CHAPTER xviii.

An Act to authorise the construction of additional docks and other works at Belfast to extend the powers of the Belfast Harbour Commissioners and for other purposes. [30th July 1918.]

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WHEREAS by the Belfast Harbour Act 1847 (in this Act called "the Act of 1847") divers earlier Acts relating to the port and harbour of Belfast were repealed and such of the powers and provisions of those Acts as were then applicable were consolidated and the Belfast Harbour Commissioners (in this Act called "the Commissioners") were incorporated with power to execute works and to borrow money and acquire lands and to levy rates as in that Act mentioned:

And whereas the powers and provisions of the Act of 1847 were extended and amended by the following Acts (namely):—

The Belfast Port and Harbour Conservancy Act 1852;
The Belfast Dock Act 1854;
The Belfast Harbour Act 1870;
The Belfast Harbour Commissioners Act 1871;
The Belfast Harbour Act 1882;
The Belfast Harbour Act 1883;
The Belfast Harbour Act 1893;
The Belfast Harbour Act 1898; and
The Belfast Harbour Act 1901;

and the Act of 1847 and the said subsequent Acts from 1852 to 1901 inclusive are in this Act called "the Belfast Harbour Acts":

And whereas by the Belfast Harbour Act 1893 all powers possessed by the Commissioners under their previous Acts of borrowing money by the creation and issue of bonds mortgages

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annuities or other securities (except as to certain advances made by the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861) were terminated and replaced by powers of borrowing upon redeemable consolidated stock conferred by that Act the stock and the dividends thereon being secured upon the revenue of the undertaking lands harbour and other property of the Commissioners and ranking equally without any priority or preference by reason of any difference in the date of creation or date of issue of any portions thereof respectively or on any other grounds whatsoever:

And whereas the sums authorised to be raised upon consolidated stock under the Belfast Harbour Act 1893 consisted of (1) an amount not exceeding one million and fifty-two thousand nine hundred and thirty pounds to be applied exclusively in payment of or in substitution for the then existing debt of the Commissioners and (2) an amount not exceeding seven hundred and seventeen thousand eight hundred pounds representing the then unexercised borrowing powers of the Commissioners and to be applied exclusively for carrying out the authorised works of the Commissioners or for the general purposes of their harbour undertaking to which capital was applicable:

And whereas by section 7 of the said Act of 1893 it was provided (inter alia) that the consolidated stock created under that Act should be issued at a price not being lower than ninety-five per centum and that all consolidated stock at any time and from time to time so created should be created on and subject to such terms and conditions as that the same should form one and the same class of stock bearing one and the same rate of dividend:

And whereas by the Belfast Harbour Act 1898 the Commissioners were empowered to borrow at interest on the security of the harbour revenues in manner authorised by the Belfast Harbour Act 1893 any sum or sums not exceeding in the whole seven hundred and fifty thousand pounds to be applied for the several works and purposes authorised by the said Act of 1898 and the previous Acts of the Commissioners and it was provided that all the provisions of the said Act of 1893 with regard to the creation issue and repayment of consolidated stock should apply to the creation issue and repayment of consolidated stock under the said Act of 1898 as fully and to the same effect as if they were there re-enacted:

And whereas in pursuance of the powers aforesaid the Commissioners have created consolidated stock bearing dividend at the rate of three and a half per centum per annum:

And whereas the amount of such consolidated stock which has been issued and which at the first day of December one thousand nine hundred and seventeen remained unextinguished is one million five hundred and twenty-nine thousand one hundred and fifteen pounds and ten shillings and the Commissioners are entitled in pursuance of the powers of borrowing hereinbefore set forth to raise further sums not exceeding in the whole seven hundred and seventy thousand and twenty-three pounds eight shillings by the issue of further consolidated stock as aforesaid:

And whereas the Commissioners are in urgent need of further capital moneys for the purposes of their undertaking but under the stringent financial conditions and the increase in the rate of interest payable for money caused by the present war they are unable to issue any further consolidated stock by reason of the necessity that (in compliance with the said section 7 of the Belfast Harbour Act 1893) the price of issue shall be not lower than ninety-five per centum and the rate of dividend shall be the same as the rate of three and a half per centum per annum which the existing stock bears and it is expedient therefore that the powers of the Commissioners with respect to the creation and issue of consolidated stock should be amended as in this Act provided:

And whereas there are considerable areas of land comprised in the harbour estate of the Commissioners which are suitable for shipbuilding and other industrial and commercial purposes and could be developed and used for those purposes with great consequent advantage to the port and harbour and to the city of Belfast and to the public interest generally if the Commissioners were empowered to sell or lease the said areas upon such terms and conditions as would be acceptable to the parties willing to take and develop the lands and were further empowered to negotiate freely with such parties by private treaty:

And whereas the existing powers of selling and leasing vested in the Commissioners are inadequate for the purposes aforesaid by reason of the provisions of sections 6 and 10 of the Belfast Harbour Act 1870 whereby the term of any lease to be granted thereunder is limited to thirty-one years and it

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is provided that (except in certain cases where land was at the passing of that Act in the occupation of tenants who had made permanent improvements) any sale or lease under that Act should be made to the person making the highest offer by tender or auction after public advertisement:

And whereas for the reasons aforesaid it is expedient that the Commissioners should be entrusted with wider powers of selling and leasing lands as in this Act provided:

And whereas the requirements of the trade in and resorting to the port and harbour of Belfast render it expedient that additional works and improvements in connexion with the harbour and its approaches should be undertaken:

And whereas it is expedient to enable the Commissioners to execute the works by this Act authorised and that the Commissioners for those purposes should be enabled to apply their existing funds and to raise further moneys:

And whereas it is expedient for obviating the necessity of issuing consolidated stock when the conditions of the money market are unfavourable and for meeting emergencies and providing for temporary needs that the Commissioners should be invested with the powers in this Act contained for temporary borrowing of money by bank overdraft and by bills promissory notes and bonds:

And whereas it is expedient that certain of the provisions of the Belfast Harbour Acts should be amended and that further powers should be conferred upon the Commissioners with respect to the levying of rates and charges and other matters as in this Act provided:

And whereas plans and sections showing the situation lines and levels of the works to be authorised by this Act with books of reference to such plans have been deposited with the clerk of the peace for the county of Antrim the clerk of the peace for the county of Down and also with the clerk of the peace for the county of the city of Belfast (and these plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference):

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

and Commons in this present Parliament assembled and by the authority of the same as follows:— A.D. 1918.

