having special knowledge of the subject-matter.

(2) There shall be paid to the members of any such committee out of moneys provided by Parliament such allowances and expenses as the Board of Trade may fix with the consent of the Treasury.

Compulsory Pilotage.

Continuation of existing compulsory districts and abolition of existing exemptions.

10.—(1) Subject to the provisions of any Pilotage Order, pilotage shall continue to be compulsory in every pilotage district in which it was compulsory at the time of the passing of this Act, and shall continue not to be compulsory in every pilotage district in which it was not compulsory at the time of the passing of this Act, and subject to the provisions of this Act all exemptions from compulsory pilotage in force at the date of the passing of this Act shall cease to have effect.

(2) Any reference in this Act to a pilotage district in which pilotage is compulsory shall, in the case of a district in which pilotage is compulsory only in part of the district, be construed, if the context so requires, as a reference to that part of the district only.

Obligations where pilotage is compulsory.

11.—(1) Every ship (other than an excepted ship within the meaning of this section) while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving, or making use of any port in the district, and every ship carrying passengers (other than an excepted ship within the

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meaning of this section), while navigating for any such purpose as aforesaid in any pilotage district (whether pilotage is compulsory or not compulsory in that district) shall be either—

(*a*) under the pilotage of a licensed pilot of the district; or

(*b*) under the pilotage of a master or mate possessing a pilotage certificate for the district who is bonâ fide acting as master or mate of the ship.

(2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section, after a licensed pilot of the district has offered to take charge of the ship, the master of that ship shall be liable in respect of each offence to a fine not exceeding double the amount of the pilotage dues that could be demanded for the conduct of the ship.

(3) For the purposes of this section the following ships are excepted ships:—

(*a*) Ships belonging to His Majesty;

(*b*) Pleasure yachts;

(*c*) Fishing vessels;

(*d*) Ferry boats plying as such exclusively within the limits of a harbour authority;

(*e*) Ships of less than fifty tons gross tonnage;

(*f*) Ships exempted from compulsory pilotage by byelaw as hereinafter provided in this section.

(4) A pilotage authority may by byelaw made under this Act exempt from compulsory pilotage in their district any of the following classes of ships, if not carrying passengers, up to such limit of gross tonnage in each case as may be fixed by the byelaw, that is to say:—

(i) Ships trading coastwise;

(ii) Home trade ships trading otherwise than coastwise;

(iii) Ships whose ordinary course of navigation does not extend beyond the seaward limits of a harbour authority, whilst navigating within those limits or within such parts thereof as may be specified in the byelaw:

Provided that, if any such byelaw appears to the Board of Trade to exempt from compulsory pilotage ships of any class or description which were not at the date of the passing of this Act

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in practice exempted in the district to which the byelaw relates, the Board shall not confirm the byelaw, but may, if they think fit, submit to Parliament a Bill confirming the byelaw with or without modifications, and such Bill shall be treated as if it were a Bill confirming a Pilotage Order, and the provisions of this Act with respect to such Bills shall apply accordingly.

(5) For the purposes of this section, a ship which habitually trades to or from any port or ports outside the British Islands shall not be deemed to be trading coastwise, and a ship which habitually trades to or from any port outside the home trade limits shall not be deemed to be a home trade ship, by reason only that she is for the time being engaged on a voyage between ports in the British Islands, or within the home trade limits, as the case may be.

Exemption from compulsory pilotage of ships belonging to certain public authorities.

12. The provisions of this Act with respect to compulsory pilotage shall not apply to tugs, dredgers, sludge-vessels, barges, and other similar craft—

(*a*) belonging to or hired by a port, dock, harbour or river authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within any pilotage district which includes within its limits the whole or any part of the area of the authority; or

(*b*) belonging to a local authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within the pilotage district within which the port to which they belong is situate:

Provided that where in any pilotage district any of the classes of vessels aforesaid were at the time of the passing of this Act in practice subject to compulsory pilotage, the pilotage authority may by byelaw provide that any of such vessels shall continue to be so subject.

Provision with respect to ships calling at a port for the purpose only of taking pilot.

13. A ship calling at a port in a pilotage district for the purpose only of taking on board or landing a pilot belonging to some other pilotage district shall not, for the purpose of the provisions of this Act relating to compulsory pilotage, be deemed to be navigating in the first-mentioned district for the purpose of entering, leaving, or making use of that port.

Provision against extension of defence of

14. Notwithstanding anything in any Pilotage Order made under this Act, any area in which pilotage was not compulsory at the date of the passing of this Act shall be deemed to be an

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compulsory pilotage.

area in which pilotage is not compulsory for the purpose of determining the liability of the owner or master of a ship being navigated in the area for any loss or damage occasioned by or arising out of the navigation of such ship.

Liability of owner or master in the case of a vessel under pilotage.

15.—(1) Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory. 5 10

(2) This section shall not take effect until the first day of January, nineteen hundred and eighteen, or such earlier date as His Majesty may fix by Order in Council, certifying that it is necessary to bring the section into operation in order to enable His Majesty to comply with an international convention. 15

(3) As from the date of the coming into operation of this section, section six hundred and thirty-three of the Merchant Shipping Act, 1894, shall cease to have effect.

Power of Pilotage Authorities to license Pilots and make Byelaws. 20

Powers of pilotage authorities to license pilots for their district.

16. Subject to the provisions of this Act, a pilotage authority may license pilots for their district, and do all such things as may be necessary or expedient for carrying into effect their powers and duties.

Power of pilotage authorities to make byelaws.

17.—(1) A pilotage authority may by byelaws made under this Act— 25

(*a*) determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed by them as pilots, provide for the examination of such persons, and fix the term for which a licence is to be in force, and the conditions under which a licence may be renewed; and 30

(*b*) fix the limit (if any) on the number of pilots to be licensed, and provide for the method in which and the conditions under which the list of pilots is to be filled up; and 35

(*c*) provide generally for the good government of pilots licensed by the authority, and of apprentices, and in

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particular for ensuring their good conduct and constant attendance to and effectual performance of their duties, whether at sea or on shore; and

(*d*) determine the system to be adopted with respect to the supply and employment of pilots, and provide, so far as necessary, for the approval, licensing, and working of pilot boats in the district, and for the establishment and regulation of pilot boat companies; and

(*e*) provide for the punishment of any breach of any byelaws made by them for the good government of pilots or apprentices by the infliction of fines not exceeding twenty pounds (to be recoverable as fines are recoverable under the Merchant Shipping Acts, 1894 to 1907), without prejudice to their powers under this Act to revoke or suspend the licence in the case of any such breach of byelaw; and

(*f*) fix for the district the rates of payments to be made in respect of the services of a licensed pilot (in this Act referred to as pilotage dues), and define the circumstances and conditions under which pilotage dues may be payable on different scales and provide for the collection and distribution of pilotage dues; and

(*g*) if and so far as it appears to the authority to be generally desired by the pilots concerned, provide for the pooling of pilotage dues earned by the licensed pilots or by any class of pilots in the district; and

(*h*) provide for a deduction being made from any sums received by pilots of any sums required for meeting the administrative expenses of the authority, or any contributions required for any fund established for the payment of pensions or other benefits to pilots, their widows or children (in this Act referred to as a pilots' benefit fund); and

(*i*) provide, if and so far as it appears to the authority to be generally desired by the pilots, for bonds being given by pilots for the purpose of the provisions of this Act limiting pilots' liability; and

(*j*) establish, either alone or in conjunction with any other pilotage authority, pilots' benefit funds, and provide for the direct payment to that fund of any contributions

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by pilots towards the fund, or of any part of the ordinary receipts of the pilotage authority, and also for the administration of any such fund and for the conditions of participation in any such fund; and

(*k*) provide for the method of conducting the examination of masters and mates applying for pilotage certificates so as to maintain a proper standard of efficiency; and

(*l*) prohibit the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate of competency recognised under Part II. of the Merchant Shipping Act, 1894; and

(*m*) provide that a pilotage certificate shall not be renewed without re-examination unless the master or mate has made not less than a specified number of visits to the port as master or mate of any ship in respect of which the certificate is granted; and

(*n*) if the pilotage authority are an authority authorised to grant deep sea certificates by virtue of a Pilotage Order made with reference to that authority, provide for the grant of deep sea certificates; and

(*o*) apply any byelaws made under this section for the good government of pilots and the punishment of any breach of any such byelaw, with any necessary modifications, to masters and mates holding pilotage certificates; and

(*p*) require the owners of ships, whose masters or mates hold pilotage certificates, to contribute towards the pilot fund or account of the pilotage district, and require the holders of such certificates to make a periodical return to them of the pilotage services rendered by them; provided that the contribution so required from an owner shall not exceed such proportion of the pilotage dues which would have been payable in respect of the ship if the master or mate had not held a pilotage certificate, as may be fixed by the Board of Trade.

(*q*) provide for any matter for which provision is to be made or may be made under this Act by byelaw.

(2) A byelaw shall not take effect unless it has been submitted to the Board of Trade and confirmed by them with or without modifications.

(3) Notice of any byelaw proposed to be submitted for confirmation under this section shall, before it is so submitted, be published in such manner as the Board of Trade direct.

Power of Board of Trade on representation to revoke or vary byelaws or require pilotage authority to make byelaws.

18.—(1) If at any port either—

5 (*a*) a majority of the licensed pilots belonging to the port; or

(*b*) any number of persons, not less than six, being masters, owners, or insurers of vessels using the port; or

10 (*c*) a dock or harbour authority not being the pilotage authority,

object to any byelaw in force at the port, or desire that any byelaw should be in force at the port which is not in force therein, they may make a representation to the Board of Trade 15 to that effect, and the Board of Trade if the representation appears to them reasonable after giving the pilotage authority, and, if they think fit, any other persons, an opportunity of making representations on the subject, may, by order, revoke, vary, or add to any byelaw to which objection is made, or require 20 the pilotage authority to submit to them for confirmation a byelaw for the purpose of giving effect to the representation.

(2) Any byelaw revoked by any such order shall cease to have effect, and any byelaw to which additions are made or which is varied or added to, shall have effect with the variations or 25 additions made by the order.

(3) If a pilotage authority fail to submit to the Board of Trade for confirmation a byelaw in accordance with an order made under this section, the Board of Trade may treat the byelaw which they have required the pilotage authority 30 to submit to them as a byelaw submitted to them by the authority, and confirm it accordingly, and the byelaw so confirmed shall have effect as if it had been made and confirmed in accordance with this Act.

Licensing of pilots by pilotage authority not to involve any liability.

19. The grant or renewal of a licence to a pilot by a 35 pilotage authority under the powers given to them by this Act does not impose any liability on the authority for any loss occasioned by any act or default of the pilot.

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Form of pilot's licence, and production and return of pilot's licence to pilotage authority.

20.—(1) A pilot's licence shall be in a form approved for the time being by the Board of Trade.

(2) A licensed pilot shall, when required by the pilotage authority by whom the licence has been granted, produce his licence to the authority, and, in case his licence is revoked or suspended, shall deliver up his licence to the authority.

(3) On the death of a licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the pilotage authority by whom it was granted.

(4) If any licensed pilot or other person fails to comply with the requirements of this section, he shall be liable in respect of each offence to a fine not exceeding ten pounds.

Receipts and expenses of pilotage authority.

21.—(1) All receipts of a pilotage authority in their capacity as such (other than any money received by them on behalf of and paid over to any pilot, or if the authority administer a pilots' benefit fund, any sums received by them as direct payments for that fund), shall be paid into a separate fund or account, to be called the pilot fund or account of the pilotage district.

(2) All expenses incurred by a pilotage authority in the exercise of their powers or performance of their duties as such authority shall be paid out of their pilot fund or account, and, except so far as may be provided to the contrary by byelaw, subject to the payment of those expenses, the balance shall in each year be applied for the purposes of any pilots' benefit fund established in the district, and so far as not required for that purpose shall be applied for the benefit of pilots in such manner as may be determined by the pilotage authority with the approval of the Board of Trade.

(3) A separate account shall be kept by any pilotage authority who administer a pilots' benefit fund of all moneys received by them as payments to that fund, or for the benefit of that fund, and money standing to the credit of that account shall not be applicable to any purpose other than the purposes of the fund.

(4) Nothing in this section shall prevent a pilotage authority which owns or hires the pilot boats for the district from keeping a separate account in respect of such boats.

Returns to be furnished and statements of

22.—(1) Every pilotage authority shall deliver triennially, or, if the Board of Trade so direct, at shorter intervals, to the Board, in the form and at the time required by the Board, returns

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giving such particulars as the Board may by order prescribe with respect to pilotage in their district, and any returns so delivered shall, as soon as may be, be laid before both Houses of Parliament.

accounts to be sent to Board of Trade by pilotage authorities.

(2) Every pilotage authority shall in addition furnish annually to the Board of Trade, at such time as the Board direct, a statement of their accounts in the form prescribed by the Board, duly audited, including a statement of the average gross and net earnings of pilots during the past year, and, where the authority administer a pilots' benefit fund, the separate accounts of that fund, including particulars of the investments if any.

(3) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board for the purpose, to inspect any books or documents in the possession of that authority relating to any matter in respect of which a return is required to be delivered or a statement is required to be furnished under this section.

(4) If a pilotage authority refuse or fail without reasonable cause to deliver any return or furnish any statement to the Board of Trade in accordance with this section, His Majesty may by Order in Council suspend the pilotage authority for such time as His Majesty may direct, and thereupon the Board of Trade shall by order direct that, in the meantime, the powers of the authority shall be exercised, and the duties of the authority shall be performed, by such person as they may appoint for the purpose, and any such order shall take effect as if it were enacted in this Act.

Masters' and Mates' Certificates.

Grant of masters' and mates' certificates by pilotage authorities.

23.—(1) A pilotage authority may grant a certificate (in this Act referred to as a pilotage certificate) to any person who is bonâ fide the master or mate of any ship if that person applies for such a certificate, and if, after examination, they are satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or mate within their district:

Provided that—

(*a*) A pilotage certificate shall not be granted to the master or mate of a ship unless he is a British subject, except in the cases for which special provision is made by this Act; and

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(*b*) In any district where a byelaw is in force prohibiting the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate of competency recognised under Part II. of the Merchant Shipping Act, 1894, the pilotage authority shall not grant a certificate except to a master or mate holding such a certificate of competency.

(2) A pilotage certificate shall be in a form approved for the time being by the Board of Trade, and shall contain (in addition to any other particulars which may be prescribed) the name of the person to whom the certificate is granted, the name and draught of water of the ship or ships in respect of which it is granted, the limits of the district in respect of which the certificate is granted, and the date on which it was granted.

(3) A pilotage certificate shall not be in force for more than a year from the date on which it is granted, but may be renewed annually by the pilotage authority, subject to the provisions of any byelaw made by that authority as to re-examination.

(4) A pilotage certificate may be granted so as to extend to more than one ship belonging to the same owner, while the master or mate is bonâ fide acting as master or mate of any such ship, provided that they are ships of substantially the same class.

(5) A pilotage authority may, on the application of the master or mate of a ship, alter his pilotage certificate so as to relate to any other ship or ships of a not substantially greater draught of water or tonnage than that to which the certificate formerly related, to which the master or mate may be transferred, or so as to cover any ships of substantially the same class and belonging to the same owner as the ships to which the certificate already relates.

(6) A pilotage authority may, for the purposes of this section, treat ships which are shown to their satisfaction to be bonâ fide under the management of the same person as manager, managing owner, demisee, or time charterer, as being ships owned by that person.