1. This Act may be cited as the Belfast Harbour Act 1918. Short title.

2. The following Acts and parts of Acts (that is to say):— Incorporation of Acts.

The Harbours Docks and Piers Clauses Act 1847 (excepting the provisions thereof with respect to lifeboats and with respect to keeping a tide and weather gauge unless the same shall be required by the Board of Trade); and

The Commissioners Clauses Act 1847 (excepting section 57 thereof);

so far as the same are applicable for the purposes of and not varied by or inconsistent with the Belfast Harbour Acts and this Act are incorporated with and form part of this Act:

Provided that the following expressions used in the Harbours Docks and Piers 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 Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

3. In this Act unless the subject or context otherwise requires— Interpretation.

The expression "the port and harbour of Belfast" or "the port" means and includes all rivers streams pools mud-banks inlets havens landing-places docks piers and quays lying within the limits of the Commissioners' jurisdiction as existing at the passing of this Act;

The expressions "harbour revenues" "statutory borrowing powers" "statutory securities" and "statutory declaration" have the meanings attached thereto in section 2 of the Belfast Harbour Act 1893;

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings.

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Power to execute works.

4. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper basins ponds quays piers jetties wharves wharf walls retaining walls channels sluices groynes shipping places staithes stairs stages gantries cranes drops dolphins moorings buoys beacons culverts cuts bridges entrances gates approaches roads footpaths embankments sewers drains tollhouses tollgates buildings rails turntables and other works and conveniences connected therewith or incidental thereto for the embarking and disembarking of passengers animals fish goods and merchandise of every description.

The works hereinbefore referred to include—

(1) The deepening and extension by excavation dredging or otherwise of the Victoria Channel for navigation through the foreshore or sloblands and tidal and other waters in Belfast Lough lying within or abutting upon the townlands of Townparks Skegoneill Lowwood Greencastle Ballygolan Drumnadrough Whitehouse Whiteabbey Jordanstown and Greenisland in the parishes of Shankill (otherwise Belfast) Carnmoney and Carrickfergus or some or one of them in the counties of the city of Belfast and of Antrim or one of them and the townlands of Ballymacarrett Ballyhackamore Strandtown Ballymisert Ballymaghan Knocknagoney Holywood Ballykeel Ballymenagh Ballycultra and Craigavad in the parishes of Knockbreda and Holywood or one of them in the counties of the city of Belfast and of Down or one of them also through the tidal or other waters of the said lough extending between the said counties:

(2) A tidal turning basin partly on the site of the present Timber Ponds situated in the townlands of Townparks and Skegoneill or one of them in the parish of Shankill otherwise Belfast in the county of the city of Belfast with an entrance thereto from Milewater Basin and a lifting bridge spanning such entrance:

(3) A dock (Dock No. 1) situated in the townlands of Townparks and Skegoneill or one of them in the

parish of Shankill otherwise Belfast in the county of the city of Belfast:

(4) A dock (Dock No. 2) situated in the townlands of Townparks and Skegoneill or one of them in the parish of Shankill otherwise Belfast in the county of the city of Belfast with entrance from the west corner of the proposed turning basin:

(5) A new quay (Quay No. 1) situated in the townlands of Townparks and Skegoneill or one of them in the parish of Shankill otherwise Belfast in the county of the city of Belfast:

(6) A new quay (Quay No. 2) situated in the townlands of Townparks and Skegoneill or one of them in the parish of Shankill otherwise Belfast in the county of the city of Belfast:

(7) A jetty quay one hundred and eighty-eight lineal yards in length or thereabouts at the south-west end of the Musgrave Channel:

(8) A wharf (Wharf No. 1) on the south-east side of the Musgrave Channel one hundred lineal yards in length or thereabouts:

(9) A wharf (Wharf No. 2) on the south-east side of the Musgrave Channel one hundred and thirty-three lineal yards in length or thereabouts:

(10) A wharf (Wharf No. 3) on the east side of the Musgrave Channel turning basin one hundred and thirty-three lineal yards in length or thereabouts:

(11) A wharf (Wharf No. 4) on the east side of the Musgrave Channel turning basin one hundred and thirty-three lineal yards in length or thereabouts:

(12) A wharf (Wharf No. 5) on the north-west side of the Musgrave Channel one hundred and thirty-three lineal yards or thereabouts in length:

(13) A widening and deepening by excavation or otherwise of the south-west end of the Musgrave Channel:

(14) A widening and deepening by excavation or otherwise of the turning basin on the east side of the Musgrave Channel:

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(15) A graving dock three hundred and and twenty-four lineal yards in length or thereabouts with an entrance thirty-seven lineal yards or thereabouts in width all wholly within the townlands of Strandtown and Ballymisert or one of them or in the tidal waters or foreshore abutting upon the said townlands or one of them and within the parishes of Knockbreda and Holywood or extra parochial or one of them or in the tidal waters or foreshore abutting upon them or one of them and within or abutting upon the county of the city of Belfast:

(16) A jetty quay on the east side of the present fitting out basin adjoining the Thompson Wharf all wholly within the townlands of Strandtown and Ballymisert or one of them or in the tidal waters or foreshore abutting upon said townlands or one of them and within the parishes of Knockbreda and Holywood or extra parochial or one of them or in the tidal waters or foreshore abutting upon them or one of them and within or abutting upon the county of the city of Belfast:

(17) A quay five lineal yards in front of the present south-east quay of the Abercorn Basin in the townland of Ballymacarrett in the parish of Knockbreda in the county of the city of Belfast:

(18) A new quay in the Clarendon Dock in front of the present south-west and part of the south-east quays in the townland of Townparks in the parish of Shankill otherwise Belfast and in the county of the city of Belfast:

(19) A new cut or channel for navigation commencing by a junction with Victoria Channel on its north-west side and extending therefrom in a curved line for a distance of one mile two furlongs and one hundred and ninety lineal yards or thereabouts all wholly within or abutting upon the townlands of Townparks Skegoneill and Lowwood or some or one of them and in or abutting upon the parish of Shankill otherwise Belfast and within or abutting upon the counties of the city of Belfast and of Antrim.

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Limits of deviation.

5. In constructing the works by this Act authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and fifteen feet downwards Provided that no deviation either lateral or vertical shall be made in connexion with any work to be constructed on tidal lands without the consent of the Board of Trade.

Power to divert docks &c.

6. The Commissioners may in the execution of the works authorised by this Act and for the purposes thereof and of the Belfast Harbour Acts so far as necessary therefor and upon any lands belonging to or vested in them enlarge diminish extend or improve divert stop up or close any docks basins ponds quays wharves buildings or other works or conveniences belonging to them as they may think necessary for the improvement of the port and the convenient use thereof Provided that nothing in this Act contained shall be deemed to repeal overrule or derogate from the provisions contained in section 10 of the Belfast Harbour Act 1898 with respect to the waste-water channel as then and at present existing from the works of Messieurs Philip Johnston and Sons Limited or the present discharge therefrom or the existing rights of the said company therein and thereto or to authorise the Commissioners to do anything which they were before the passing of this Act precluded by those provisions from doing save and except that if for the purposes or in the course of the construction of the works by this Act authorised the Commissioners find it necessary or desirable to cover in the said channel so far as it runs through the Commissioners' property or to construct a closed culvert instead thereof they shall be at liberty to do so provided they make provision for the said discharge of waste water from the said works of Messieurs Philip Johnston and Sons Limited by means as good and efficient as the said channel If for the purpose or in the course of the construction of the works by this Act authorised the Commissioners find it necessary to change the course of the said waste-water channel they shall before interfering with the existing course be bound to provide an equally good and efficient channel and discharge in lieu thereof.

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Power to dredge where necessary.

7. For the purposes of this Act the Commissioners may upon any lands vested in them and upon the foreshore and the bed of the sea dredge scour and deepen to such extent as they may deem requisite and may remove and carry away and dispose of sand silt chalk gravel or other obstructions:

Provided that no materials excavated or dredged under the provisions of this section shall be deposited below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

8. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

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

Lights on works during construction.

11. The Commissioners shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

12. The Commissioners shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

13. In case of injury to or destruction or decay of the works by this Act authorised 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 Irish Lights and shall apply to that body for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lifebuoys to be kept.

14. The Commissioners shall at all times keep near the outer extremity of each jetty and at reasonable distances along each pier jetty and quay by this Act authorised and in accordance with any requirements which may be made by the Board of Trade a sufficient number of lifebuoys and lines in good order and fit and ready for use.

Cables pipes or wires under or across tidal waters.

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

Alterations may be sanctioned by

16. The Commissioners (with the assent of the Board of Trade) may in the execution of the works by this Act authorised

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Board of Trade.

make deviations from or alterations in the deposited plans and sections to such extent and in such manner as may be found expedient in the progress of the works or for any other reason which the Board of Trade may deem sufficient Provided always that the Commissioners before adopting or carrying out any such deviations or alterations shall submit plans in each case to the Board of Trade and no such deviations or alterations shall be executed by the Commissioners unless with the reasonable approval of the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the said Board or otherwise as the Board may direct And provided also that the provisions of this section shall be deemed additional to and shall not derogate from the powers contained in the section of this Act whereof the marginal note is "Limits of deviation."

As to maintenance and improvement of works when completed.

17. In connexion with such of the works by this Act authorised as are from time to time completed and subject to the provisions of this Act the Commissioners may execute all such works of dredging and scouring and may make and maintain all such incidental variations extensions and enlargements of and additions to the works so completed and all such accommodations and conveniences connected therewith as the Commissioners may consider requisite.

Period for completion of works.

18. If the works by this Act authorised and specified in the section of this Act whereof the marginal note is "Power to execute works" are not completed before the expiration of twenty years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Works to be part of Commissioners' existing undertaking.

19. The works constructed by the Commissioners under the powers of this Act shall be deemed part of the existing undertaking of the Commissioners and the Commissioners may demand and take rents rates tolls and duties accordingly.

For protection of Great Northern Railway Company (Ireland) and Belfast and County Down Railway Company.

20. For the protection of the Great Northern Railway Company (Ireland) (in this section referred to as "the Great Northern Company") and the Belfast and County Down Railway Company (which companies are in this section together referred to as "the companies") the following provisions shall unless otherwise agreed in writing between the companies and the Commissioners have effect (that is to say):—

(1) The Commissioners will out of the proceeds of the first issue of Belfast Harbour Stock made under the powers of this Act and concurrently with the first works to be constructed under this Act construct and will at all times thereafter at their own expense maintain in good and sufficient repair and free from obstruction a drain or pipe the level of the bottom of which shall not be higher than six feet above Ordnance datum between the points marked A and B on the plan (in this section referred to as "the signed plan") signed by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords and another copy has been deposited in the Private Bill Office of the House of Commons) provided that the Great Northern Company shall at their own expense as soon as practicable after receiving from the Commissioners notice in writing of their intention to commence the construction of the said drain or pipe extend the culverts shown and marked with the letters D C and F E on the signed plan up to the points marked A and B respectively on the signed plan:

(2) If and when the Commissioners in pursuance of the powers conferred by this Act or otherwise shall execute any works or do or suffer anything which will obstruct or interfere with the present means of escape and outlet of any waters which the companies or either of them have or has been accustomed heretofore to discharge or which they or any other persons or person are or is now or may from time to time be lawfully entitled to discharge through the said culverts the Commissioners shall in substitution for the said present means of escape and outlet concurrently with the execution of the said works or the doing or suffering of such thing construct and thereafter maintain a proper and sufficient outlet pipe or pipes or culvert to carry away such waters with all necessary valves and works in connexion therewith Any outlet pipe or pipes or culvert and valves and works constructed as last aforesaid after the extension

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by the Great Northern Company as aforesaid of their culverts shall be so constructed maintained and used as to prevent the water from rising in inspection shafts or manholes to be provided by the Great Northern Company in their said extended culverts near the extreme northern boundary of their property to a higher level than nine feet above Ordnance datum save during exceptional rainfall and two ebb tides afterwards:

(3) Until the works provided for by the last preceding subsection are constructed the Commissioners shall at their own expense continue to receive and dispose as heretofore of all waters which the companies or either of them have or has been accustomed heretofore to discharge or which they or any other persons or person are or is now or may from time to time be lawfully entitled to discharge through the said culverts marked D C and F E respectively on the signed plan:

(4) Unless and until the Commissioners shall have constructed such works as are referred to in subsection (2) of this section nothing in this section shall—

(A) deprive the companies or either of them of or affect any right remedy claim or demand which may be lawfully available to them or either of them against the Commissioners in respect of any loss or damage or injury from flooding or otherwise attributable to any act or omission of the Commissioners affecting the disposal of drainage-water flowing from the said culverts; or

(B) extend in any way the legal obligations of the Commissioners or affect any right or remedy of the Commissioners against the companies or either of them or any other person or persons in respect of the water for the time being passing through the said culverts or either of them:

(5) If any dispute or difference shall arise between the Commissioners and the companies or either of them with respect to anything contained or provided for in this section such dispute or difference shall be determined on the application of either party by the

President of the Institution of Civil Engineers or his nominee as single arbitrator in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement by arbitration of disputes under that Act.

For protection of Belfast Corporation.