Power to grant certificate to a master or mate, not being a

24.—(1) Notwithstanding anything in this Act, the provisions of this Act as to the renewal of a pilotage certificate shall apply, with respect to the renewal of a pilotage certificate granted before the first day of June nineteen hundred and six, to a

master or mate who is not a British subject in the same manner as they apply to a pilotage certificate granted to a master or mate who is a British subject.

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British subject, under special circumstances.

(2) If any master or mate who is not a British subject shows to the satisfaction of the Board of Trade that he is the master or mate of a ship which is of substantially the same class, and is trading regularly between the same ports as a foreign ship which, on the first day of June nineteen hundred and six, was exempt from the obligation to carry a licensed pilot, or had habitually been piloted by a master or mate of the ship who held a pilotage certificate, the Board of Trade may authorise the master or mate to apply to the pilotage authority for a pilotage certificate under this Act, and the provisions of this Act as to the granting of a pilotage certificate shall, notwithstanding anything in this Act, extend to a master or mate so applying for a certificate, although he is not a British subject, as they extend to a master or mate who is a British subject:

Provided that if the Admiralty at any time consider that, on the grounds of public safety, the provisions of this subsection should not be applicable with respect to any pilotage district or part of a pilotage district, they may make an order excluding that district or part of a district from the operation of those provisions; and while any such order is in force with respect to any such district or part of a district, a certificate granted under those provisions shall not be of any effect within that district or part of a district.

Provision with respect to foreign certificates of competency.

25. For the purposes of this Act, references to certificates of competency recognised under Part II. of the Merchant Shipping Act, 1894, shall be deemed to include references to any certificate of competency granted by the government of a foreign country, being a certificate of a class approved by the Board of Trade for the purpose.

Supplementary Provisions as to Licences and Certificates.

Suspension or revocation of a pilot's licence or a pilotage certificate.

26. A pilotage authority may suspend or revoke any pilot's licence or any pilotage certificate granted by them if it appears to them, after giving the holder thereof an opportunity of being heard, that he has been guilty of any offence under this Act or of any breach of any byelaw made by the authority, or of any other misconduct affecting his capability as a pilot, or that he has failed in or neglected his duty as a pilot, or that he has

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become incompetent to act as pilot; and a licence or certificate, if so revoked, shall cease to have effect, and, if so suspended, shall cease to have effect for the period for which it is suspended:

Provided that in any case where pilots are directly represented on a committee of a pilotage authority, that committee may, until a pilotage order is made regulating the relations between the authority and the committee, exercise the powers conferred on a pilotage authority by this section with respect to pilots' licences as though they were the pilotage authority.

Appeal by pilot, master, or mate, against action of pilotage authority with respect to pilot's licence or pilotage certificate.

27.—(1) If a complaint is made to the Board of Trade that a pilotage authority have—

(*a*) without reasonable cause refused or failed to examine any candidate for a pilot's licence, or a master or mate for a pilotage certificate, or to grant such a licence or certificate after examination; or

(*b*) conducted any examination for a pilot's licence or a pilotage certificate improperly or unfairly; or

(*c*) imposed conditions on the granting of a pilot's licence or a pilotage certificate which they have no power to impose or which are unreasonable; or

(*d*) without reasonable cause refused or failed to renew a pilotage certificate, or, having obtained possession of any such certificate, refused or failed to return it; or

(*e*) without reasonable cause suspended or revoked a pilotage certificate; or

(*f*) in any other manner failed properly to perform their duties under this Act with respect to the matters above-mentioned in this section, or improperly exercised any of their powers under this Act with respect to those matters;

the Board of Trade shall consider the complaint, and, if they are of opinion that the complaint is in any respect well founded, shall make such order as they think fit for the purpose of redressing the matter complained of, and the pilotage authority shall give effect to any order so made by the Board of Trade.

(2) If a pilotage authority refuse or fail to give effect to any such order of the Board of Trade, the Board of Trade may, for the purpose of giving effect to the order, exercise any powers of the pilotage authority, and anything done by the Board of Trade in the exercise of those powers shall have the same effect as if it had been done by the pilotage authority.

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Appeal by pilot against action of pilotage authority in suspending, &c. pilot's licence.

28.—(1) If a pilot is aggrieved by the suspension or revocation by the pilotage authority of his licence, or by the refusal or failure of the pilotage authority to renew his licence, or by the refusal or failure of the pilotage authority who have obtained possession of his licence to return it to him, or by the imposition upon him by the pilotage authority of a fine exceeding two pounds, he may either appeal to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police magistrate or stipendiary magistrate having jurisdiction within that port.

(2) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience selected and summoned by the judge or magistrate.

(3) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.

(4) The judge or magistrate may confirm or reverse the suspension or revocation of the licence, or make such order in the case as may seem just, and his decision shall be final, unless special leave to appeal from the same to the High Court on a question of law or a question of mixed law and fact is given by the judge or magistrate, or by the High Court, and in such case the decision of the High Court shall be final. In the application of this subsection to Scotland references to the Court of Session shall be substituted for references to the High Court.

(5) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.

(6) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may be made, as respects county court judges, by the authority having power to make rules of practice under the County Courts Act, 1888, and as respects metropolitan police and stipendiary magistrates by a Secretary of State, but in either case with the concurrence of the Treasury as to fees.

51 & 52 Vict. c. 43.

(7) In Scotland the appeal under this section shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff sitting with an assessor as provided in this section, and rules may be made by the Court of Session by Acts of sederunt with respect to the

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procedure in case of those appeals in Scotland (including costs and the remuneration of assessors), subject to the concurrence of the Treasury as to fees.

(8) In the application of this section to Ireland—

(*a*) The expression "judge of county courts" and "judge" shall respectively mean a county court judge and chairman of quarter sessions, and include recorder;

(*b*) The expressions "stipendiary magistrate" and "magistrate" shall respectively mean a magistrate appointed under the Constabulary (Ireland) Act, 1836;

6 & 7 Will. 4. c. 13.

(*c*) Rules with respect to the procedure in case of appeals under this section (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877, and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Treasury as to fees.

40 & 41 Vict. c. 56.

Fees in respect of pilots' licences and pilotage certificates.

29. Such fees shall be payable on the examination for a pilot's licence, or for a pilotage certificate, and on the grant, renewal, or alteration of any such licence or certificate, as may be fixed by byelaw made under this Act.

Rights and Obligations of Licensed Pilots.

Right of licensed pilot to supersede unlicensed persons.

30.—(1) A pilot licensed for a district may supersede any pilot not so licensed who is employed to pilot a ship in the district.

(2) Where a licensed pilot supersedes an unlicensed pilot the master of the ship shall pay to the latter a proportionate sum for his services, and shall be entitled to deduct the sum so paid from the sum payable in respect of the services of the licensed pilot.

Any question as to the proportion payable to the licensed pilot and to the person whom the licensed pilot has superseded shall be referred to the pilotage authority by whom the licensed pilot has been licensed, and their decision on the question shall be final.

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(3) If in any pilotage district a pilot not licensed for the district pilots or attempts to pilot a ship after a pilot licensed for that district has offered to pilot the ship, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

(4) If the master of a ship knowingly employs or continues to employ a pilot not licensed for the district to pilot the ship within any pilotage district after a pilot licensed for that district has offered to pilot the ship, or in the case of an outward bound ship, without having taken reasonable steps (proof whereof shall lie on the master) to obtain a licensed pilot, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

(5) If any person other than the master or a seaman being bonâ fide one of the crew of the ship is on the bridge of a ship, or in any other position (whether on board the ship or elsewhere) from which the ship is navigated, that person shall, for the purposes of this section, be deemed to be piloting the ship unless the contrary is proved.

Declaration as to draught of ship.

31.—(1) A licensed pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and the master shall comply with any such request.

(2) If the master of a ship refuses to comply with any such request of a pilot, or makes or is privy to any other person making any false statement to the pilot in answer to the request, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

Provision as to ships within a harbour, dock, &c.

32.—(1) A ship while being moved within a harbour which forms part of a pilotage district shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by byelaw in the case of ships being so moved for the purpose of changing from one mooring to another mooring or of being taken into or out of any dock, provided that a byelaw shall in every case be made for the purpose aforesaid in any pilotage district where any class of persons other than licensed pilots were in practice employed at the date of the passing of this Act for the purpose of changing the moorings of ships or for taking ships into or out of dock.

(2) A ship whilst being navigated within any closed dock, lock, or other closed work in a pilotage district shall notwith-

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standing anything in this Act be deemed to be navigating in a district in which pilotage is not compulsory.

Copies of pilotage provisions to be furnished to pilots.

33.—(1) The pilotage authority shall cause every pilot licensed by them to be furnished with a copy of this Act as amended for the time being, and with a copy of any Pilotage Order for the time being in force in the district, and of any byelaws so in force.

(2) A licensed pilot shall produce any copy so furnished to him to the master of any ship or other person employing him when required to do so, and if he fails without reasonable cause to do so, he shall be liable in respect of each offence to a fine not exceeding five pounds.

Allowance to licensed pilot taken out of his district.

34.—(1) A master of a ship shall not, except under circumstances of unavoidable necessity, take a licensed pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, and if a master of a ship acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

(2) Where a pilot is taken beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, either without his consent or under circumstances of unavoidable necessity, he shall be entitled, over and above his pilotage dues, to maintenance and to the sum of ten shillings and sixpence a day, recoverable in the same manner as pilotage dues.

(3) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes beyond the district for which the pilot is licensed or the point up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

Limitation of pilots' liability where bond is given.

35.—(1) A licensed pilot who has given a bond in conformity with byelaws made for the purpose under this Act shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Any bond given by a pilot in conformity with byelaws made for the purpose under this Act shall not be liable to stamp duty, and a pilot shall not be called upon to pay any expense in relation to the bond other than the actual expense of preparing the same.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability, and upon payment by the pilot of that amount into court, may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the court thinks just.

Obligation on licensed pilot to produce his licence to employer.

36.—(1) Every licensed pilot when acting as such shall be provided with his licence, and shall, if requested, produce it to any person by whom he is employed, or to whom he offers his services as pilot.

(2) If a licensed pilot refuses to produce his licence in accordance with this section, he shall be liable, in respect of each offence, to a fine not exceeding ten pounds.

Penalty on fraudulent use of licence.

37. If any person not being a licensed pilot for a district falsely represents himself to be a licensed pilot for that district, either by means of using a licence which he is not entitled to use or by any other means, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Pilot Boats and Pilot Signals.

Approval of pilot boats.

38. All vessels regularly employed in the pilotage service of any pilotage district (in this Act referred to as "pilot boats") shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats.

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Characteristics of pilot boats.

39.—(1) Every pilot boat shall be distinguished by the following characteristics, namely:—

(*a*) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence:

(*b*) In all other parts a black colour, painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct:

(*c*) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.

(2) It shall be the duty of the master of the pilot boat to see that the pilot boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails, without reasonable cause, to comply with the requirements of this section, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Pilotage order not to diminish powers of pilotage authorities as to pilot boats.

40. A Pilotage Order in dealing with any Act, order, charter, custom, byelaw, regulation, or provision shall not provide for abolishing or diminishing any power of a pilotage authority to acquire, own, hire, build, renew, maintain, or work pilot boats.

Display of pilot flag when pilot is on board ship.

41.—(1) When a ship is navigating in a pilotage district, and has on board a pilot licensed for that district, the master of the ship shall cause a pilot flag to be exhibited in order to show that he has such a pilot on board; and if he fails, without reasonable cause, to do so, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

(2) Where the master or mate of a ship holds a pilotage certificate, and the ship is navigating within the pilotage district for which the certificate is granted, the master of the ship shall, so long as the master or mate is on board, cause a pilot flag to be exhibited in order to show that a master or mate holding such

a certificate is on board, and if he fails without reasonable cause to do so, shall be liable in respect of each offence to a fine not exceeding twenty pounds.

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42. A pilot flag, or a flag so nearly resembling a pilot flag as to be likely to deceive, shall not be displayed on any ship or boat not having a licensed pilot or a master or mate holding a pilotage certificate on board, and if any such flag is displayed on any such ship or boat, the master of that vessel shall, unless in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, be liable for each offence to a fine not exceeding fifty pounds.

Penalty on ordinary boat displaying pilot flag.

43.—(1) The master of a ship (other than an excepted ship) shall when navigating in circumstances in which pilotage is compulsory under this Act, display the usual signal for a pilot, and keep the signal displayed until a licensed pilot comes on board.

Obligation to display signal for pilot in certain circumstances.

(2) The master of a ship, whether navigating in circumstances in which pilotage is compulsory or not, which is being piloted in a pilotage district by a pilot not licensed for the district, shall display a pilot signal and keep the signal displayed until a licensed pilot comes on board.

(3) If the master of any ship fails to comply with this section he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

44.—(1) The master of a ship (other than an excepted ship) which, in circumstances in which pilotage is compulsory under this Act, is not under pilotage as required in these circumstances, shall, if a licensed pilot of the district makes a signal for the purpose of offering his services as pilot, by any practical means consistent with the safety of his ship, facilitate the pilot getting on board the ship, and shall give the charge of piloting the ship to that pilot, or if there are two or more licensed pilots offering at the same time, to such one of them as may, according to any byelaws for the time being in force in the district, be entitled or required to take charge of the ship.

Facilities to be given for pilot getting on board ship.

(2) Where the master of a ship, whether in circumstances in which pilotage is compulsory or not, accepts the services of a licensed pilot, he shall, by any practical means consistent with the safety of his ship, facilitate the pilot getting on board the ship.

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(3) If the master of any ship fails to comply with the provisions of this section, he shall be liable in respect of each offence to a fine not exceeding double the amount of pilotage dues that could be demanded for the conduct of the ship.

Signals to be displayed by ships requiring a pilot.

45.—(1) His Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Offences by Pilots.

Penalty on pilot endangering ship, life, or limb.

46. If any pilot, when piloting a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness—

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

that pilot shall in respect of each offence be guilty of a misdemeanour.

Penalty on person obtaining charge of a ship by misrepresentation.

47. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable in respect of each offence to a fine not exceeding one hundred pounds.

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Offences by pilots.

48.—(1) If a licensed pilot, either within or without the district for which he is licensed,—

(*a*) himself keeps, or is interested in keeping by any agent, servant, or other person, any premises licensed for the sale of intoxicating liquors, or sells or is interested in selling any intoxicating liquors, tobacco, or tea;

(*b*) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;

(*c*) lends his licence;

(*d*) acts as pilot whilst suspended;

(*e*) acts as pilot when in a state of intoxication;

(*f*) employs, or causes to be employed, on board any ship which he is piloting any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;

(*g*) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any ship within the district for which he is licensed, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of Customs and Excise;

(*h*) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship;

(*i*) refuses, otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into any port or place within the district for which he is licensed; or

(*k*) quits the ship, which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship;

that pilot shall, in addition to any liability for damages, be liable in respect of each offence to a fine not exceeding one hundred pounds.

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(2) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(3) The provisions of the law relating to Customs with respect to the recovery of penalties under that law, and the application of such penalties, shall apply in the case of any prosecution by any officer of Customs and Excise for the recovery of a fine in respect of any offence against this section.

Recovery, &c. of Pilotage Dues.

Recovery of pilotage dues.

49.—(1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained, namely:—

(*a*) the owner or master;

(*b*) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge;

(*c*) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her departure;

and those dues may be recovered in the same manner as fines of like amount under the Merchant Shipping Act, 1894, but that recovery shall not take place until a previous demand has been made in writing.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Receiving or offering improper rates of pilotage.

50. A licensed pilot shall not demand or receive, and a master shall not offer or pay to any licensed pilot, dues in respect of pilotage services at any other rates, whether greater or less, than the rates which may be demanded by law, and, if a pilot or master acts in contravention of this enactment,

he shall be liable in respect of each offence to a fine not exceeding ten pounds. A.D. 1913.