21. For the protection of the lord mayor aldermen and citizens of the city of Belfast (in this section called "the corporation") the following provisions shall unless otherwise agreed between the Commissioners and the corporation have effect (that is to say):—

(1) Not less than fourteen days before commencing the construction of any work under the powers conferred by this Act which will or may injuriously affect or endanger any pipe culvert watercourse embankment or other work belonging to or used by the corporation and not being the property of the Commissioners (save and except any pipe culvert watercourse embankment or work constructed on the property of the Commissioners under special agreement between the corporation and the Commissioners containing provisions for its removal by or at the instance of the Commissioners) the Commissioners shall give to the corporation notice in writing of their intention to construct such work and shall submit to the corporation for approval plans sections and particulars of such work and the Commissioners shall not construct such work otherwise than in accordance with plans sections and particulars approved by the corporation Provided that the approval of the corporation to any plans sections or particulars shall not be unreasonably withheld and that if the corporation do not within twenty-one days after receipt by them of any plans sections or particulars submitted to them by the Commissioners as aforesaid signify their approval or disapproval thereof or give any directions in relation thereto they shall be deemed to have approved thereof All works affecting any sewer drain pipe culvert watercourse embankment or other work or property of or used by the corporation which may be constructed by the Commissioners under the powers of this Act shall be open to the

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inspection of the city surveyor of Belfast at all reasonable times during the construction thereof:

(2) Before or simultaneously with the making of any application to the Board of Trade for their assent to any deviation from or alteration in the deposited plans and sections in pursuance of the section of this Act whereof the marginal note is "Alterations may be sanctioned by Board of Trade" the Commissioners shall give notice in writing to the corporation of their intention to make such application and shall produce for the inspection of the corporation copies of any plans submitted to the Board of Trade with any such application The corporation shall be at liberty to make to the said Board such representations as they may think fit with respect to any such application or plans:

(3) The Commissioners shall not stop up their existing road leading from Dee Street Bridge to Victoria Park unless and until they have provided in lieu thereof to the reasonable satisfaction of the corporation a road adjacent to the boundary between the estate of the Commissioners and the property of the Belfast and County Down Railway Company of a width and quality similar to those of the existing road with a new bridge across the Connswater River at least sixteen feet wide for the purpose of carrying pedestrian and light vehicular traffic and the Commissioners shall maintain such road and bridge to the like satisfaction:

(4) If the Commissioners construct the new cut or channel described in and authorised by the section of this Act of which the marginal note is "Power to execute works" they shall (A) so far as practicable during such construction and (B) in any event not later than the date of completion of the said new cut or channel establish and shall at all times after such establishment maintain and work a proper and sufficient service of ferry boats between a point at or near Milewater Road and a point on the opposite side of the said new cut or channel for the use and accommodation of passengers between the said points at similar fares and tolls and subject to the same

byelaws as are for the time being in force for the other ferries of the Commissioners And so often as any difference shall arise between the corporation and the Commissioners as to the suitability adequacy or frequency of the said service such difference shall be referred to and determined by the President of the Belfast Chamber of Commerce or some person to be nominated by him whose decision shall be binding upon the corporation and the Commissioners unless and until such decision shall be annulled or varied by a subsequent decision similarly given:

(5) If the Commissioners in or for the purposes of or in connexion with the construction or maintenance of any of the works by this Act authorised interfere with the convenient use of the existing sludge pipe or jetty and tank of the corporation the Commissioners shall grant and convey free of cost a sufficient and suitable site on the north-west side of the said new cut or channel by this Act authorised in the vicinity of the main drainage outfall works of the corporation or other suitable site and give all reasonable facilities for the erection of a new sludge pipe jetty and tank Provided that the Commissioners shall not be under any obligation so to give for the purposes of such new site any area larger than that of the site occupied by the said present pipe jetty and tank:

(6) The corporation shall not be liable to any proceedings at the instance of or be in any other manner responsible in damages or otherwise to the Commissioners for or in respect of—

(A) The discharge into or presence in any of the works constructed under the powers of this Act of any sewage matter or detritus or other solid matter coming from the sewage disposal works of the corporation or from any storm overflow of the corporation if and while—

(i) The treatment and disposal of sewage at the said sewage disposal works are continued in a manner not less efficient than at the passing of this Act;

(ii) The sludge resulting from such treatment is removed to sea or disposed of on land above

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high-water mark not forming part of any property of the Commissioners; and

(iii) Such storm overflows are constructed and worked in accordance with the provisions of section 28 of the Belfast Corporation Act 1911; or

(B) The lodgment of any vegetable matter in any excavation dredging or other work below the level of the portion of the bed of the lough adjacent thereto executed by the Commissioners under the powers of this Act:

Provided always that nothing in this subsection contained shall relieve the corporation from any of the obligations imposed upon them under the provisions of the said section 28 of the Belfast Corporation Act 1911 but that the foregoing provisions of this subsection shall have effect as from the passing of this Act whether the corporation shall have constructed the Culvert No. 6 authorised by the said Act of 1911 or not:

(7) The Commissioners shall forthwith on demand repay to the corporation all charges and expenses reasonably incurred by the corporation in making good any damage or injury caused by the Commissioners in the carrying out of any of the works by this Act authorised to any pipe culvert watercourse embankment or other work belonging to or used by the corporation and shall indemnify the corporation against all claims demands costs charges and expenses arising out of such damage or injury:

(8) The Commissioners shall remit or return the whole of the harbour tonnage and quayage rates from time to time payable in respect of the sludge steamer of the corporation so that such steamer will be relieved from the payment of all such rates as from the passing of this Act:

(9) The possession enjoyment maintenance or renewal by the Commissioners of the parts coloured red on the signed plan of the existing sheds belonging to them on the South Quay of the Clarendon Dock and which parts of said sheds extend beyond the frontage line

of Corporation Square and upon soil to which the corporation claim to be entitled shall not be deemed to abrogate or prejudice any existing right or interest of the corporation in such soil or to relieve the Commissioners from any obligation or condition imposed by the Act of 1847 with respect to the width of the street by that Act required to be constructed on part of the site of Ritchies Dock:

The expression "the signed plan" means for the purposes of this section the plan signed by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons and another copy has been deposited in the Parliament Office of the House of Lords:

(10) As soon as the Commissioners are in a position to do so they shall from time to time as it becomes necessary provide and lay proper sewers on their estate and provide and work the necessary pumping plant to deliver the sewage from their estate at a suitable level into the corporation sewers and the corporation shall receive and convey such sewage to their outfall works and treat and dispose of the same free of any charge to the Commissioners The details of any proposed harbour sewerage system the amount of sewage per head of population to be provided for and the extent of dilution shall be agreed upon between the Commissioners' engineer for the time being on behalf of the Commissioners and the Belfast City surveyor for the time being on behalf of the corporation and failing such agreement shall be settled by arbitration as hereinafter provided:

(11) The corporation their successors and assigns shall not construct any works which would cause the discharge of storm water from any sewers directly or indirectly into or through the culverts passing under or through the property of the Great Northern Railway Company (Ireland) and the Belfast and County Down Railway Company or either of them between Fraser Street and Dee Street bridges:

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(12) If any dispute or difference shall arise between the Commissioners and the corporation with respect to anything contained or provided for in this section (other than subsection (4) thereof) such dispute or difference shall be determined on the application of either party by the President of the Institution of Civil Engineers or his nominee as single arbitrator in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement by arbitration of disputes under that Act.

Confirmation of scheduled agreement with Belfast Corporation.

22. The agreement dated the first day of June one thousand nine hundred and eighteen and made between the Commissioners of the one part and the lord mayor aldermen and citizens of the city of Belfast of the other part as set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto respectively and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed upon between the said parties.

Power to appropriate lands and works for particular trades &c.

23.—(1) The Commissioners may from time to time set apart and appropriate any lands lands covered with water wharves quays berths warehouses buildings works and conveniences for the time being belonging to them for the exclusive partial or preferential use and accommodation of any particular trade person vessel or class of vessels or goods subject to the payment of such rents and such rates dues tolls and charges and subject to such terms conditions and regulations as they may think fit.

(2) No person or vessel shall make use of any land land covered with water wharf quay berth warehouse building work or convenience so set apart or appropriated without the consent of the harbour master and the harbour master may order any person or vessel making use thereof without such consent to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

(3) The Commissioners may grant leases of any such lands lands covered with water wharves quays berths warehouses buildings works and conveniences as aforesaid and easements in any such lands for the purpose of the exclusive partial or preferential use and accommodation of any particular trade person vessel or class of vessels or goods or for the purpose of erecting and laying down thereon and therein such wharves

quays manufactories buildings mains pipes and other works as may be requisite or convenient in connexion therewith And they may enter into and carry into effect contracts and agreements with reference to any of the matters provided for in this section Any such leases may be granted for such periods at such rents and for such considerations and on such terms and conditions as the Commissioners may from time to time think fit And the Commissioners shall not be under any obligation before granting any such lease to advertise for tenders or to put the premises up to public auction.

(4) In any arrangements which may be made by the Commissioners under the powers contained in this section the Commissioners shall provide that the dues and charges on vessels coming to staying at or going from any wharf quay or berth as aforesaid and on goods discharged or shipped at any such wharf quay or berth shall not be less than those from time to time chargeable in respect of similar ships and goods using any other part of the port.

Further powers for sale and lease &c. of lands and other properties.

24. The Commissioners may notwithstanding the provisions of the Lands Clauses Acts and the Belfast Harbour Acts respectively retain and hold or sell lease exchange or otherwise dispose of any lands or other property for the time being belonging to or vested in them which they may consider not to be required for the purposes of their undertaking to such persons and for such considerations and on such terms and conditions and in the case of leases for such periods as they think fit and any such disposition of lands as aforesaid may be made either by private treaty or by tender or public auction or otherwise as the Commissioners may think fit but the Commissioners shall not be under any obligation before making any such disposition of any lands to advertise for tenders or to put up the lands to public auction.

Differing rates of interest may be attached to Belfast Harbour Consolidated Stock.

25. Notwithstanding anything in the Belfast Harbour Act 1893 or in any other Act contained it shall be lawful for the Commissioners from time to time by resolution before the issue of any amount of Belfast Harbour Consolidated Stock to determine that such amount of consolidated stock shall bear interest at such rate whether being the same as or differing from the rate of interest borne by any other portion of such stock already issued as the Commissioners shall by such resolution determine and the amount of such stock to which any such resolution relates shall bear interest at the rate thereby determined accordingly.

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As to period for redemption of Belfast Harbour Consolidated Stock.

26.—(1) Notwithstanding anything contained in sections 7 10 and 11 of the Belfast Harbour Act 1893 or in any other provision of the Belfast Harbour Acts the Commissioners by the resolution creating any amount of Belfast Harbour Consolidated Stock after the passing of this Act may prescribe such period not exceeding sixty years as they may think fit for the period within which that amount of stock shall be redeemed and may also if they think fit prescribe that the said period shall run from the date of such resolution or from the date of the issue of the stock instead of from the first creation of consolidated stock and the said sections 7 10 and 11 shall be construed accordingly.

(2) Where the Commissioners thus prescribe a period for the redemption of any stock, the amounts of the contributions to the sinking fund to be accumulated by the Commissioners in pursuance of the Belfast Harbour Act 1893 for the purpose of providing for the redemption of such stock shall be such amounts as with the accumulations thereof by way of compound interest calculated at the rate of three pounds per centum per annum shall be sufficient to purchase the stock at its nominal amount within the period so prescribed.

Terms of issue of Belfast Harbour Consolidated Stock.

27. Notwithstanding anything contained in section 7 (Consolidated stock how to be created) of the Belfast Harbour Act 1893 or in any other provision of the Belfast Harbour Acts the Commissioners may whenever they exercise any statutory borrowing power by the creation of Belfast Harbour Consolidated Stock issue the same for such amount within the limit of the power and at such price as the Commissioners by the resolution for the creation of such stock may determine.

Provisions as to income of sinking funds.

28. With respect to the sinking funds required by the Belfast Harbour Act 1893 and this Act to be accumulated by the Commissioners in order to provide for the repayment and redemption of borrowed moneys and consolidated stock issued after the passing of this Act the following provisions shall apply :—

(1) If and so often as the income of any such sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate of three pounds per centum per annum on which the annual payments to the fund are by that Act and this Act required to be based any

deficiency shall be made good out of the harbour revenues :

(2) If and so often as the income of any such sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the said rate of three pounds per centum per annum any such excess may be applied towards the reduction of such annual payments.

Power to borrow additional moneys.

29. The Commissioners may from time to time in addition to any moneys they are authorised to borrow under the provisions of the Belfast Harbour Acts or any of them and in the manner authorised by the Belfast Harbour Act 1893 and this Act borrow at interest on the security of the harbour revenues any sum or sums not exceeding in the whole one million seven hundred and seventy thousand pounds and for that purpose may create and issue Belfast Harbour Consolidated Stock in accordance with the provisions of that Act and this Act All Belfast Harbour Consolidated Stock created and issued under or by virtue of the Act of 1893 or this Act and the interest thereon shall rank equally as a charge upon the harbour revenues without any priority or preference by reason of any difference in the date of creation or date of issue of any portions of such stock respectively or on any other grounds whatsoever.

Temporary borrowing.

30.—(1) In substitution to the extent hereinafter mentioned for the powers which the Commissioners now possess or may from time to time possess of borrowing money or raising money on consolidated stock they may if they think fit from time to time borrow by overdraft from any bankers or by continuance of any such overdraft now existing or raise by the issue and renewal of bills or promissory notes or deposit receipts signed by the chairman of the Commissioners or the chairman of the Finance Committee of the Commissioners and by the secretary of the Commissioners or by bonds under the common seal of the Commissioners any moneys which they are authorised to borrow or to raise by the creation and issue of stock and money borrowed by overdraft or on bills promissory notes deposit receipts or bonds (in this section referred to as "temporary securities") under the powers of this section may be paid off and re-borrowed from time to time Provided that the total amount of such overdrafts or temporary securities which shall be outstanding at any time shall not exceed the sum of one million pounds except by the amount payable on temporary

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securities issued shortly before any other temporary securities fall due in order to pay off those temporary securities and except with the consent of the Board of Trade for the purpose of meeting any temporary emergency during the present war and twelve months thereafter And provided also that the powers of issuing temporary securities conferred by this section shall only be exercised by the Commissioners (A) during the present war and twelve months thereafter and (B) with the previous assent of the Treasury and (C) for the purpose of raising money to meet maturing obligations originally incurred before the outbreak of war.