51. If any boat or ship, having on board a licensed pilot, leads any ship which has not a licensed pilot on board when the last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship. Pilotage rate for leading ships.

Special Provisions as to the Trinity House.

52.—(1) For the purposes of this Act, any district which at the time of the passing of this Act is under the authority of sub-commissioners appointed by the Trinity House and any pilotage district which may be declared after the passing of this Act to be a Trinity House outport district, shall be deemed to be a Trinity House outport district. Trinity House outport districts.

(2) The powers and duties of the Trinity House under this Act as the pilotage authority of an outport district shall be exercised and performed through a committee appointed for the district in such manner and subject to such conditions as may be determined by a Pilotage Order, under the name of Sub-Commissioners or such other name as may be fixed by the Order, and any such Order may be made so as to apply to all or any one or more of the outport districts.

53. Nothing in this Act shall oblige the Trinity House to maintain separate pilot funds for each of the pilotage districts of which they are the authority, and if they maintain a single pilot fund for all those districts, the provisions of this Act as to pilot funds shall apply as if all the districts of which they are the pilotage authority were a single pilotage district. Trinity House Pilot Fund.

54. Notwithstanding anything in this Act the Trinity House may permit any person who, at the date of the passing of this Act, was licensed to pilot an exempted vessel in the Thames or Medway, to continue to pilot any vessel in those rivers belonging to a class which, at the date of the passing of this Act, were exempted vessels, and were, in the opinion of the Trinity House, in practice piloted by such persons, and any such person while so acting shall be deemed, for the purposes of this Act, to be a licensed pilot. Power of Trinity House to make provisions as to exempt pilots.

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Collection of pilotage dues in Port of London by officers of Customs and Excise.

55.—(1) The following pilotage dues in respect of foreign ships, not being excepted ships, trading to and from the port of London, namely:—

(*a*) as to ships inwards, the full amount of pilotage dues for the distance piloted; and

(*b*) as to ships outwards, the full amount of dues for the distance required by law;

shall be paid to the chief officer of Customs and Excise in the port of London by the master, or by any consignees or agents of the ship who have paid or made themselves liable to pay any other charge for the ship in the port of London.

(2) The chief officer of Customs and Excise, on receiving any pilotage dues in respect of foreign ships, shall give to the person paying the dues a receipt in writing for the dues, and in the port of London the ship may be detained until the receipt is produced to the proper officer of Customs and Excise of the port.

(3) The chief officer of Customs and Excise shall pay over to the Trinity House the pilotage dues received by him under this section, and the Trinity House shall apply the dues so received—

(*a*) in paying to any licensed pilot who produces to them sufficient proof of his having piloted the ship such dues as would have been payable to him for pilotage services if the ship had been a British ship after making any deductions which they are authorised to make by byelaw under this Act; and

(*b*) in paying to any person not being a licensed pilot who produces to them sufficient proof of his having in the absence of a licensed pilot piloted the ship, such amount as the Trinity House think proper, not exceeding the amount which would, under similar circumstances, have been payable to a licensed pilot after making the said deductions; and

(*c*) in paying over to the Trinity House Pilot Fund the residue, together with the amount of any deductions made as aforesaid.

(4) Nothing in this section shall affect the application of the provisions of this Act as to the recovery of pilotage dues.

56. The expenditure under this Act out of money provided by Parliament shall not exceed six thousand pounds in any one year. Limit on expenditure.

5 **57.** The Board of Trade Arbitrations, &c. Act, 1874, shall apply as if this Act were a special Act within the meaning of the first-mentioned Act. Application of 37 & 38 Vict. c. 40.

58. The penalty of a bond given by a pilot for the purpose of the provisions of this Act limiting pilots' liability shall not 10 exceed one hundred pounds. Limit on penalty of bond given by pilot.

59. Notwithstanding anything in this Act, where a pilotage authority is entitled by statute at the time of the passing of this Act to receive moneys in the name of pilotage and to apply part of such moneys to purposes other than those autho- 15 rised under this Act, a Pilotage Order made under Part I. of this Act in respect of that authority may provide for the apportionment of the moneys so received as between the pilot fund or account and such other purposes. Saving for pilotage authorities having power to apply money received in name of pilotage to other purposes.

60. This Act shall (except as expressly provided) come into 20 operation on the first day of April nineteen hundred and thirteen: Provided that any enactment, order, charter, custom, byelaw, regulation, or provision with reference to pilotage affecting any pilotage district in particular, and in force at the time of the passing of this Act, including any exemptions from compulsory 25 pilotage taking effect thereunder, shall remain in force notwithstanding anything in this Act or any repeal effected by this Act, until provision is made by Pilotage Order under this Act superseding any such enactment, order, charter, custom, byelaw, regulation, or provision. Commencement of Act.

30 **61.**—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeal.

Provided that—

(*a*) Any order in council, licence, certificate, byelaw, rule, 35 or regulation made or granted under any enactment hereby repealed or in pursuance of any power which ceases in consequence of this Act, shall, subject to the provisions of this Act, continue in force as if it had been made or granted under 40 this Act; and

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(*b*) Any officer appointed, any body elected or constituted, and any office established under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act; 5

(*c*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of 10 section thirty-eight of the Interpretation Act, 1889, as regards the effect of repeals.

Extent of Act.

62. This Act extends to the United Kingdom and the Isle of Man, and applies to all ships, British and foreign.

Short title.

63. This Act may be cited as the Pilotage Act, 1913, and 15 shall be construed as one with the Merchant Shipping Act, 1894, and the Acts amending the same; and the Merchant Shipping Acts, 1894 to 1907, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1913.

SCHEDULES.

FIRST SCHEDULE.

Provisions as to Pilotage Orders.

1. Subject to the provisions of this schedule the Board of Trade may make rules in relation to applications for Pilotage Orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application are to be made, and as to the publication of Pilotage Orders.

2. Notice of an application for an Order shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in such manner as may be prescribed by the rules made by the Board of Trade.

3. The notice shall state the object which it is proposed to effect by the Order.

4. The Board of Trade on receiving any application for an Order shall refer the application to the pilotage authority of the district, if the authority are not themselves the applicants, and shall consider any objections which may be made to the proposed Order whether by the pilotage authority or by other persons appearing to the Board of Trade to be interested, and for that purpose shall allow at least six weeks to elapse between the date on which the application is referred to the authority and that on which the Order is made.

5. The Board of Trade may submit to Parliament for confirmation any Order which requires confirmation by Parliament.

6. If and when a Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any Order comprised therein, the Bill, so far as it relates to that Order, may be referred to a Select Committee, or if the two Houses of Parliament think fit so to order, to a Joint Committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

7. Any Act confirming an Order under this Act may be repealed, altered, or amended by any subsequent Order made under this Act.

8. The Board of Trade may revoke, either wholly or partially, any Order made by them before the Order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the Order is pending in either House of Parliament.

9. The making of an Order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of the Order have been complied with.

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SECOND SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections five hundred and seventy-two to six hundred and thirty-two inclusive, and the twenty-first schedule.
60 & 61 Vict. c. 61.	The Merchant Shipping (Exemption from Pilotage) Act, 1897.	The whole Act.
6 Edw. 7. c. 48.	The Merchant Shipping Act, 1906.	Section seventy-three.

Pilotage Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD NUNBURNHOLME.

Clause 7, page 5, line 30, leave out ("cease to")

Page 7, after clause 8, insert the following new clause:

. In case of ships (of all kinds) leaving and entering the Thames to and from ports north of Brest on the continent of Europe, such ships shall be deemed to be trading in Home Trade Limits. Home Trade Limits.

BY THE LORD AMPTHILL.

Clause 17, page 11, after ("dues") insert ("and the rates of " payment to be made to masters or mates possessing pilotage " certificates and acting as pilots under the provisions of Section 26 " of this Act")

After clause 25, insert the following new clause:

. If in any case any shipowner whose ship comes within the provisions of Section 11, subsection (1) of this Act makes use of the services of the bonâ fide master or mate of such ship possessing a pilotage certificate for the district in lieu of employing an independent licensed pilot of the district, such shipowner shall pay for the services as pilot of such master or mate in addition to his wages for serving as such master or mate such sum or sums as shall be fixed by the pilotage authority for the district by byelaws made under the provisions of Section 17, Subsection 1, of this Act.

Pilotage Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD NUNBURNHOLME

AND

THE LORD AMPTHILL.

17th February 1913.

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(206 *a*)

Pilotage Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD GRANARD (*E. Granard*).

Clause 4, page 3, line 2, leave out ("persons") and insert ("person")

Clause 5, page 3, line 35, after ("record") insert ("or in "Scotland before the Court of Session")

line 38, after ("Court") insert ("or in "Scotland to the auditor of accounts in the Court of Session")

Clause 7, page 4, line 23, leave out ("they") and insert ("the "Board")

Clause 8, page 7, line 1, at the beginning of the line insert ("until otherwise provided by Pilotage Order made under this "Act")

line 3, leave out from the first ("district") to ("and") in line 4.

line 6, leave out from ("authority") to the end of the subsection.

Clause 11, page 7, lines 36 and 37, leave out ("within the "meaning of this section")

line 40 and page 8, line 1, leave out ("within the meaning of this section")

page 8, line 15, leave out ("section") and insert ("Act")

Clause 12, page 9, line 18, leave out ("port")

line 31, after ("such") insert ("classes of")

Clause 17, page 11, line 36, after ("bonds") insert ("(the "penalty of which shall not in any case exceed one hundred "pounds)")

line 41, leave out ("that") and insert ("any such")

page 12, line 36, after ("Trade") insert ("and")

Clause 28, page 19, line 23, leave out from ("final") to the end of the subsection.

Clause 28, page 20, line 3, after (" fees ") insert (" In the " application of this section to Scotland references to the Court of " Session shall be substituted for references to the High Court ")

Clause 35, page 23, line 18, after (" come ") insert (" in ")

Clause 41, page 24, line 31, after (" district ") insert (" or a " master or mate holding a pilotage certificate for that district ")

line 32, leave out from (" exhibited ") to (" and ") in line 33.

line 35, leave out from (" pounds ") to the end of the clause.

Clause 43, page 25, lines 14 and 15, leave out (" the usual " signal for a pilot ") and insert (" a pilot signal ")

Clause 58, page 31, leave out clause 58.

Clause 60, page 31, line 27, after (" Order ") insert (" or in " the case of a byelaw by byelaw made ")

BY THE VISCOUNT ST. ALDWYN.

Clause 7, page 5, line 18, after (" compulsory ") insert (" or " provide that pilotage shall be non-compulsory in any area where " it has been compulsory ")

Pilotage Bill.

COMMONS REASON FOR DISAGREEING TO ONE OF THE LORDS AMENDMENTS AND COMMONS AMENDMENTS TO ONE OTHER OF THE LORDS AMENDMENTS.

[NOTE.—*The references are to Bill* (206) *as first printed for the House of Lords.*

The Commons Reason and Amendments are printed in italics.]

Lords Amendment.

Clause 7, page 5, line 40, after ("Order") insert ("and " (*m*) provide, if it appears just, for compensation being paid to " any pilots for any loss or damage which may be incurred by " them in consequence of the Order")

The Commons disagree to this amendment:

Because they consider that it is unduly general and should be limited by the qualification now inserted, and because the provision as to compensation may most conveniently be put in the same subsection.

Lords Amendment.

Clause 7, page 5, line 18, after ("compulsory") insert ("or " provide that pilotage shall be non-compulsory in any area where " it has been compulsory")

The Commons propose to amend this amendment by inserting after ("provide") the words ("in connection with " any re-arrangement of a pilotage district") and after ("compulsory") the words ("subject to provision being also " made for the payment of compensation to the pilots " concerned for any loss or damage which may be incurred " by them in consequence of such re-arrangement")

Pilotage Bill.

COMMONS REASON FOR DISAGREEING TO ONE OF THE LORDS AMENDMENTS AND COMMONS AMENDMENTS TO ONE OTHER OF THE LORDS AMENDMENTS.

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(224)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to authorise the Enfranchisement of the Sites of Places of Worship held under Lease. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Right of trustees holding leasehold interest in place of worship to acquire freehold.

1.—(1) Where premises held under a lease to which this Act applies are held upon trust to be used for the purposes of a place of worship, whether in conjunction with other purposes or not, and the premises are being used in accordance with the terms of the trust, the trustees, notwithstanding any agreement to the contrary (not being an agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act), shall have the right as incident to their leasehold interest to enlarge that interest into a fee simple, and for that purpose to acquire the freehold and all intermediate reversions:

Provided that—

(*a*) if the premises exceed two acres in extent the trustees shall not be entitled to exercise the right in respect of more than two acres thereof; and

(*b*) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease under which the premises are held or in any lease superior thereto, or where the trusts upon which the premises are held include the use of the premises (otherwise than by a lessee or assignee from the trustees) for the purposes of any trade or business or for any purposes of a political character.

A.D. 1912.

(2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the passing of this Act, for lives or a life or for a term of years where the term as originally created was a term of not less than twenty-one years, whether determinable on a life or lives or not.

Procedure for acquisition of reversionary interests. 8 & 9 Vict. c. 20.

2. For the purpose of acquiring such reversionary interests as aforesaid the Lands Clauses Acts shall apply as if the trustees had been authorised to acquire the premises by a special Act incorporating the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, subject, however, to the modifications set out in the schedule to this Act, and to the following modifications:—

(*a*) All questions of disputed compensation shall be settled by a single arbitrator, who shall be appointed, and whose remuneration shall be fixed, in default of agreement, by the judge of the county court, and the arbitrator shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this Act, apply accordingly:

(*b*) The consideration payable in respect of any intermediate reversion may, at the option of the person entitled to that reversion, be an annual rentcharge for a term corresponding to the unexpired residue of the term of the reversion:

(*c*) In determining the amount of any compensation the value of any buildings erected, or improvements made by the trustees, shall be excluded:

(*d*) No allowance shall be made on account of the acquisition being compulsory:

(*e*) In determining the amount of compensation in any case where the rent reserved under the lease is less than the full annual value of the land, the compensation, so far as it is payable in respect of the interest of the lessor expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved, but, subject always to the foregoing provisions of this section, on the estimated full value of the land at the expiration of the term of the lease.

A.D. 1912

expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved, but, subject always to the foregoing provisions of this section, on the estimated full value of the land at the expiration of the term of the lease.

Effect of enfranchisement on covenants.

3. The estate in fee simple acquired by the trustees shall be held by them upon the same trusts as those upon which the leasehold interest would have been held by them if it had not been enlarged into a fee simple, so far as those trusts are trusts for the use of the premises for the purpose of a place of worship or for purposes connected therewith, but discharged from those trusts so far as they provide for the use of the premises for any other purpose, and shall be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject if it had not been so enlarged, and all such covenants, provisions, and obligations shall be enforceable against the trustees and their successors in title by the persons who, but for the enlargement of the leasehold interest under this Act, would for the time being be entitled to enforce such covenants, provisions, or obligations:

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

Power to require trustees to sell in certain cases.

4.—(1) If any person who appears to the judge of the county court to be interested proves to the satisfaction of the judge that any premises the estate in fee simple in which has been acquired by the trustees under this Act, or any part thereof, are let or are habitually used for any purpose other than that of a place of worship or purposes connected therewith, the judge shall, unless it appears to him that such use was due to inadvertence and will be discontinued, order that the premises, or such part thereof, be sold.