(2) Bills notes and bonds issued by the Commissioners under this section shall be designated by them "Belfast Harbour Bills" "Belfast Harbour Notes" and "Belfast Harbour Bonds" or such other appropriate names as the Commissioners may determine.

(3) Bank overdrafts and temporary securities under this section and the interest thereon shall have the same charge and security as and rank pari passu with Belfast Harbour Consolidated Stock and the interest thereon.

Treasury control over new capital.

31. Notwithstanding anything in this Act the Commissioners shall not under the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Application of borrowed moneys.

32. All moneys borrowed by the Commissioners under the authority of this Act shall be applied in and towards the execution of the works and purposes authorised by this Act and the Belfast Harbour Acts and to purposes to which capital is properly applicable and to no other purpose And all or any moneys authorised to be borrowed under the Belfast Harbour Acts or any of them and not required for the purposes of those Acts respectively may similarly be applied for the purposes of this Act to which capital is properly applicable.

Increase of graving dock rates.

33. At any time or times after the first day of October one thousand nine hundred and eighteen the several rates mentioned in the scale of rates for graving docks and patent slips contained in Schedule III. to the Belfast Harbour Act 1882 may by resolution of the Commissioners be increased by any sum or sums provided that the total increase shall not exceed thirty per centum upon the amounts thereof respectively.

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Power to levy increased rent upon non-removal of goods from quays or sheds.

34. Where the Commissioners in pursuance of the provisions of section 44 (Quay space and shed rent) of the Belfast Harbour Act 1898 permit any goods merchandise or other things to remain for a longer period than twenty-four hours upon any quay or in any shed of the Commissioners and the goods merchandise or other things are not removed at the expiration of such permitted period the Commissioners may demand and take from the owner of such goods merchandise or other things any sum not exceeding sixpence per square yard of space occupied by such goods merchandise or other things for every twenty-four hours after the expiration of such permitted period until the goods merchandise or other things are removed and every fresh period of twenty-four hours entered upon but not completed shall be deemed to be twenty-four hours The sums which the Commissioners are authorised by this section to demand and take shall be payable and recoverable in the same ways as any sum which they are authorised by the said section 44 to demand and take.

Further powers as to recovery of quay space and shed rents.

35. Where any sum is payable to the Commissioners under section 44 of the Belfast Harbour Act 1898 or under the section of this Act whereof the marginal note is "Power to levy increased rent upon non-removal of goods from quays or sheds" in respect of any goods merchandise or other things which are not removed from the quays or sheds of the Commissioners upon the expiration of the period for which the Commissioners under the powers of the said section 44 permit the same to remain it shall be lawful for the Commissioners to remove keep and detain such goods merchandise or other things until payment of the said sum and to sell such goods merchandise or other things and pay the said sum out of the proceeds of such sale as if the said sum were expenses of removal of the said goods merchandise or other things within the meaning of section 42 of the said Act.

Alteration of period during which certain vessels may use the port without additional rate

36. In section 38 (Further rates on vessels remaining more than six months) of the Belfast Harbour Act 1882 the words "six months" where they first occur shall be replaced by the words "four weeks or such longer period as the Commissioners may by regulation prescribe" and the same words where they subsequently occur shall be replaced by the words "the "said period of four weeks or other period so prescribed by the "Commissioners" and at the end of the said section the following words shall be added "The Commissioners may if they think "fit under this section prescribe different periods for different "classes of vessels or for vessels under different circumstances."

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Commissioners to have power of appointing meters and weighers.

37. The Commissioners shall have and may exercise the power of appointing meters and weighers to act within the limits of the port and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the appointment of meters and weighers and their duties shall apply to the meters and weighers so to be appointed and in addition thereto the Commissioners may require that any person appointed by them as a meter or weigher shall before he acts in that capacity take an oath or make a solemn affirmation before a justice of the peace that he will honestly and faithfully discharge the duties of his office and may require the payment of a reasonable fee on the grant or renewal of any licence for a meter or weigher.

Power to license stevedores.

38.—(1) The Commissioners may license a sufficient number of persons to act as stevedores within the limits of the port and may require the payment of a reasonable fee on the grant or renewal of any such licence.

(2) When a sufficient number of stevedores have been so licensed as aforesaid no person shall employ as a stevedore within the port any person who is not so licensed and if any person other than a person so licensed by the Commissioners shall act as a stevedore within the port such person as well as the person by whom he shall be employed shall for every such offence be liable to a penalty not exceeding five pounds.

(3) The Commissioners may make byelaws with respect to the licensing and employment of stevedores and may by such byelaws provide (inter alia) for the revocation or suspension of the licence in such events as may be prescribed in the byelaws and for the fixing of reasonable rates and charges to be taken by the licensed stevedores for their services and for the imposition of reasonable penalties for breaches of such byelaws not exceeding five pounds for each offence.

As to contracts of Commissioners.

39. From and after the passing of this Act section 57 (Notice to be given of contracts to the amount of one hundred pounds or upwards) of the Commissioners Clauses Act 1847 shall cease to apply to the Commissioners and shall be deemed to be excluded from incorporation in the Belfast Harbour Acts or any of them.

Use of common forms for transfer of stock.

40. Notwithstanding anything in section 40 of the Belfast Harbour Act 1893 the Commissioners may if they think fit by resolution direct that any suitable form of transfer for the time being in common use for transferring stock may be used for the

transfer of Belfast Harbour Consolidated Stock instead of the form set out for that purpose in the Schedule (B) to the said Act or a form to the like effect and any form so authorised by the Commissioners shall be effectual for the purpose of transferring such stock.

Annual accounts to be sent to Board of Trade.

41. The Commissioners shall within one month after sending to the clerk of the peace a copy of their annual accounts send a copy of the same to the Board of Trade and 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.

Provision for Merchant Shipping Acts and general Acts.

42. Nothing in this Act contained shall exempt the Commissioners or their docks or works from the provisions of the Merchant Shipping Act 1894 or any general Act relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties by this Act authorised or from any general Act now or hereafter to be in force with respect to docks harbours or ports or to lights buoys or beacons.

Crown rights.

43. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of 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).

Costs of Act.

44. All costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the harbour revenues or out of moneys to be borrowed for the purpose under the powers of the Belfast Harbour Acts or this Act.

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The SCHEDULE referred to in the foregoing Act.