(2) For the purposes of this section premises shall not be deemed to be habitually used for any purpose other than that of a place of worship or purposes connected therewith by reason only

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caretaker's house or minister's house attached to or used in connexion with and held upon the same trusts as a place of worship:

The expression "freehold reversion" means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto; and, where the premises subject to the lease consist of land of copyhold or customary tenure, includes the interest of the tenant by copy of court roll or the customary tenant subject to the lease held by the trustees and to any lease superior thereto as well as the interest of the lord of the manor:

The expression "intermediate reversion" means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees:

The expression "the county court" means the county court for the district in which the place of worship is situate:

The expression "trustees" means the persons in whom the leasehold premises are for the time being vested for the purposes of a place of worship under any trust whether express or implied and includes their predecessors in title.

Short title and extent.

6.—(1) This Act may be cited as the Places of Worship (Enfranchisement) Act, 1912.

(2) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

A.D. 1912.

Modifications of the Lands Clauses Acts and Sections 77 to 85 of the Railway Clauses Consolidation Act, 1845.

(1) The use of the premises as a place of worship and for purposes connected therewith shall be deemed to be the undertaking or the railway and the trustees shall be deemed to be the promoters of the undertaking or the railway company.

(2) Section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, limiting the time for compulsory purchase, shall not apply. 8 & 9 Vict. c. 18.

(3) If the trustees whether in pursuance of an order by a judge of county courts under this Act or otherwise, propose to sell the premises or any part thereof, sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall apply as if the premises or part thereof were superfluous lands within the meaning of those sections, and as if section one hundred and twenty-eight of that Act read as follows:—

> "Before the promoters of the undertaking dispose of any such superfluous lands they shall . . . . . first offer to sell the same to the person *who was entitled to the freehold reversion in the lands at the time when the interest of the trustees in the lands was enlarged into a fee simple or the successor in title (if any) of that person; and if that person or his successor in title, as the case may be,* refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit."

(4) The arbitrator shall, so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as aforesaid, at any arbitration held under this Act the arbitrator shall hear, by themselves or their agents, the parties, and shall hear witnesses, but shall not, except in such cases as the arbitrator may otherwise direct, hear counsel or more than one expert witness on either side.

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(5) The Lord Chancellor may make rules fixing a scale of costs to be applicable on an arbitration under this Act, and an arbitrator under this Act may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily, and, if he thinks the circumstances such as to justify him in so doing, to order that each of the parties shall bear their own costs.

(6) There may be contained in the award of the arbitrator a finding that the claimant, after having been requested in writing by the trustees so to do, has failed to deliver to the trustees a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the trustees to make a proper offer, and, where such a finding is contained in the award, the provisions of the Lands Clauses Acts as to costs of arbitrations shall apply as if the trustees had offered the same sum or a greater sum than that found to be due by the award:

Provided that this provision shall not apply unless the written request for particulars contained a notice of the effect of this provision.

(7) Land includes easements in or relating to land.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Prestonpans Combination Water Supply (Finance). A.D. 1912.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Prestonpans Combination Water Supply (Finance) Order Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

PRESTONPANS COMBINATION WATER SUPPLY (FINANCE).

Provisional Order to extend the period for the Repayment of Moneys borrowed by the County Council of the County of Haddington the Town Council of the Burgh of Prestonpans and the Town Council of the Burgh of Cockenzie and Port Seton for the purposes of the Prestonpans Combination Water Trust and for other purposes.

WHEREAS the county council of the county of Haddington (hereinafter called "the county council") are the local authority for the said county in the execution of the Public Health (Scotland) Act 1897 and Acts amending the same (hereinafter called "the Public Health Acts") with respect to acquiring and holding land rating and borrowing:

And whereas the county of Haddington has for the purposes of the administration therein of the Public Health Acts been divided into districts in accordance with the provisions of the Local Government (Scotland) Act 1889 one of which districts is called the Western District:

And whereas the district committee of the Western District of the county of Haddington (hereinafter called "the Western District Committee") are the local authority for the execution within the Western District of the Public Health Acts except with respect to acquiring and holding land rating and borrowing:

And whereas in terms of section 131 of the Public Health (Scotland) Act 1897 a part of the Western District was by decree of the sheriff of the Lothians and Peebles dated the thirty-first day of March one thousand nine hundred formed into a special water supply district under the name of "the special water supply district of Prestonpans and Tranent (Landward)" (hereinafter called "the special water supply district"):

And whereas the provost magistrates and councillors of the burgh of Prestonpans (hereinafter called "the Prestonpans Town Council") and the provost magistrates and councillors of

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the burgh of Cockenzie and Port Seton (hereinafter called "the Cockenzie and Port Seton Town Council") are each the local authority for their respective burghs and previously to the formation of the Prestonpans Combination Water Trust hereinafter mentioned had each in execution of their powers and duties under the Burgh Police (Scotland) Acts 1892 to 1903 constructed works for the supply of water to the inhabitants of their respective burghs and are liable for the repayment of the balances of moneys borrowed for that purpose and still remaining unpaid:

And whereas in terms of section 130 of the Public Health (Scotland) Act 1897 the Western District Committee the Prestonpans Town Council and the Cockenzie and Port Seton Town Council were by minute of agreement dated the sixth ninth tenth twelfth nineteenth and twentieth and registered at Edinburgh in the books of the Lords of Council and Session the thirty-first all days of July one thousand nine hundred and with the sanction of the Local Government Board for Scotland combined together for the purpose of providing a new water supply in the special water supply district and the burghs of Prestonpans and Cockenzie and Port Seton:

And whereas by the said minute of agreement the said town councils conveyed to themselves and the Western District Committee their respective water supply undertakings and works for the joint use and benefit of the special water supply district and the burghs of Prestonpans and Cockenzie and Port Seton together with the liability for the outstanding water debts of the said burghs and they further agreed that the annual expense of maintaining the existing water supplies and of providing a new supply of water then in contemplation including the annual sums required for the payment of interest and instalments of principal in respect of the said outstanding loans should be apportioned upon and paid by the Western District Committee and the said town councils in proportion to the rental or valuation of the special water supply district and the said burghs respectively as shown in the valuation roll of the county of Haddington:

And whereas by the said minute of agreement the Western District Committee and the said town councils agreed to appoint and have accordingly appointed a joint committee for the purpose of the management and maintenance of the supply of

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water to their respective districts to be known as the Prestonpans Combination Water Trust (hereinafter referred to as "the water trust") and to consist of seven members three appointed by the Western District Committee and two appointed by each of the said town councils: 5

And whereas upon the application of the county council made in pursuance of the said minute of agreement the Local Government Board for Scotland after due inquiry into a scheme for obtaining a new supply of water from Kidlaw on the Lammermuir Hills made an Order on the twenty-first day of 10 August one thousand nine hundred and one in execution of their powers in that behalf contained in the Public Health (Scotland) Act 1897 enabling the county council to purchase lands and water rights compulsorily for the purposes of the said scheme (hereinafter referred to as "the Kidlaw Water 15 Supply"):

And whereas the county council on behalf of the Western District Committee and the town councils have purchased the said lands and have constructed the reservoirs and works for the Kidlaw Water Supply and an ample quantity of pure water is 20 being furnished from the said works by the water trust within the special water supply district and the said burghs and there is now a surplus of water available to meet the requirements of an increased population in future years within those areas and in the adjoining parts of the county of Haddington and the 25 storage capacity of the reservoirs can be increased in the future by the expenditure of a comparatively small amount of money:

And whereas the population of the areas supplied by the water trust is increasing and a further expenditure of money may be required in the immediate future in connection with 30 the Kidlaw Water Supply:

And whereas by reason of many unforeseen and unavoidable difficulties having occurred in carrying out the works for the Kidlaw Water Supply the original estimates of the moneys required to be expended thereon amounting to about twenty- 35 three thousand pounds have been very greatly exceeded and the total expenditure has amounted to forty-eight thousand three hundred and eighty-two pounds:

And whereas by section 140 of the Public Health (Scotland) Act 1897 the county council are required to repay 40

any moneys borrowed by them for the purpose of constructing purchasing enlarging or reconstructing works for providing a supply of water within thirty years from the date of the loan:

And whereas by section 374 of the Burgh Police (Scotland) Act 1892 the said town councils are required to provide for the repayment of the moneys borrowed by them for water supply an annual amount equal to three per centum upon the sum or sums of money so borrowed and by section 48 of the Burgh Police (Scotland) Act 1903 it is enacted that in providing the sinking fund applicable for the repayment of any moneys borrowed by them for water supply purposes after the fifteenth day of May one thousand nine hundred and four the said town councils may in their option either do so in the manner provided by the before-mentioned provisions of the Burgh Police (Scotland) Act 1892 or they may annually or semi-annually during a period not exceeding thirty years from the date of borrowing set apart such sum as with the interest on any accumulations thereof shall be sufficient to pay off the whole principal and interest of the loan within the said period of thirty years:

And whereas the county council on behalf of the Western District Committee and the said town councils each on their own behalf in order to provide their respective proportions of the capital moneys expended on the Kidlaw Water Supply have been obliged to borrow from the Public Works Loan Commissioners sums which greatly exceed the contributions originally estimated to be necessary for the purpose and the said sums (hereinafter referred to as the "Kidlaw Water Loans") are repayable in thirty years from the respective dates of borrowing by equal annual payments of principal and interest and the amounts thereof are set forth in the schedule to this Order:

And whereas the water rates levied for water supply purposes by the county council and the said town councils respectively within the special water supply district and the said burghs to provide the said annual payments amount in the special water supply district to 3*s.* 4*d.* for each pound of assessable value in the burgh of Prestonpans to 3*s.* 6*d.* and in the burgh of Cockenzie and Port Seton to 4*s.* 1*d.* and the total rates levied for local government purposes in the Prestonpans portion of the special water supply district amount to 8*s.* $9\frac{3}{4}$*d.* and in the Tranent portion of the special water supply district

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to 9*s.* 3½*d.* in the burgh of Prestonpans to 10*s.* 8½*d.* and in the burgh of Cockenzie and Port Seton to 11*s.* for each pound of assessable value and the said rates bear oppressively upon owners and occupiers of property in the special water supply district and the said burghs: 5

And whereas it is expedient to make provision for relieving the said owners and occupiers of some portion of the heavy burden of expenditure incurred by them in providing a water supply which will be available for use and for enlargement many years hereafter and to that end it is expedient to reduce the amount 10 of the annual charge required to be made on the said owners and occupiers for interest and sinking fund by extending the period for the repayment of the moneys borrowed and still outstanding or any moneys hereafter to be borrowed by the said councils for the Kidlaw Water Supply and by enabling the said 15 councils to repay the Kidlaw Water Loans and reborrow the same for an extended period and to confer upon the said councils such further powers as may be requisite for those purposes:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by 20 Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows: 25

Short title.

1. This Order may be cited as the Prestonpans Combination Water Supply (Finance) Order 1912.

Interpretation.

2. In this Order—

"The county" means the county of Haddington;

"The western district" means the western district of 30 the county;

"The county council" means the county council of the county;

"The Western District Committee" means the district committee of the western district; 35

"The special water supply district" means the special water supply district of Prestonpans and Tranent (Landward) formed by decree of the sheriff of the Lothians and Peebles dated the thirty-first day of March one thousand nine hundred; 40

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"The Prestonpans Town Council" means the provost magistrates and councillors of the burgh of Prestonpans;

"The Cockenzie and Port Seton Town Council" means the provost magistrates and councillors of the burgh of Cockenzie and Port Seton;

"The town councils" means the Prestonpans Town Council and the Cockenzie and Port Seton Town Council;

"The burghs" means the burgh of Prestonpans and the burgh of Cockenzie and Port Seton;

"The water trust" means the Prestonpans Combination Water Trust formed by minute of agreement dated the sixth ninth tenth twelfth nineteenth and twentieth days of July one thousand nine hundred and made between the Western District Committee and the town councils and registered in the books of the Lords of Council and Session the thirty-first day of July one thousand nine hundred;

"The Public Health Acts" means the Public Health (Scotland) Act 1897 and any Act amending the same;

"The Kidlaw Water Loans" means the loans contracted by the county council and the town councils respectively for the purposes of the Kidlaw Water Supply as set forth in the schedule to this Order;

"The commencement of this Order" means the date of the passing of the Act to confirm this Order.

Power to re-borrow for repayment of Kidlaw Water Loans.

3.—(1) The county council and each of the town councils may borrow for the purpose of repaying forthwith their respective portions of the Kidlaw Water Loans the amount of the balances of those respective portions outstanding at the commencement of this Order.

(2) Any moneys borrowed under this section shall be repaid within the period of fifty years from the date of the borrowing of the portion of the Kidlaw Water Loans for the repayment of which the said moneys have been borrowed.

Further borrowing for purposes of water trust.

4.—(1) The county council and the town councils may borrow for the purposes of the water trust such further sums as the Secretary for Scotland may approve and the Secretary

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for Scotland shall have and may exercise in relation to such approval all the powers of section 93 of the Local Government (Scotland) Act 1889.

(2) Any moneys borrowed under the authority of this section shall be repaid within such period not exceeding fifty years as the Secretary for Scotland may prescribe when approving the loan.

Security for loans.

5. In order to secure repayment of the moneys borrowed by the county council and the town councils respectively under the authority of this Order and the payment of interest thereon the county council may make and grant mortgages and other securities of the special water assessments and the public health general assessments and rents and charges leviable in the Special Water Supply District in manner authorised by the Public Health (Scotland) Act 1897 and the town councils may make and grant mortgages on the securities of the water assessments and the rents rates and charges leviable in their respective burghs in manner authorised by the Burgh Police (Scotland) Acts 1892 to 1903.

Mode of repayment of borrowed money.

6. The county council and the town councils shall pay off all moneys borrowed by them under this Order either by means of sinking funds formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking fund.

7.—(1) If the county council or either of the town councils as the case may be (in this section referred to as "the council") determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the period prescribed for the repayment of the loan of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called "a non-accumulating sinking fund"; or

(B) By payment to the fund throughout the period prescribed for the repayment of the loan of such equal annual sums as with accumulations at a rate

not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the county council or either of the town councils and the council may from time to time vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the council towards the equal annual payments to the fund.

(4) The council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the council.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

A.D. 1912.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the council be sufficient to repay the loan in respect of which it is formed within the prescribed period the council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council may determine.

A.D. 1912.

Power to re-borrow.

8. If after having borrowed the sums of money by this Order authorised or any part thereof the county council or either of the town councils shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this Order it shall be lawful for such council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Annual return to Secretary for Scotland with respect to sinking fund.

9. The respective treasurers of the county council and of each of the town councils shall for their respective councils within four months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the county council or either of the town councils have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

A.D. 1912.

Application of moneys borrowed.

10. All sums borrowed by the county council and the town councils on mortgage or cash account or otherwise (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable.

Reservation of prior mortgages.

11. Nothing in this Order shall prejudice or affect the priority or other rights or remedies under any mortgages or securities or obligations granted by the county council or either of the town councils before the commencement of this Order and then subsisting.

Protection of lender from inquiry.

12. No person lending money to the county council or either of the town councils shall be bound to inquire as to the observance by the county council or either of the town councils of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

For appointment of a judicial factor.

13. The mortgagees of the county council or of either of the town councils under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand pounds.

Costs of Order.

14. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the county council and the town councils out of their respective funds and assessments as part of the expenses of the water trust Provided that any moneys borrowed for the purposes of this section shall be repaid within five years from the commencement of this Order.

SCHEDULE.

Prestonpans Combination Water Trust.

Sums borrowed from the Public Works Loan Board for the Kidlaw Water Supply (repayable in 30 Years).