AGREEMENT made the first day of June one thousand nine hundred and eighteen between the BELFAST HARBOUR COMMISSIONERS (hereinafter called "the Commissioners") of the one part and the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF BELFAST (hereinafter called "the Corporation") of the other part whereby it is agreed as follows:—

1. The Commissioners shall grant to the Corporation and the Corporation shall take in fee farm all that piece of land containing 20 acres or thereabouts statute measure lying between the Victoria Channel and the Musgrave Channel containing on the north side 915 feet or thereabouts on the south side 820 feet 6 inches or thereabouts on the east side 1,073 feet or thereabouts and on the west side 960 feet or thereabouts bounded on the north by other premises of the Commissioners on the south by a proposed 70 feet road separating the premises hereby agreed to be granted from premises in the occupation of Messieurs Harland and Wolff Limited on the east by a proposed 57 feet road separating the premises hereby agreed to be granted from the embankment of the said Musgrave Channel and on the west by a proposed 62 feet road separating the premises hereby agreed to be granted from the fitting out basin of the said Victoria Channel which said premises are situate in the townland of Ballymacarrett intake parish of Knockbreda barony of Upper Castlereagh and the city county of the city and county borough of Belfast and are more particularly delineated on the plan traced on these presents and thereon coloured pink.

2. The said grant shall contain the following rights and liberties (that is to say):—

(A) Full right and liberty for the Corporation their successors and assigns from time to time at their own expense to construct and maintain between the said premises hereby agreed to be granted and the said Musgrave Channel across and over the said intervening proposed road and the quay or quays hereinafter agreed to be constructed by the Commissioners

such overhead tramway or tramways gantry or gantries and conveyor or conveyors with the supports thereof and to construct and maintain on the said quay or quays such crane or cranes as the Corporation their successors and assigns may think fit for the purpose of conveying to and from the hereditaments to be comprised in the grant materials of all sorts from and to vessels berthed in the said Musgrave Channel:

(b) Full right and liberty for the Corporation their successors and assigns from time to time at their own expense to lay and maintain in the streets and roads or intended streets and roads on the Commissioners' estate coloured blue on said plan such cables cableways and pipes as the Corporation their successors and assigns may think fit in connexion with the said premises hereby agreed to be granted or any works or undertakings which may from time to time be carried on thereon and the supply of electricity or other power matter or thing from the said premises to such places on the Commissioners' estate or outside of it as the Corporation their successors and assigns may from time to time think fit:

(c) Full right and liberty for the Corporation their successors and assigns from time to time at their own expense to lay and maintain in all streets and roads on the Commissioners' estate other than the streets and roads or intended streets and roads coloured blue on said plan such service cables and service cableways as the Corporation their successors and assigns may think fit but subject to the usual conditions on which wayleaves are for the time being granted by the Commissioners:

(d) Full right and liberty for the Corporation their successors and assigns from time to time and at all times to take a supply of water for cooling circulating or other purposes from the said Victoria Channel and Musgrave Channel and to discharge the same and all surface and waste water from the said premises hereby agreed to be granted as innocuous as in the circumstances may be practicably possible into the said channels and for the purpose aforesaid to construct and maintain such intake chambers sluice valves pipes and culverts for the purpose of the said circulating water supply in the embankment of such channels and between the same and the said premises hereby agreed to be granted as the Corporation their successors or assigns may think fit:

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(E) Full right and liberty for the Corporation their successors and assigns and their servants and contractors and all other persons authorised by them in common with the Commissioners and all other persons authorised by them from time to time and at all times either with or without horses or other animals carts locomotives carriages or other vehicles at their will and pleasure and for all purposes in connexion with the said premises hereby agreed to be granted or any works or undertakings which may from time to time be carried on thereon to pass and repass over and along all streets or roads which are now or at any time hereafter may be laid out on the property of the Commissioners:

Provided that all tramways gantries conveyors cranes cables cableways pipes intake chambers sluice valves culverts and other works to be constructed or laid by the Corporation their successors and assigns in pursuance of the rights and liberties contained in sub-clauses (A) (B) and (D) of this clause shall be constructed and laid in such line position and manner and according to such plans drawings and specifications as may be settled between the engineer for the time being of the Commissioners and the engineer for the time being of the Corporation their successors and assigns and failing such agreement as may be settled by an engineer to be appointed on the application of either party by the President for the time being of the Board of Trade and that all the said works shall be so constructed and laid as to cause the least practicable obstruction or inconvenience or danger to traffic passing along any of the streets or roads of the Commissioners or to pipes cables or works in on or under the streets or roads of the Commissioners and that the Corporation their successors and assigns shall forthwith make good all damage to the Commissioners' roads or property caused by the construction laying or maintenance of the same and shall keep the Commissioners indemnified against all losses expenses claims and demands in respect of any damage sustained by them or by any person or persons or company due to the existence thereof or any defect therein or in the work connected therewith or to any negligence on the part of the Corporation their successors or assigns in respect of the same:

And provided also that the Corporation their successors and assigns shall not in the exercise of the right and liberty contained in sub-clause (E) of this clause be entitled to use any of the tramways or rails laid on any streets or roads of the Commissioners without the permission of the Commissioners:

And provided also that the Corporation their successors and assigns shall not (without the Commissioners' consent in writing) use any of the said streets or roads for heavier traffic than the Commissioners or

their engineer may from time to time fix as the traffic which such streets or roads are reasonably fit to carry and the Corporation their successors and assigns will make good any damage which may be caused to said streets and roads or any of them or to any pipes cables bridges or other works in on or under the same by the Corporation their successors assigns under-tenants servants contractors and other persons authorised by them using said streets and roads for locomotive or other heavy traffic in excess of the said traffic which the Commissioners or their engineer may from time to time fix as the traffic which such streets or roads are reasonably fit to carry.

3. The said grant shall contain covenants by the Commissioners that—

(A) The Commissioners at their own expense shall lay out and complete one-half width of the 62 feet street or road marked D—F on the said plan and of the street or road coloured blue and marked C—D on said plan within three months from the date of the said grant and shall lay out and complete one-half width of the said streets or roads coloured blue and marked A—B and B—C on said plan and the entire width of the said street or road coloured blue and marked B—E on said plan within twelve months from the date of the said grant and shall lay out and level up to formation level one footpath of all the said streets or roads coloured blue on the said plan as soon as required for the purpose of the cables cableways pipes and other works referred to in clause 2 (B) hereof and shall lay out and complete one-half width of all the said streets or roads coloured blue on the said plan as far as not already laid out and completed or agreed to be laid out and completed at such time or times as they are in a position reasonably to do so and shall lay out and complete the remaining half width of all the said streets or roads coloured blue on said plan as far as not already laid out and completed or agreed to be laid out and completed and also of the said 62 feet street or road marked D—F on said plan as soon as the Commissioners think fit and shall at all times keep all the said streets or roads over or in which the Corporation are entitled to any rights or liberties under this agreement in reasonably good order and repair having regard to their construction and use :

(B) The Commissioners shall at their own expense erect opposite the east side of said premises hereby agreed to be granted a quay or quays of a total length of 300 feet and of a strength and construction sufficient and suitable for a maximum load of 5 cwts. per super. foot of quay for the