	Amount of Loan.	Balance due thereon at 16th November 1911.	Annual Payment including Principal and Interest.	Rate per centum.	Date of repayment.
Western District Committee of the Haddingtonshire County Council.					
	£ s. d.	£ s. d.	£ s. d.		
	7,300 0 0	5,787 15 6	383 5 0	3¼	3rd April 1932
	5,598 0 0	4,735 7 1	313 12 0	3¾	3rd October 1933
	3,173 0 0	2,786 0 4	177 2 0	3¾	3rd April 1935
	1,289 0 0	1,197 18 8	69 16 0	3½	3rd October 1937
	17,360 0 0	14,507 1 7	943 15 0		
Burgh of Prestonpans.					
	6,943 0 0	5,554 18 10	364 1 0	3¼	16th November 1932
	4,779 0 0	4,042 18 6	268 0 0	3¾	16th May 1934
	2,822 0 0	2,477 17 11	157 10 0	3¾	16th November 1935
	994 0 0	923 17 5	53 16 0	3½	16th May 1938
	15,538 0 0	12,999 12 8	843 7 0		
Burgh of Cockenzie and Port Seton.					
	5,783 0 0	4,623 2 7	303 12 0	3¼	16th November 1932
	4,993 0 0	4,223 11 8	279 14 0	3¾	16th May 1934
	3,000 0 0	2,633 15 0	167 10 0	3¾	16th November 1935
	1,216 0 0	1,130 5 2	65 16 0	3½	16th May 1938
	14,992 0 0	12,610 14 5	816 12 0		
Grand Total	47,890 0 0	40,117 8 8	2,603 14 0		

Prestonpans Combination Water Supply (Finance) Order Confirmation.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Prestonpans Combination Water Supply (Finance).

(*Brought from the Commons* 12*th June* 1912.)

Ordered to be printed 12th June 1912.

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[*Price* 2*d.*]

(67)

A

B I L L

INTITULED

An Act to amend the Protection of Animals Act, 1911, in respect of its Imprisonment Penalty. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.** Subsection (1) of section one of the Protection of Animals Act, 1911, shall be amended by substituting the word "three" for the word "six." Diminution of penalty. 1 & 2 Geo. 5. c. 27. s. 1 (1).

2. This Act may be cited as the Protection of Animals Act (1911) Amendment Act, 1912. Short title.

Protection of Animals (Scotland).

A

B I L L

INTITULED

An Act to consolidate and amend enactments relating to Animals and Knackers; and to make further provision with respect thereto.

(*Brought from the Commons* 11*th July* 1912.)

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[*Price 2d.*]

(114)

Protection of Animals (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to consolidate and amend enactments relating to Animals and Knackers; and to make further provision with respect thereto. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Offences of cruelty.

1.—(1) If any person—

(*a*) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or

(*b*) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or

(*c*) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage, or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or

A.D. 1912.

used, or shall receive, or cause or procure any person to receive, money for the admission of any person to such premises or place; or

(*d*) Shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or

(*e*) Shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity;

such person shall be guilty of an offence of cruelty within the meaning of this Act, and shall be liable upon summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to be imprisoned, with or without hard labour, for any term not exceeding six months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Act if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall render illegal any act lawfully done under the Cruelty to Animals Act, 1876, or shall apply—

39 & 40 Vict. c. 77.

(*a*) to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or

(*b*) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated, or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been re-captured, or if it is under control.

A.D. 1912.

Power for court to order destruction of animal.

2. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Act, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed, in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt:

Provided that, unless the owner assent, no order shall be made under this section except upon the evidence of a duly registered veterinary surgeon.

Power for court to deprive person convicted of cruelty of ownership of animal.

3. If the owner of any animal shall be guilty of cruelty within the meaning of this Act to the animal, the court, upon his conviction thereof, may, if they think fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as they think fit under the circumstances:

Provided that no order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

Compensation for damage done by cruelty to an animal.

4. If any person shall, by cruelty within the meaning of this Act to any animal, do or cause to be done, any damage or injury to the animal or any person or property, he shall upon conviction for the cruelty under this Act, be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who shall sustain damage or injury as aforesaid, such sum not exceeding ten pounds as the court before whom he is convicted may consider reasonable; and such sum shall be recoverable summarily as a civil debt by the person to whom it is ordered to be paid:

Provided that this section shall not—

(*a*) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor

A.D. 1912.

(*b*) affect the liability of any person to be punished under this Act for an offence of cruelty within the meaning of this Act:

Provided further that a person shall not be ordered to pay any sum as compensation under this section unless he has had reasonable notice of the application to be made by the person aggrieved, including notice of the amount claimed.

Knackers to be registered and to comply with certain regulations.

5.—(1) No person shall keep or use any building or place as a knacker's yard without first taking out a licence for that purpose, which licence every sheriff within his own county is hereby authorised to grant, upon being satisfied that the person applying for such licence is a proper person for keeping such yard, and upon payment of a sum not exceeding five shillings to the sheriff clerk for making out and recording such licence; and a copy of such licence shall be recorded in the sheriff clerk's books; and any person shall at all reasonable hours be entitled to inspect such books and to make any extract relating to such licence therefrom, upon payment to the sheriff clerk of six pence for such inspection and extract; and any person contravening this provision shall be liable upon summary conviction to a penalty not exceeding five pounds.

(2) Every person who shall carry on, or assist in carrying on, the trade or business of a knacker shall observe and conform to the regulations set out in the First Schedule to this Act, and, if any person, carrying on or assisting in the carrying on of the said trade or business, contravenes or fails to comply with, or causes or procures or permits any contravention or non-compliance with, any such regulation, he shall be liable upon summary conviction to a fine not exceeding ten pounds.

(3) Any constable shall have a right to enter any knacker's yard at any hour by day, or at any hour when business is or apparently is in progress or is usually carried on therein, for the purpose of examining whether there is or has been any contravention of or non-compliance with the provisions of this Act, and, if any person refuses to permit any constable to enter any premises which he is entitled to enter under this section, or obstructs or impedes him in the execution of his duty under this section, he shall, upon summary conviction, be liable to a fine not exceeding five pounds.

(4) For the purposes of section one, which relates to offences of cruelty, of this Act, a knacker shall be deemed to be the owner of any animal delivered to him.

(5) For the purposes of this Act, an animal shall be deemed to have been delivered to a knacker if it has been delivered either to the knacker himself, or to any person on his behalf, or at the knacker's yard.

Persons licensed to slaughter horses not to be horse dealers at same time.

6.—(1) It shall not be lawful for any person who shall be licensed to slaughter horses, during the time while such licence shall be in force, to carry on the trade or business of a dealer in horses.

(2) If any person shall act in contravention of this section, he shall be liable upon summary conviction to a fine not exceeding ten pounds.

Poisoned grain and flesh, &c.

7. If any person—

(*a*) shall sell, or offer or expose for sale, or give away, or cause or procure any person to sell or offer or expose for sale or give away, or knowingly be a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bonâ fide use in agriculture; or

(*b*) shall knowingly put or place, or cause or procure any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

such person shall, upon summary conviction, be liable to a fine not exceeding ten pounds:

Provided that, in any proceedings under paragraph (*b*) of this section, it shall be a defence that the poison was placed by the accused for the purpose of destroying vermin, where such is found to be necessary in the interests of the public health, agriculture, or the preservation of other animals, domestic or wild, or for the purpose of manuring the land, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls, or other domestic animals.

Use of dogs for purposes of draught.

8. If any person shall use, or cause or procure, or being the owner permit, to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow, on any

A.D. 1912.

public highway, he shall be liable upon summary conviction in respect of the first offence to a fine not exceeding two pounds, and in respect of the second or any subsequent offence to a fine not exceeding five pounds.

Inspection of traps.

9. Any person who sets, or causes or procures to be set, any spring trap, or any snare, for the purpose of catching any hare or rabbit, or which is so placed as to be likely to catch any hare or rabbit, shall inspect, or cause some competent person to inspect, the trap or snare at least once every day, and, if any person shall fail to comply with the provisions of this section, he shall be liable, upon summary conviction, to a fine not exceeding five pounds.

Injured animals.

10.—(1) If a constable finds any animal so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and, if it appears by the certificate of such veterinary surgeon that the animal is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it is cruel to keep it alive, it shall be lawful for the constable, without the consent of the owner, to slaughter the animal, or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions, and in such manner, as to inflict no unnecessary suffering, and, if the slaughter takes place on any public highway, to remove the carcase or cause or procure it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fail so to do, the constable may, without the consent of that person, cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by any police constable in carrying out the provisions of this section (including the expenses of any veterinary surgeon summoned by the constable, and whether the animal is slaughtered under this section or not) may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be

defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found. A.D. 1912.

(4) For the purposes of this section, the expression "animal" means any horse, mule, ass, ox, sheep, goat, or pig.

Powers of constables.

11.—(1) A constable may apprehend without warrant any person whom he has reason to believe (whether upon his own view or upon the complaint and information of any other person, who shall declare his name and place of abode to such constable) to be guilty of an offence under this Act which is punishable by imprisonment without the option of a fine.

(2) Where a person having charge of a vehicle or animal is apprehended by a constable for an offence under this Act, it shall be lawful for that or any other constable to take charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or animal to be delivered to the person charged or the owner, and the reasonable costs of such detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner summarily as a civil debt, or, where the owner himself is convicted, shall be part of the costs of the case.

Owners to produce animals if so required.

12.—(1) Where proceedings are instituted under this Act, it shall be lawful for the court after reasonable notice to any person (not being the owner) against whom such proceedings are instituted, to issue a citation directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in the citation, the animal for the inspection of the court, if such production is possible without cruelty.

(2) Where a citation is issued under the foregoing subsection of this section, and the owner fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a fine not exceeding five pounds for the first occasion, and not exceeding ten pounds for the second or any subsequent occasion, on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

Definitions.

13. In this Act, except the context otherwise requires, or it is otherwise expressly provided—

A.D. 1912.

(*a*) the expression "animal" means any domestic or captive animal;

(*b*) the expression "domestic animal" means any horse, ass, mule, ox, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

(*c*) the expression "captive animal" means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;

(*d*) the expression "horse" includes any mare, gelding, pony, foal, colt, filly, or stallion; and the expression "ox" includes any cow, bullock, heifer, calf, steer, or bull, and the expression "sheep" includes any lamb, ewe, or ram; and the expression "pig" includes any boar, hog, or sow; and the expression "goat" includes a kid; and the expression "dog" includes any bitch, sapling, or puppy; and the expression "cat" includes a kitten; and the expression "fowl" includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea-fowl, peacock, peahen, swan, or pigeon;

(*e*) The expression "knacker" means a person whose trade or business it is to kill any cattle not killed for the purpose of the flesh being used as butcher's meat, and the expression "knacker's yard" means any building or place used for the purpose, or partly for the purpose, of such trade or business, and the expression "cattle" includes any horse, ass, mule, ox, sheep, goat, or pig;

(*f*) The word "constable" includes any constable within the meaning of the Police (Scotland) Act, 1890, and any justice of the peace, constable, or sheriff officer.

Extent of Act.

14. This Act shall apply to Scotland only.

Repeals. 1 & 2 Geo. 5. c. 27.

15.—(1) So far as applying to Scotland, the enactments mentioned in the Second Schedule to the Protection of Animals Act, 1911, are repealed to the extent mentioned in the third column of that schedule.

5 (2) The enactments mentioned in the Second Schedule to this Act are repealed to the extent mentioned in the third column of that schedule.

Commencement, saving for pending proceedings, and short title.

16.—(1) This Act shall come into operation on the first day of January nineteen hundred and thirteen.

10 (2) This Act shall not apply where proceedings have been instituted before the commencement of this Act.

(3) This Act may be cited as the Protection of Animals (Scotland) Act, 1912; and this Act and the Protection of Animals Act, 1911, may be cited together as the Protection of Animals 15 Acts, 1911 and 1912.

A.D. 1912.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

1. The name of the knacker, together with the word "knacker," shall be painted or affixed in a conspicuous manner over the door or gate of the knacker's yard.

2. The hair shall be cut from the neck of any horse, ass, or mule directly the animal has been delivered to the knacker.

3. All animals shall be slaughtered, with no unnecessary suffering, within two days from the time they have been delivered to the knacker. Any animal which is in pain shall be so slaughtered without delay.

4. All animals shall be properly fed and watered after they have been delivered to the knacker.

5. No animal shall be used or employed for any work after it has been delivered to the knacker.

6. The knacker shall enter in a book kept for the purpose such a full and correct description of the colour, marks, and gender of every animal delivered to him as may clearly distinguish and identify the same, and the name and address of the owner thereof, and the book shall be produced by him before any court upon the requirement of such court, and the knacker shall allow such book to be inspected and extracts to be made therefrom at all reasonable times by any constable or by any other person authorised by any court.

7. No person who is under the age of sixteen years shall be admitted to, or permitted to remain in, the knacker's yard during the process of slaughtering or of cutting up the carcase of any animal.

8. No animal shall be killed in the sight of any other animal awaiting slaughter.

9. The knacker shall not sell or part with alive, or cause or procure or permit any person to sell or part with alive, any animal which has been delivered to him.

A.D. 1912.

Section 17.

SECOND SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Vict. c. 92.	The Cruelty to Animals (Scotland) Act, 1850.	The whole Act.
58 & 59 Vict. c. 13.	The Cruelty to Animals (Scotland) Act, 1895.	The whole Act.
9 Edw. 7. c. 33.	The Wild Animals in Captivity (Scotland) Act, 1909.	The whole Act.

Protection of Animals (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to consolidate and amend enactments relating to Animals and Knackers; and to make further provision with respect thereto.

(*Brought from the Commons* 11*th July* 1912.)

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[*Price* 2*d.*]

(135)

Public Offices (Sites) Bill.

ARRANGEMENT OF CLAUSES.

A

BILL

INTITULED

An Act to make provision for the acquisition of a Site for Public Offices in Westminster, for the acquisition of land for the further extension of the Patent Office and for purposes in connection with the Record Office, to amend the Public Offices Sites (Extension) Act, 1908, and to make provision for certain other public purposes. A.D. 1912.

WHEREAS it is expedient to provide a site for new buildings for the Board of Trade and such other public offices as may be determined, to provide for the further extension of the Patent Office, and to provide for the acquisition of land for use in connection with the Record Office:

And whereas for those purposes it is expedient that the Commissioners of Works (in this Act called the Commissioners) should be empowered to acquire certain lands and buildings situated in the parish of St. Margaret and St. John the Evangelist, Westminster, in the county of London, certain lands and buildings situated in the parish of St. Andrew, Holborn-above-the-Bars, and St. George the Martyr, Holborn, in the county of London, and certain lands and buildings situated in the parish of the city of London in the city of London, and to erect buildings on any lands so acquired:

And whereas it is expedient that the Public Offices Sites (Extension) Act, 1908 (in this Act referred to as the Act of 1908), should be amended by extending the time within which the Commissioners may exercise their powers for the compulsory purchase of certain lands authorised to be acquired by them under that Act: 8 Edw 7. c. cxii.

And whereas it is expedient that the Commissioners should be authorised to stop up and discontinue as a public thoroughfare part of Took's Court, situated in the parish of the city of London aforesaid, and in the parish of St. Andrew, Holborn-

A.D. 912. above-the-Bars, and St. George the Martyr aforesaid, subject always to the provisions of this Act, but as respects so much of that part of Took's Court as lies within the limits as shown on the deposited plans referred to in the Act of 1908 of the land authorised to be acquired under that Act without complying with the provisions of that Act :

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas duplicate plans (in this Act referred to as the deposited plans) describing the situation of the lands proposed to be acquired under this Act, with the houses and buildings thereon, with a book of reference thereto (in this Act referred to as the deposited book of reference) containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof, have been deposited with the clerk of the peace for the county of London and the clerk of the peace for the county of the city of London:

And whereas certain of the lands proposed to be acquired under this Act are vested in His Majesty as part of the hereditary land revenues of the Crown subject to certain outstanding leases, estates, and interests:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Vesting of and power to purchase land.

1. All the estate and interest of His Majesty in any of the lands so vested in His Majesty as aforesaid delineated on the deposited plans and described in the deposited book of reference shall, on the date of vesting as hereinafter defined, vest in the Commissioners, subject to any outstanding leases, estates, or interests therein, and the Commissioners may, at any time after the passing of this Act, purchase and acquire, for the purposes of this Act, all or any of those outstanding leases, estates, and interests, and may also purchase and acquire, for the purposes of this Act, all or any of the other lands delineated on the deposited plans and described in the deposited book of reference.

Incorporation of Lands Clauses Acts.

2.—(1) For the purpose of the purchase and acquisition of land under this Act the Lands Clauses Acts shall, subject to the provisions of this Act, be incorporated with this Act, with the following exceptions and modifications:—

(*a*) The provisions relating to the sale of superfluous land and access to the special Act and section one hundred

A.D. 1912.

8 & 9 Vict. c. 18.

and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate), shall not be incorporated with this Act:

(*b*) In the construction of the Acts incorporated with this Act, the Commissioners shall be deemed to be the promoters of the undertaking, and this Act shall be deemed to be the special Act:

(*c*) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the common seal of the Commissioners and shall be sufficient without the addition of the sureties mentioned in that section:

(*d*) All claims for compensation made upon the Commissioners under this Act or any Act incorporated with this Act shall, if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made, be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845:

(*e*) There may be contained in the verdict of a jury or the award of arbitrators or of an umpire a finding that the claimant, after having been requested in writing by the Commissioners so to do, has failed to deliver to the Commissioners a statement in writing of the amount claimed giving sufficient particulars and in sufficient time to enable the Commissioners to make a proper offer, and where such a finding is contained in a verdict or award the provisions of the Lands Clauses Acts as to costs of inquiries and arbitrations shall apply as if the Commissioners had offered the same sum or a greater sum than that found due by the verdict or award:

Provided that this provision shall not apply unless the written request for particulars contains a notice of the effect of this provision.

(2) The powers of the Commissioners for the compulsory purchase of land under this Act shall cease after the expiration of five years from the passing of this Act.

A.D. 1912.

Consideration to be paid for Crown lands.

3.—(1) The consideration payable to His Majesty for his estate and interest in the lands vested in the Commissioners by virtue of this Act (in this section referred to as the consideration) shall be such amount as may be agreed upon between the Treasury and the Commissioners of Woods, or, in default of agreement between them, such amount as may be fixed by a surveyor appointed for the purpose by the Treasury.

The amount of the consideration shall be ascertained as soon as may be after the passing of this Act, and in ascertaining that amount regard shall be had to the matters to which regard is to be had in estimating any purchase money under section sixty-three of the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 18.

(2) The amount of the consideration payable to His Majesty in respect of his estate and interest in that part of the said lands which lies to the south of the premises known as No. 7, Whitehall Gardens, and now occupied as offices for the Board of Trade (in this Act referred to as the southern lands) and the amount of the consideration payable in respect of his estate and interest in the residue of the said lands (in this Act referred to as the northern lands) shall be ascertained separately.

(3) The consideration shall be deemed to become due on the date of vesting and shall, as from that date, carry interest at the rate of three and a half per cent. per annum, and shall be paid to the Commissioners of Woods by means of sixty equal half-yearly instalments of principal and interest combined, and the first of the said instalments shall be payable on the expiration of six months from the date of vesting.

(4) So much of every half-yearly instalment as represents principal shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly, and so much of every half-yearly instalment as represents interest shall be treated as annual income of the land revenues of the Crown and applied accordingly.

(5) If the moneys provided by Parliament for the service of the Commissioners are insufficient for the payment of the instalments payable by the Commissioners under this section, the amount by which the said moneys are so insufficient shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

33 & 34 Vict. c. 35.

(6) The Apportionment Act, 1870, shall apply in the case of any rents payable in respect of the land vested in the Commissioners by virtue of this Act, and those rents, if accruing due

A.D. 1912.

before the date of vesting, shall be payable to the Commissioners of Woods, and if accruing due after that date shall be payable to the Commissioners.

(7) The Commissioners shall pay all costs and expenses incurred by His Majesty or by the Commissioners of Woods in relation to the valuation of the said land or the vesting thereof under this Act.

(8) For the purposes of this Act the expression "the date of vesting" means such date as may be agreed upon between the Commissioners of Woods and the Commissioners, or in default of agreement fixed by the Treasury, as the date on which the Commissioners are to take possession of the said lands for the purposes of this Act, and different dates may be fixed as regards the southern lands and as regards the northern lands.

Extension of time for compulsory acquisition of land under 8 Edw. 7. c. cxii.

4. The time limited for the exercise by the Commissioners of their powers for the compulsory purchase of land under the Public Offices Sites (Extension) Act, 1908, is hereby extended, so far as relates to the pieces of land forming part of Took's Court, situate respectively in the parish of the city of London and in the parish of St. Andrew Holborn-above-the-Bars and St. George the Martyr aforesaid, and numbered respectively 13 and 15 on the said deposited plans, till the date of the expiration of five years from the passing of this Act.

Power to stop up and alter thoroughfares.

5.—(1) If and so soon as the Commissioners provide means of access to Took's Court by means of a footway of not less width in any place than fifteen feet and constructed in the position marked "substituted footpath" on the deposited plan, they may, notwithstanding anything in the Act of 1908, stop up and discontinue as a public thoroughfare that part of Took's Court which lies within the limits as shown on the deposited plans of the land to be acquired under this Act and within the limits as shown on the deposited plans referred to in the Act of 1908 of the land to be acquired under that Act.

(2) In the event of the Commissioners providing such substituted footpath as aforesaid, they shall at their own cost properly pave the footpath and provide sufficient and proper lamps therefor, and the Commissioners shall also at their own cost properly carry out all such works in connection with the sewer under Took's Court as may be necessary by reason of the stopping up of the part aforesaid of Took's Court, and if any question arises between the Commissioners and the Council of the Metropolitan Borough of

A.D. 1912.

Holborn or between the Commissioners and the Common Council of the City of London as to whether the footpath has been properly paved, as to whether sufficient and proper lamps have been provided by the Commissioners, or as to whether any works in connection with the said sewer are necessary, or as to whether any necessary works have been properly carried out by the Commissioners, the question shall be referred to a single arbitrator to be appointed by the Board of Trade, and his decision shall be final.

52 & 53 Vict. c. 49.

Subject as hereinbefore provided the Arbitration Act, 1889, shall apply to any arbitration under this provision.

(3) The Commissioners may within the limits as shown on the deposited plans divert and alter the highway known as Whitehall Gardens.

Land tax.

6.—(1) Any land tax assessed on the first day of January nineteen hundred and twelve, on any part of the land delineated on the deposited plans which is vested in or acquired by the Commissioners by virtue of or under this Act, shall as from the specified date be deemed to have been redeemed at the rate of payment authorised and in accordance with the other conditions prescribed by the Finance Act, 1896, and the Land Tax Acts as defined in that Act, and after the specified date no sum shall be assessed or charged in respect of land tax on any part of the land so vested or acquired.

59 & 60 Vict. c. 28.

For the purpose of the foregoing provision the expression "the specified date" means—

As respects land vested in the Commissioners by virtue of this Act and not being a public thoroughfare, the date of vesting;

As respects land acquired by the Commissioners under this Act and not being a public thoroughfare, the date of acquisition;

As respects land vested in or acquired by the Commissioners by virtue of or under this Act and being a public thoroughfare, the date on which the thoroughfare is stopped up.

(2) The Commissioners of Inland Revenue shall grant in respect of the lands to which this section applies a certificate of exoneration from assessment to land tax, and that certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

A.D. 1912.

Extinction of rights of way and other easements.

7. All rights of way, rights of laying down or of continuing any pipes, sewers, or drains, on, through, or under, any of the land vested in or acquired by the Commissioners by virtue of or under this Act, and all other rights and easements in or relating to that land, shall on the land becoming so vested or being so acquired be extinguished, and all the soil of those ways, and the property in the pipes, sewers, and drains, shall vest in the Commissioners:

Provided that any persons may recover from the Commissioners the compensation (if any) to which they may be entitled under any of the provisions of the Lands Clauses Acts for any rights or property of which they may be deprived in pursuance of this section, and the amount of that compensation shall be determined in manner provided by the Lands Clauses Acts as modified for the purpose of their incorporation with this Act.

For protection of London County Council.

8.—(1) Subject as expressly provided in this section nothing in this Act shall affect any rights of the London County Council in relation to any sewers of the Council in or under any lands vested in or acquired by the Commissioners by virtue of or in pursuance of this Act.

(2) The Council shall, on being required to do so by the Commissioners, construct a new sewer in substitution for a portion of the existing Victoria Street sewer of the Council as shown upon the plan marked "A" signed in triplicate by William Wedgwood Benn, the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one copy of which plan has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons, and the Council shall proceed with all reasonable despatch to construct the said new sewer with all necessary incidental works and appliances in accordance with such plans, specifications, and particulars as may be agreed between the Council and the Commissioners.

(3) When and so soon as the said new sewer is completed with all necessary incidental works and appliances and connected with the said existing sewer of the Council, the said new sewer and incidental works and appliances shall be and remain vested in the Council and be as fully and completely under the jurisdiction and control of the Council as other sewers of the Council, and the portion of the said existing sewer rendered unnecessary

A.D. 1912.

by reason of the completion of the said new sewer may be removed and dealt with by the Commissioners as they think fit.

(4) The proper costs and expenses of the Council in the construction of the said new sewer and the provision of any necessary incidental works and appliances shall be repaid by the Commissioners to the Council on the completion thereof. 5

For protection of Metropolitan Water Board.

9. For the protection of the Metropolitan Water Board (in this section referred to as "the Board") the following provisions shall have effect, that is to say:—

The Commissioners shall, if called on so to do by the Board, bear the reasonable cost of— 10

(*a*) laying a cast-iron main having an internal diameter of five inches from the existing five-inch main at the south end of Whitehall Gardens to the existing four-inch main at or near the north-east corner of the banqueting hall; and 15

(*b*) connecting the new main with the said existing mains.

As to purchase of leasehold interest of National Club.

10. The Commissioners shall within six months from the passing of this Act serve on the secretary for the time being of the National Club a notice to treat for the purchase of the leasehold interest of such club in the property No. 1, Whitehall Gardens, shown on the deposited plans and described in the deposited book of reference as No. 6 in the parish of Saint Margaret and Saint John the Evangelist, Westminster. 20 25

As to purchase of freehold of certain property in Clifford's Inn.

11. The Commissioners shall within three months from the passing of this Act serve on William Willett the younger a notice to treat for the purchase of the freehold interest in the properties (being portions of Clifford's Inn) shown on the deposited plans and described in the deposited book of reference as Nos. 1 to 4 (inclusive) in the parish of the City of London, city and county of the City of London. 30

Power to enter on lands.

12. The Commissioners and their surveyors, officers, and workmen may at all reasonable time in the daytime, on giving twenty-four hours' notice in writing, enter on any of the land which is vested in, or authorised to be acquired by, the Commissioners by virtue of or under this Act, for the purpose of surveying or valuing the land. 35

A.D. 1912.

Power of Commissioners to build.

13. The Commissioners may erect all such buildings, execute all such works, and do all such other things, as may in their opinion be necessary or proper for the purpose of providing new buildings for public offices on the land vested in or acquired by them under this Act, or of adapting the land for use in connexion with public offices, and appropriating any such land for the purpose.

As to building line in City of Westminster.

14. The Commissioners shall not as regards lands in the parish of Saint Margaret and Saint John the Evangelist, Westminster, erect any buildings east of a line coloured red and shown on a plan marked "B" signed in triplicate by William Wedgwood Benn, the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one copy of which plan has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons.

Protection of works of gas, water, hydraulic power, and electricity companies.

15.—(1) Where, in stopping up any rights of way or in the removal or pulling down of any buildings or in raising or lowering the ground of any street or way for the purposes of this Act, it is necessary to remove, or to raise, or sink, or otherwise alter relatively to the surface of the ground the position of, any pipe, wire, or other apparatus, laid down or used by any gas, water, hydraulic power, or electricity company or connected with any house or building for the supply of gas, water, hydraulic power, or electricity, the following provisions shall have effect—

(*a*) The Commissioners shall forthwith give notice thereof to the company:

(*b*) The company shall forthwith after the receipt of that notice execute any necessary work at the expense of and to the reasonable satisfaction of the Commissioners, and in case of any difference as to the necessity for the work or the amount of the expense to be paid by the Commissioners, or otherwise, the matter in dispute shall be settled by an engineer to be chosen by the President of the Institution of Civil Engineers:

(*c*) If the company decline, or within fourteen days after the expiration of the notice, or (in the event of any such difference as aforesaid as to the necessity for the work having arisen) after the making of the award of the arbitrator, as the case may be, neglect to proceed with

A.D. 1912.

the execution of the work, the Commissioners may themselves execute the work:

(*d*) Any pipes, wires or other apparatus which may be removed in pursuance of these provisions either by the company or the Commissioners shall remain the property of the company: 5

(*e*) The Commissioners shall make compensation to the company for all loss or damage which may be occasioned by the execution of any of the works authorised under this Act. 10

(2) For the purposes of this section the expression "gas, water, hydraulic power, or electricity company" includes any person or body of persons supplying gas, water, hydraulic power, or electricity.

Provisions as to expenses, &c. of Commissioners.

16.—(1) All expenses incurred by the Commissioners under this Act shall, so far as provision is not otherwise made for them, be defrayed out of moneys provided by Parliament. 15

15 & 16 Vict. c. 28.

(2) The provisions of the Commissioners of Works Act, 1852, and any Act amending that Act shall apply in the case of land vested in or acquired by the Commissioners by virtue of or under this Act in like manner as they apply in the case of land vested in or purchased by the Commissioners under that Act: 20

Provided that the Commissioners shall not, without the consent of the Commissioners of Woods, sell or exchange any estate or interest which is vested in them by virtue of this Act and which was at the time of the passing of this Act vested in His Majesty as part of the hereditary land revenues of the Crown. 25

(3) Any notice, summons, writ, or other document, required to be given, issued, or signed, by or on behalf of the Commissioners may be given, issued, or signed, by the secretary or assistant secretary of the Commissioners and need not be under their common seal. 30

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

17.—(1) If any omission, misstatement, or erroneous description, is found to have been made in respect of any of the lands or of any of the owners, lessees, or occupiers, of any of the lands delineated on the deposited plans or described in the deposited book of reference, the Commissioners, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, may apply for the correction thereof to two justices acting, in the case of lands situate in the county of 35 40

London, for the county of London, and in the case of lands situate in the City of London, for the City of London, and if it appears to the justices that the omission, misstatement, or erroneous description arose from mistake, they shall grant a certificate accordingly.

(2) The justices shall state in their certificate the particulars of any omission and in what respects any matter is misstated or erroneously described.

(3) A certificate granted under this section shall be deposited in the same manner as if it had originally formed part of the deposited plans or deposited book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and upon the deposit of the certificate the deposited plans or the deposited book of reference (as the case requires) shall for the purpose of the powers by this Act conferred on the Commissioners be deemed to be corrected according to the certificate.