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loading and unloading of coal machinery or other materials and for the carrying of such tramways gantries conveyors and cranes as aforesaid at such time or times as the same shall be required by the corporation their successors and assigns for the purpose of the user of the said premises hereby agreed to be granted and shall at all times thereafter keep the same in reasonably good order and repair The said quay or ,quays shall be erected at such place or places opposite said east side of said premises as the Corporation their successors and assigns direct but the projection and the frontage line of such quays shall be determined by the Commissioners :

(c) The Commissioners shall at all times thereafter at their own expense dredge and keep dredged a suitable and sufficient area of the said Musgrave Channel up to and opposite the said quay or quays hereinbefore agreed to be constructed by them to a depth of not less than 17 feet at low water to enable vessels to approach and leave the said quay or quays and shall not do nor cause to be done anything whereby the said Musgrave Channel shall cease to be an open waterway to the sea :

(d) The Corporation their successors and assigns and their servants and contractors shall be entitled from time to time and at all times to use the said quay or quays hereinbefore agreed to be constructed by the Commissioners for all purposes in connexion with said premises in priority to all other shipping and the Commissioners shall not permit the use of the said last-mentioned quay or quays to any other shipping save at such time as the Corporation or their servants or contractors may not have a ship actually berthed at the said quay or quays or reasonably anticipate berthing one immediately and the Corporation their successors and assigns and persons aforesaid using said quay or quays and all vessels coming to or using said quay or quays and all goods discharged thereat shall in all respects be subject to the Acts byelaws and regulations of the Commissioners in force for the time being and be liable to pay all dues rates tolls and other charges leviable on vessels or goods of a similar nature :

(e) Until the Commissioners provide a sewer which would enable the drains or sewers to be constructed by the Corporation their successors and assigns on the hereditaments agreed to be granted to be connected with the city sewage system the Commissioners will permit the Corporation their successors and assigns to discharge the sewage from the

hereditaments agreed to be granted into the said Victoria Channel or Musgrave Channel at the option of the Corporation their successors and assigns:

(F) As long as the Commissioners shall retain possession of such portion of the land lying to the north of the said premises as is within a distance of 400 feet from the said premises they shall not store nor cause nor suffer to be stored on such portion of said land petroleum oil or spirit or other highly inflammable liquid and if they let or otherwise part with possession of such portion of the said land or any part thereof they shall cause the tenant or other person obtaining possession thereof to enter into a covenant to the same effect and shall enforce the observance of such covenant as far as they legally can.

4. There shall be reserved by the said grant as payable by the Corporation their successors and assigns to the Commissioners their successors and assigns the yearly rent of eight hundred pounds commencing as from the expiration of one year from the date of the said grant.

5. The said grant shall contain covenants on the part of the Corporation their successors and assigns—

(A) To pay the said rent half-yearly on each first May and first November clear of all deductions save landlord's income tax:

(B) To keep in good order and repair all buildings and erections which may be put on the premises to be granted as well as all works executed made or done in pursuance of any of the liberties conferred by said grant and whether on the granted premises or on the other property of the Commissioners:

(C) That the Corporation their successors and assigns shall not (save as hereinafter provided) use the said premises or permit the same to be used except for the purpose of a municipal electric generating station or other municipal trade business or purpose of an inoffensive and innoxious character Provided that in the event of said premises or any part thereof not being so used the same may be used for such trade business or purpose of an inoffensive and innoxious character as the Commissioners their successors and assigns may approve of in writing such approval not to be unreasonably withheld:

(D) That the Corporation their successors and assigns shall not assign sub-let or part with the possession of said premises or any part thereof or any of the rights and liberties or

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the benefit of any of the covenants hereinbefore contained without the consent in writing of the Commissioners to be expressed in the deed of assignment sub-letting or alienation provided that when any application is made to the Commissioners for their consent to any such assignment sub-letting or alienation the Corporation shall furnish them with all necessary and relevant particulars including the nature of the trade or business intended to be carried on by the proposed purchaser or lessee and the draft of the conveyance or lease to him and provided that the said consent of the Commissioners shall not be unreasonably withheld except in respect to the rights and liberties mentioned in sub-clauses (A) (B) and (C) of clause 2 hereof and the benefit of the covenants provided for by sub-clauses (B) (C) and (D) of clause 3 hereof in respect to which the Commissioners may at their own absolute and uncontrolled discretion withhold their consent or may give same on such terms and conditions as they may think fit it being the true intent and meaning of these presents that the said last-mentioned rights liberties and covenants shall be deemed to be personal to the Corporation and to be for their benefit only in connexion with their use and occupation of said premises and that no assignee lessee or other person claiming or deriving title under or through the Corporation shall be entitled to the benefit thereof or have any claim in respect thereof except with such consent as aforesaid and on such terms as the Commissioners may prescribe:

(E) That the Corporation their successors and assigns shall from time to time inclose and keep inclosed the portion of the said premises from time to time occupied and used for any purpose with a good and sufficient inclosure which shall not be less than 8 feet high on all sides and that the Commissioners shall not be under any liability to fence any part of the said premises.

6. The said grant shall contain a power of re-entry in case of non-payment of the rent or breach of any of the covenants and conditions on the part of the Corporation their successors and assigns therein contained.

7. The grant shall contain a clause that in the event of any dispute or difference arising between the Commissioners and the Corporation their successors and assigns in relation to any matter or thing done or to be done under its provisions by either party and the manner of settling which has not been otherwise fixed by the grant such dispute or difference shall be referred to an arbitrator mutually agreed on or failing such to arbitrators one to be appointed by each party and

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the decision of the arbitrators or their umpire shall be binding on both parties and the arbitration as to its mode and consequence and in all other respects shall conform to the provisions as to arbitration contained in the Common Law Procedure Amendment (Ireland) Act 1856 or any statutory modification thereof.

8. The right and title of the Commissioners to make said grant shall be conclusively admitted by the Corporation and the Corporation will execute a counterpart thereof such grant and counterpart to be prepared by the solicitors for the Commissioners and dated and delivered to the Corporation on or before the first day of November one thousand nine hundred and eighteen and the costs of and incident to the preparation completion and registration of the said grant and counterpart shall be paid by the Corporation.

9. This agreement is subject to such alterations (if any) as Parliament may see fit to make therein and in case the agreement contained in these presents shall not be sanctioned or approved of by Parliament and the powers necessary for carrying the same into effect shall not be conferred upon the Commissioners in the present session the several clauses and provisions hereinbefore contained shall be void and of no effect and the parties hereto shall have the same rights and interest and stand in the same position in all respects as if this agreement had never been executed.

In witness whereof the Commissioners and the Corporation have hereunto affixed their respective corporate seals the day and year first herein written.

Present when the corporate seal of the Belfast Harbour Commissioners was affixed hereto.

ROBERT THOMPSON
Chairman.

Seal of the Belfast Harbour Commissioners.

D. J. OWEN
Secretary

Present when the corporate seal of the City of Belfast was affixed hereto.

JAS. JOHNSTON
Lord Mayor.

R. MEYER
Town Clerk.

Seal of the Corporation of the City of Belfast.

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