Penalty for obstructing Commissioners.

18. If any person wilfully obstructs any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act, he shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds.

Short title.

19. This Act may be cited as the Public Offices (Sites) Act, 1912.

Public Offices (Sites).

A

B I L L

INTITULED

An Act to make provision for the acquisition of a Site for Public Offices in Westminster, for the acquisition of land for the further extension of the Patent Office and for purposes in connection with the Record Office, to amend the Public Offices Sites (Extension) Act, 1908, and to make provision for certain other public purposes.

(*Brought from the Commons* 10*th July* 1912.)

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(106)

A

B I L L

INTITULED

An Act to amend Section One of the Railway and Canal Traffic Act, 1894, with respect to increases of rates or charges made for the purpose of meeting a rise in the cost of working a railway due to improved labour conditions. A.D. 1913.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increased expenditure due to cost of improved labour conditions to be treated as a valid justification of increased rates. 57 & 58 Vict. c. 54.

1.—(1) Where on a complaint with respect to any increase (within any limit fixed by an Act of Parliament, or by a Provisional Order confirmed by an Act of Parliament) of any rate or charge under section one of the Railway and Canal Traffic Act, 1894, the railway company proves to the satisfaction of the Railway and Canal Commissioners—

(*a*) that there has been a rise in the cost of working the railway, excluding the cost of carrying and dealing with passengers, resulting from improvements made by the company since the nineteenth day of August nineteen hundred and eleven in the conditions of employment of their labour or clerical staff; and

(*b*) that the whole of the particular increase of rate or charge of which complaint is made is part of an increase of rates or charges made for the purpose of meeting the said rise in the cost of working; and

(*c*) that the increase of rates or charges made for the purpose of meeting the said rise in the cost of working is not, in the whole, greater than is reasonably required for the purpose; and

A.D. 1913.

(*d*) that the proportion of the increase of rates or charges allocated to the particular traffic with respect to which the complaint is made is not unreasonable,

the Commissioners shall treat the increase of rate or charge as justified: Provided that nothing in this section shall be construed as preventing the Commissioners from taking into account any circumstances which are relevant to the determination whether an increase of rates or charges is or is not greater than is reasonably required for the purpose of meeting the said rise in the cost of working.

(2) Where it appears to the Commissioners that the increase of the rate or charge of which complaint is made should for the time being be treated as justified in pursuance of this Act, but that an opportunity should be given after a limited time for re-considering the increase, they may in making an order declaring the increase to be justified add to their order a provision that the question may after a period to be fixed by the Commissioners be re-opened in accordance with the conditions (if any) made by the order.

(3) Where any such order is made, a complaint may be made as to the increase of the rate or charge under the Railway and Canal Traffic Act, 1894, in accordance with the order of the Commissioners, notwithstanding that the matter has already been determined by the Commissioners.

Application of Act.

2. This Act shall not apply to Ireland.

Duration of Act.

3. This Act shall continue in force for five years after the passing thereof and no longer, unless continued by Parliament.

Short title.

4. This Act may be cited as the Railway and Canal Traffic Act, 1913, and shall be read with the Railway and Canal Traffic Acts, 1873 to 1894.

Railways (No. 2) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD GRANARD (*E. Granard*).

Clause 3, page 2, line 27, leave out from ("thereof") to the end of the clause and insert ("and thereafter if and so long as it may "be continued by Parliament. Provided that where the increase "of rates or charges with respect to which the complaint is made "is an increase made during the continuance of this Act, this "Act shall apply thereto notwithstanding that the proceedings "are pending at or instituted after the time when this Act ceases "to be in force")

Railways (No. 2) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD GRANARD (*E. Granard*).

17th February 1913.

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(216 *a*)

Railways (No. 2) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD BALFOUR.

Leave out clause 3.

BY THE LORD GRANARD (*E. Granard*).

Clause 3, page 2, line 27, leave out from ("thereof") to the end of the clause and insert ("and thereafter if and so long as it "may be continued by Parliament. Provided that where the "increase of rates or charges with respect to which the complaint "is made is an increase made before the expiration of this Act, "this Act shall apply thereto whether the proceedings were "instituted before or after the time when this Act ceases to be in "force")

Railways (No. 2) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BALFOUR

AND

THE LORD GRANARD (*E. Granard*).

18*th February* 1913.

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(216 *b*)

Registration of Firms Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to provide for the Registration of Firms and Persons carrying on Business under Trade Names. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act may be cited as the Registration of Firms Act, 1912. Short title.

2. This Act shall come into operation on the *first day of January one thousand nine hundred and thirteen.* Commencement of Act.

3. In the construction of this Act the following words and 10 expressions shall have the meanings in this section assigned to them, unless there be something in the subject or context repugnant to such construction:— Interpretation of terms.

"Trade name" shall mean the name or style under which any business is carried on, whether in partnership or 15 otherwise:

"Prescribed" shall mean prescribed by rules made in pursuance of this Act:

Other expressions in this Act have the same meaning as in the Partnership Act, 1890.

20 **4.** From and after the commencement of this Act— Firms and persons to be registered.

(*a*) Every firm carrying on business at any place in the United Kingdom under a trade name which does not consist of the full names of all the partners without any addition;

A.D. 1912.

(*b*) Every person carrying on business at any place in the United Kingdom under any trade name consisting of or containing any name or addition other than the full name of that person;

shall register in the manner directed by this Act the name under which their or his business is or is intended to be carried on.

Manner and particulars of registration.

5.—(1) Registration under this Act shall be effected by sending by post or delivering to the registrar at the register office in that part of the United Kingdom in which the place of business of the firm or person registering is or is intended to be situated a statement in writing containing the following and any other prescribed particulars:—

(*a*) The trade name;

(*b*) The general nature of the business;

(*c*) The place or places of the business;

(*d*) The full name, usual residence, and other occupation (if any) of the person or persons carrying on or intending to carry on the business;

(*e*) If the business is commenced, or any new place of business is established, after the commencement of this Act, the date of the commencement of the business or establishment of the place of business.

(2) Where a firm or person carries on business under two or more trade names, each of those trade names must be registered.

(3) Where a firm carries on business in the United Kingdom and also abroad, the name of any foreign partner must be included in the statement, whether he is a British subject or not.

Particulars to be signed by persons registering.

6. The statement required on registration must either be signed by the person or by all the members of the firm to be registered, or in the case of a firm, must be verified by a statutory declaration made by a member of the firm or intended firm.

Time for registration.

7. The firms and persons required to be registered as aforesaid shall register before they commence business:

Provided that if such firms or persons have carried on business before the commencement of this Act it shall be sufficient if they register within *three months* after that date.

A.D. 1912.

8. Where a change occurs in the constitution of a registered firm, the members of the firm as reconstituted shall, within three months after such change, send by post or deliver to the registrar a statement thereof.

Registration of changes in firm.

5 **9.** Where a registered trade name is changed, the new name shall be registered with the prescribed particulars.

Re-registrations on change of trade name.

10.—(1) If any person by this Act required to send or deliver any statement shall make default without reasonable excuse in sending or delivering the same in manner and within the time 10 specified by this Act, he shall, for every day during which the default continues, be liable on summary conviction to a fine not exceeding *one pound.*

Penalty for default in registration.

(2) Provided that it shall be necessary to give notice in writing to the persons making default as aforesaid of an intention 15 to take proceedings under this section on the expiration of seven days from the delivery of such notice, unless registration has been effected in the meantime.

11. Where any firm or person by this Act required to send or deliver any statement to the registrar has therein made default, 20 and during the default commences any legal proceeding in the trade name, or for a cause of action arising out of any dealing by such firm or person in the trade name, the court may order the firm or person in default to send or deliver to the registrar the proper statement, and may stay all proceedings until the order 25 be complied with, or allow proceedings to be continued on an undertaking to comply with the order within a time to be limited by the court. The power by this section given to the court may in the case of the High Court be exercised by a judge at chambers, and by a master or district registrar exercising the authority or 30 jurisdiction of a judge at chambers.

Persons in default taking legal proceedings may be ordered by court to register.

12. Every one commits a misdemeanor, and shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years, who makes, signs, sends, or delivers for the purpose of registration under this Act 35 any false statement known by him to be false.

Making false returns under this Act to be misdemeanor.

13. On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering.

Registrar to file statement and issue certificate of registration.

A.D. 1912.

Register and index to be kept.

14. At each of the register offices herein-after referred to the registrar shall keep, in proper books to be provided for the purpose, a register and an index of all the firms and persons registered, and of all the statements registered in reference thereto.

Registrar of joint stock companies to be registrar under this Act.

15. The registrar of joint stock companies shall be the registrar of firms for the purposes of this Act, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for the registration of firms carrying on business within those parts of the United Kingdom in which they are respectively situated.

Inspection of statements registered.

16. Any person may inspect, make extracts from, or copies of the statements filed by the registrar, in the register offices aforesaid, and there shall be paid for such inspection such fees as may be appointed by the Treasury not exceeding *one shilling* for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement to be certified by the registrar, and there shall be paid for such certificate of registration, certified copy, or extract such fees as the Treasury may appoint not exceeding *two shillings* for the certificate of registration, and not exceeding *sixpence* for each folio of seventy-two words, or in Scotland for each sheet of two hundred words:

A certificate of registration, or a copy of or extract from any statement registered under this Act, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars (whom it shall not be necessary to prove to be the registrar or assistant registrar), shall, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence.

Power for Board of Trade to make rules.

17.—(1) The Board of Trade may make rules (but as to fees with the concurrence of the Treasury) concerning any of the following matters:—

(*a*) The fees to be paid on registration under this Act, so that they do not exceed the sum of *five shillings* for the registration of any one statement;

(*b*) The forms to be used under this Act;

(*c*) The duties or additional duties to be performed by any registrar under this Act;

(*d*) The performance by assistant registrars and other officers of acts by this Act required to be done by the registrar; A.D. 1912.

(*e*) Generally the conduct and regulation of registration under this Act, and any matters incidental thereto.

(2) All fees payable in pursuance of any such rules shall be applied as the Treasury may direct.

18. *There shall be paid out of moneys to be provided by Parliament such remuneration in respect of the duties performed under this Act as the Treasury may assign.* Remuneration for duties under this Act.

Registration of Firms.
[H.L.]

A

B I L L

INTITULED

An Act to provide for the Registration of Firms and Persons carrying on Business under Trade Names.

Lord Rotherham.

Ordered to be printed 20th March 1912.

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(19)

A

B I L L

INTITULED

An Act to provide for the registration of certain Stallions. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.**—(1) Every stallion which travels for a service fee shall be registered in accordance with regulations made by the Board of Agriculture and Fisheries (in this Act referred to as "the Board"), and in respect of every stallion so registered a certificate of registration shall be issued by the Board. Registration of certain stallions.

10 (2) The regulations shall prescribe the conditions as to soundness and suitability for breeding upon which a stallion may be registered, and may provide that a stallion entered in the recognised stud book of its breed and certified as sound by the keeper of that stud book may, subject to such conditions 15 as may be prescribed by the Board, be registered under this Act by the Board without further veterinary examination.

2.—(1) The Board may make regulations generally for the purposes of this Act, and in particular such regulations shall prescribe the conditions on which a stallion may be registered 20 under this Act, and shall regulate the issue of certificates of registration, and shall prescribe the conditions under which a certificate of registration may be withdrawn. Regulations.

(2) Before any regulation under this Act is made a draft thereof shall be laid before both Houses of Parliament during 25 the session of Parliament, and if either of those Houses, during the next subsequent thirty days on which that House has sat, passes a resolution against the draft or any part thereof no

A.D. 1912.

further proceedings shall be taken thereon, without prejudice to the making of any new draft.

Offences and penalties.

3.—(1) If any owner of a stallion shall travel it or knowingly permit it to be travelled in contravention of this Act or of any regulation made by the Board under this Act, he shall be guilty of an offence under this Act. 5

(2) A person in charge of a stallion travelling for service for a fee shall produce a certificate of registration under this Act on the demand of any person authorised in writing in that behalf by the Board or by the council of the county in which the said horse is travelling, and if any person in charge of a stallion so travelling fails or refuses on due demand to produce such certificate he shall be guilty of an offence under this Act. 10

(3) Any person guilty of an offence under this Act shall on summary conviction be liable for the first offence to a fine not exceeding five pounds and for a second or any subsequent offence to a fine not exceeding twenty pounds. 15

Definition.

4. The expression "stallion" in this Act means a thoroughbred, hunter, hackney, roadster, or light horse stallion, but does not include a Clydesdale, shire, or carthorse stallion. 20

Extent of Act.

5. This Act shall not apply to Ireland.

Commencement and short title.

6. This Act shall come into operation on the first day of January nineteen hundred and thirteen, and may be cited as the Registration of Stallions Act, 1912.

Royal Scottish Museum (Extension) Bill.

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to make provision for the Acquisition of Property for the Extension of the Royal Scottish Museum at Edinburgh. A.D. 1912.

WHEREAS it is expedient to extend the Royal Scottish Museum, situate at Chambers Street in the city of Edinburgh:

And whereas for that purpose it is expedient that the Commissioners of Works should be empowered to acquire certain land and buildings situated in the city parish of the said city of Edinburgh:

And whereas those lands and buildings cannot be acquired without the authority of Parliament:

And whereas duplicate plans describing the situation of the land proposed to be acquired, with the houses and buildings thereon, with a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers thereof, (in this Act respectively referred to as the deposited plans and the deposited book of reference) have been deposited with the sheriff clerk of the county of Midlothian:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Commissioners may purchase and acquire for the purposes of this Act all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to purchase land.

2.—(1) For the purpose of the purchase and acquisition of land under this Act the Lands Clauses Acts shall, subject to the Incorporation of Lands Clauses Acts.

A.D. 1912.

provisions of this Act, be incorporated with this Act with the following exceptions and modifications:—

(*a*) The provisions relating to the sale of superfluous land and access to the special Act shall not be incorporated with this Act: 5

(*b*) In the construction of this Act, and of the incorporated Acts, this Act shall be deemed to be the "special Act," and the Commissioners shall be deemed to be the "promoters of the undertaking":

(*c*) The bond required by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be under the common seal of the Commissioners, and shall be sufficient without the addition of the securities mentioned in that section: 10

(*d*) All claims for compensation made upon the Commissioners under this Act, or any Act incorporated herewith, shall, if the person claiming has no greater interest in the land in respect of which compensation is claimed, than as tenant from year to year, or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made, be determined in manner provided by section one hundred and fourteen of the Lands Clauses Consolidation (Scotland) Act, 1845. 15 20

8 & 9 Vict. c. 19.

(*e*) There may be contained in the verdict of a jury or the award of arbiters, or of an oversman, a finding that the claimant, after having been requested in writing by the Commissioners so to do, has failed to deliver to the Commissioners a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the Commissioners to make a proper offer, and where such a finding is contained in a verdict or award the provisions of the Lands Clauses Acts as to expenses of inquiries and arbitrations shall apply as if the Commissioners had offered the same sum or a greater sum than that found due by the verdict or award: 25 30 35

Provided that this provision shall not apply unless the written request for particulars contains a notice of the effect of this provision. 40

A.D. 1912.

(2) The powers of the Commissioners for the compulsory purchase of land under this Act shall cease after the expiration of five years from the passing of this Act.

Extinction of rights of way and other servitudes.

3. All rights of way, rights of laying down or of continuing any pipes, sewers, or drains, on, through, or under any of the lands acquired by or vested in the Commissioners under the provisions of this Act, and all other rights and servitudes in or relating to such lands shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, and drains shall vest in the Commissioners:

Provided that any person may recover from the Commissioners such compensation (if any) as they may be entitled to under any of the provisions of the Lands Clauses Acts for any rights or property of which they may be deprived in pursuance of this section, and the amount of that compensation shall be determined in manner provided by the Lands Clauses Acts as modified for the purpose of their incorporation with this Act:

Provided also that with respect to any pipes, sewers, drains, or electric lighting distributing mains or service lines belonging to the corporation of Edinburgh, the Edinburgh and District Water Trustees, and the Edinburgh and Leith Corporations Gas Commissioners respectively, within any such lands, the Commissioners shall, before they interfere with any such pipes, sewers, drains, mains, or lines, or interrupt the flow of sewage, water, gas, or electricity therein, as the case may be, give at least one month's previous written notice of their intention to the town clerk of Edinburgh, the clerk to the said Water Trustees, and the clerk to the said Gas Commissioners respectively, and the owners respectively of the said pipes, sewers, drains, mains, and lines may, at the expense of the Commissioners, remove the same and provide such new pipes, sewers, drains, mains, and lines as they may respectively consider necessary, or otherwise do everything they may deem requisite for protecting the flow of sewage, water, gas, or electricity, as the case may be.

Power to enter on lands.

4. The Commissioners and their surveyors, officers, and workmen may at all reasonable time in the daytime, on giving twenty-four hours' notice in writing, enter on any of the land which the Commissioners are authorised to acquire under this Act for the purpose of surveying or valuing the same.

Power of Commis-

5. The Commissioners, after they have obtained possession of any land which they are authorised to acquire under this Act, may

A.D. 1912.

sioners to build.

erect all such buildings, execute all such works, and do all such other things, as may in their opinion be necessary or proper for the purpose of extending the Royal Scottish Museum, and appropriating any such land for that purpose.

Payment of expenses and application of 15 & 16 Vict. c. 28.

6.—(1) All expenses incurred by the Commissioners under this Act shall so far as provision is not otherwise made for them be defrayed out of money provided by Parliament.

(2) The provisions of the Commissioners of Works Act, 1852, and any Act amending that Act, shall apply in the case of the acquisition of land by the Commissioners under this Act in like manner as in the case of a purchase under that Act, and any land acquired by the Commissioners under this Act, or acquired by them before the passing of this Act for the extension of the Royal Scottish Museum, at Edinburgh, shall be held by the Commissioners for the public service in like manner as if those lands had been purchased under the Commissioners of Works Act, 1852.

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

7.—(1) If any omission, misstatement, or erroneous description is found to have been made in respect of any of the lands or of any of the owners, lessees, or occupiers of any of the lands delineated on the deposited plans or described in the deposited book of reference, the Commissioners, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, may apply for the correction thereof to the sheriff of the county of Midlothian, and if it appears to the sheriff that the omission, misstatement, or erroneous description arose from mistake, he shall grant a certificate accordingly.

(2) The sheriff shall state in his certificate the particulars of any omission and in what respects any matter is misstated or erroneously described.

(3) A certificate granted under this section shall be deposited in the same manner as if it had originally formed part of the deposited plans or deposited book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and upon the deposit of the certificate the deposited plans or the deposited book of reference (as the case requires) shall, for the purpose of the powers by this Act conferred on the Commissioners, be deemed to be corrected according to the certificate.

A.D. 1912.

Penalty for obstruction of Commissioners' officers.

8. If any person wilfully obstructs any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding five pounds.

Signature of notices.

9. Any notice, summons, writ, or other document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the secretary, or assistant secretary of the Commissioners, and need not be under their common seal.

Short title.

10. This Act may be cited as the Royal Scottish Museum (Extension) Act, 1912.

Royal Scottish Museum (Extension).

A

B I L L

INTITULED

An Act to make provision for the acquisition of Property for the Extension of the Royal Scottish Museum at Edinburgh.

(*Brought from the Commons 7th August* 1912.)

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(144)

Rural Housing Bill. [H.L.]

MEMORANDUM.

The object of this Bill is to provide cottages in rural districts, cheap and good, and in substantial numbers. This may be effected partly (1) by increasing the present accommodation, and partly (2) by replacing existing bad accommodation.

1. Owners of property of any considerable size are generally willing to provide additional cottage accommodation, and can do it cheaply, but cannot find the necessary capital. The State, on the other hand, has ample capital, but cannot, as a rule, build cheaply; much less can it manage cheaply the cottages when built. It follows, therefore, that the State should find the capital, and the private owners should build and manage the cottages. Two conditions only are essential:—

(1) that the cottages should be built and kept in repair to the satisfaction of the State;

(2) that the owner should not make a profit out of public money by the transaction.

2. It has long been recognised that closing bad accommodation without replacement is a fatal policy; and, since closing is an urgent and a compulsory proceeding, *voluntary* provision for replacement is evidently not sufficient. Moreover, it may justly be contended that an owner of bad cottages has undertaken a responsibility towards the tenants of them which is by no means fully met by pulling them down. The cottages not only must be pulled down, but the owner must give every facility for their replacement, even to the extent of undertaking some expense in the process, provided, of course, capital is placed at his disposal. In default, he must let the State step in.

The present Bill is designed to carry out these principles: in the case of new accommodation, on a voluntary basis; in the case of old, bad accommodation, on a compulsory basis. In both cases the owner will be out of pocket. The taxpayer provides the capital, but immunity from loss is secured for him by inserting the county council to act as agents for the Treasury, and to be alone in contact with the private owner. The Treasury will therefore have the security of the rates behind their loans, and the taxpayer will incur no risk whatever. The liability of

the county council to make good the loans is covered by the security of property belonging to the owner of double the value. Therefore in this there should be no risk to the ratepayer. He is only asked to incur a small expenditure for administration. With this exception the whole burden is thrown upon the owner. The site must be free. The rent is limited to 5 per cent. on the outlay—that is, $3\frac{3}{4}$ per cent. for interest and sinking fund on the loaned capital, and $1\frac{1}{4}$ per cent. for upkeep, &c. It is calculated that the cost of upkeep, &c. is about equal to $1\frac{1}{3}$ per cent., so that, even leaving out of account the burden of rates and bad debts, the owner will make no profit, and rates and bad debts, though varying in each particular instance, will involve a considerable loss. Moreover, of course, if the rent actually obtainable is not sufficient to provide 5 per cent.—which will be often the case—the loss to the owner will be proportionately greater.

It is evident that for the success of this scheme the cost of building must be reduced to a minimum consistently with efficiency. Therefore unreasonable byelaws must be dispensed with, and a clause is inserted giving the county council power, if necessary, to override the district council in this respect.

A statutory obligation is placed upon a parish council to report any want of cottage accommodation in the parish, but the authority to put the provisions of the Bill into operation is the county council.

Rural Housing Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act for the provision of Houses for persons of the working class in Rural Districts. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of county councils to enter into cottage building agreements.

1.—(1) Where there is or is likely to be need for further housing accommodation for the working classes in any rural parish, it shall be the duty of the parish council to make a report to the council of the county.

(2) If the county council, after considering the report of a parish council or any other information, and after holding such inquiry (if any) as they may deem desirable, are satisfied that, as respects any rural parish of the county, there is or is likely to be a need for further housing accommodation for the working classes, the council may, subject to the provisions of this Act, enter into an agreement (in this Act referred to as "a cottage building agreement") with any person being the owner of land within the parish who is desirous of building, under the provisions of this Act, a cottage or cottages within the area of the parish for occupation by persons of the working classes.

Requirements before entry into cottage building agreements.

2. Before entering into a cottage building agreement the county council shall be satisfied—

(*a*) as to the title to the land;

(*b*) that the repayment of the advance as provided in this Act is secured by an instrument effecting a charge in favour of the county council on real or personal property to an amount not less than twice the sum

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to be advanced under the proposed cottage building agreement: Provided that the county council, where they proceed under the powers conferred by this Act of requiring the building of a cottage, may, if they think fit, having regard to the circumstances of the person required to build, accept a charge for a smaller amount, but in no case less in value than a first charge on the land and the buildings in respect of which an advance is to be made; 5

(*c*) that the plans and specifications for each cottage are suitable and adequate, and that the terms of the proposed building contract provide for the council due opportunity of inspecting the building operations and of securing completion to the satisfaction of the council within a reasonable period; 10 15

(*d*) that the total cost of building any one cottage (exclusive of the value of the land without buildings) does not exceed two hundred and fifty pounds.

Provisions under cottage building agreements.

3. Where a county council has entered into a cottage building agreement the Council shall advance such sums at such times and subject to such conditions as are specified in the agreement; but every such agreement shall provide— 20

(*a*) that the sum to be advanced by the council in respect of any one cottage shall not exceed two hundred pounds; 25

(*b*) that the sum to be advanced shall be repaid in the manner and at the times prescribed by the council by means of an annuity calculated at the rate of three pounds fifteen shillings for each hundred pounds of the advance and so in proportion for any less sum, and that the annuity shall be paid until the whole of the advance in respect of which it is payable is ascertained in manner prescribed by the Treasury for the purposes of this Act to have been repaid; 30 35

(*c*) that the inclusive rent to be charged for any cottage and the land let therewith shall not exceed five pounds per centum per annum on the sum advanced by the council, or, if part only of the cost of building is advanced by the council, on the sum specified in the 40

A.D. 1912.

agreement as the total cost of building; provided that the restriction as to the rent chargeable shall not apply to any land in excess of one quarter of an acre let with a cottage in respect of which an advance has been made under this Act;

(*d*) that the cottage shall not be occupied by persons other than persons of the working classes; provided that nothing in any cottage building agreement shall prevent a tenant of the working classes from letting lodgings to holiday visitors;

(*e*) for the keeping of the cottage in proper repair to the satisfaction of the council.

Power of county council to require rebuilding of cottages in certain cases.

4.—(1) Where a demolition order has been made in respect of any cottage situate in a rural parish and ordinarily occupied by persons of the working classes, the local authority by whom the demolition order was made may make a representation to the council of the county, and if that council are satisfied that accommodation for the working classes is required in the parish, the council may, by notice in writing served upon every owner of the cottage the subject of the demolition order, require another cottage to be built on the site or on such other land in the parish as may be approved by the council: Provided that where a county council exercise their powers under this section, the council, in the notice to build addressed to every owner, shall offer to enter into a cottage building agreement with any owner showing a title satisfactory to the council.

(2) Where a county council has duly proceeded under this section, and the owners or owner neglects or refuses to build a cottage to the satisfaction of the council in place of the cottage the subject of a demolition order, the council may make a representation to the council of the rural district in which the land is situate, and if that council are unwilling or neglect to exercise their powers under the Housing of the Working Classes Acts, 1890 to 1909, to purchase the land compulsorily, the county council may themselves acquire the land compulsorily, and for that purpose may submit an order to the Local Government Board in accordance with the First Schedule to the Housing, Town Planning, &c. Act, 1909, and if such order is confirmed the county council may erect upon the land a cottage, at a cost not exceeding two hundred pounds, under the Housing of the

A.D. 1912.

Working Classes Acts, 1890 to 1909, as if they were the local authority for that purpose under those Acts.

Advances by Treasury to county councils for purposes of Act.

5.—(1) Where the council of any county apply to the Treasury in contemplation of entering into any cottage building agreement, the Treasury shall, if they are satisfied that the county council is justified in proceeding under this Act, advance to the county council the sum proposed to be advanced by the council under the cottage building agreement, on such terms as to interest, sinking fund (if any), and period of repayment (not exceeding sixty-five years from the date of the loan) as may be agreed upon between the Treasury and the county council.

(2) The National Debt Commissioners shall lend to the Treasury, and the Treasury may borrow from the National Debt Commissioners, such money as may be required for the purpose of advances by the Treasury under this Act, on such terms as to interest, sinking fund (if any), and period of repayment (not exceeding sixty-five years from the date of the loan) as may be agreed on between the National Debt Commissioners and the Treasury.

Control and ownership of cottages.

6. Subject to the provisions of this Act, a cottage the subject of a cottage building agreement shall be solely under the control and management of the building owner, and, except as otherwise expressly provided in the cottage building agreement, the legal and beneficial ownership of the land and cottage shall remain with the building owner.

Ejectment of tenants not being persons of the working classes.

7. Where a building owner permits persons other than persons of the working classes to occupy a cottage in respect of which the building owner remains subject to the obligations imposed under this Act, and neglects or refuses to comply with the provisions of this Act within one month after being served with notice in writing by the county council, the county council may apply to a court of summary jurisdiction, and the court, on such application, may order possession of the cottage to be given up as if the council were a landlord proceeding under the Small Tenements Recovery Act, 1838. Any expenses incurred by a county council under this section may be recovered from the building owner as a civil debt in manner provided by the Summary Jurisdiction Acts.

1 & 2 Vict. c. 74.

A.D. 1912.

Transfer of interest of owner under cottage building agreement.

8. The building owner may at any time, with the consent of the county council (which consent shall not be withheld unless the security offered to the council for the advance made in respect of the cottage by the transferee is not satisfactory to the council), transfer his interest in the cottage, but any such transfer shall be made subject to all existing obligations imposed by this Act or by the cottage building agreement upon the building owner; provided that the consent of the county council shall not be required for the transfer of any charge on his interest made by the building owner so far as the charge does not affect any rights or power of the county council under this Act.

Redemption of annuities

9. After the expiration of the period of ten years from the date of the building agreement, an annuity under this Act, or any part thereof outstanding, may be redeemed in whole or in part by the building owner by payment to the county council of the whole or part of the difference between the accumulated sinking fund and the advance.

Effect of redemption or payment off of annuity.

10. Upon redemption or payment off of the whole of the annuity, the obligations imposed upon the building owner by this Act, or by the cottage building agreement in respect of the cottage the subject of the agreement, shall cease to have effect.

Power of county council to recover rent of cottage on failure by owner to make any payment when due.

11. In the case of the failure of the building owner to make any payment when due, the county council may, after notice in writing delivered at the cottage the subject of the agreement and addressed to the building owner, serve, by registered post, notice on the occupier of the cottage (if any), stating the amount of arrears due to the council from the building owner, and requiring all future payments of rent, whether the same has already accrued due or not, to be made to the county council until such arrears shall have been duly paid, and such notice shall operate to transfer to the county council the right to recover, receive, and give a discharge for such rent.

Modification of byelaws.

12. If a county council are of opinion that the erection of cottages under the provisions of this Act in any rural parish of their county is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the county council may, after giving notice of their intention to the local authority concerned, and considering any objections

A.D. 1912.

made by that authority, modify those byelaws in so far as they apply to the erection of cottages under the provisions of this Act in the parish, to such extent as the council may consider necessary for the removal of the impediment, and the byelaws shall, in relation to such cottages, have effect as so modified and not otherwise.

Definitions.

13.—(1) In this Act, unless the context otherwise requires,—

The expression "working classes" means labourers, artisans, mechanics, fishermen, and others working for wages, hawkers, persons not working for wages but working at agriculture or some trade or handicraft without employing others except members of their own family, and includes persons whose income does not exceed an average of one pound a week and such persons as may be residing with them, and the widows of any persons of the working classes;

The expression "owner," in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises except persons holding or entitled to the rent and profits of any premises under a lease the unexpired term whereof is less than seventy-five years; and the expression "building owner" means an owner who has entered into a cottage building agreement, and includes every person to whom the rights and duties of an owner under a cottage building agreement are transferred.

(2) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting.

Short title and application.

14.—(1) This Act may be cited as the Rural Housing Act, 1912.

(2) This Act shall not apply to Scotland or Ireland.

Rural Housing. [H.L.]

A

B I L L

INTITULED

An Act for the provision of Houses for persons of the working class in Rural Districts.

The Marquess of Salisbury.

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