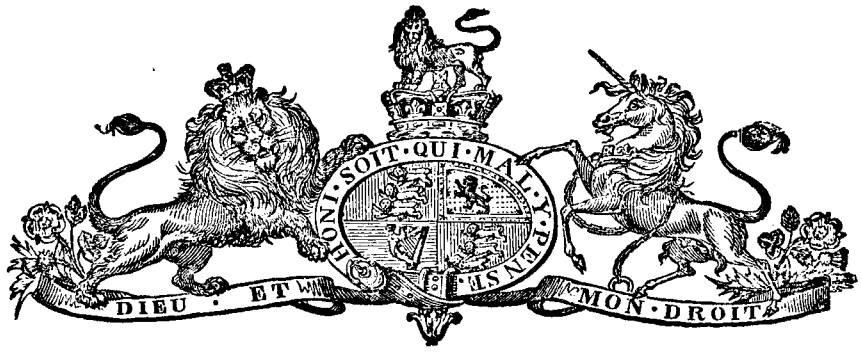


ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XIX.

An Act to amend The General Pier and Harbour Act, 1861. [16th *May* 1862.]

WHEREAS it is expedient to amend The General Pier and Harbour Act, 1861, herein-after called the Principal Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Construction of Act. Short Title.

1. This Act shall be read (as far as may be) together with the Principal Act as One Act, and may be cited as The General Pier and Harbour Act, 1861, Amendment Act.

I.—Future Applications for Provisional Orders.

Repeal of Parts of Principal Act described in Schedule (A.)

2. The Provisions of the Principal Act described in Schedule (A.) to this Act shall be repealed with respect to any Application to be made to the Board of Trade for a Provisional Order after the passing of this Act.

Notice by Advertisement as in

3. Any Persons intending to make Application to the Board of Trade for a Provisional Order relative to a Pier or Harbour, which

Schedule (B.) Part I.

Persons are herein-after called the Promoters, shall in the Months of *October* and *November*, or either of them, immediately preceding the Application for the Provisional Order, publish Notice of their Intention by Advertisement according to the Regulations contained in Schedule (B.) Part I. to this Act.

Deposit of Documents, in Schedule (B.) Part II.

4. On or before the Thirtieth Day of *November* immediately preceding the Application for the Provisional Order, the Promoters shall deposit the Documents described in Schedule (B.) Part II. to this Act, according to the Regulations therein contained.

Subsequent Deposit of Documents, in Schedule (B.) Part III.

5. On or before the Twenty-third Day of *December* in the same Year, the Promoters shall deposit the Documents mentioned in Schedule (B.) Part III. to this Act, according to the Regulations therein contained.

II.—Future or pending Applications for Provisional Orders.

Extent of Part II. of Act.

6. The Provisions of this Part of this Act shall apply to every Provisional Order of the Board of Trade on any Application already made or to be hereafter made.

Works.

Approval of Works by Admiralty.

7. Before commencing the Construction of any Part of the Works authorized by a Provisional Order, the Undertakers shall deposit at the Admiralty Office Working Drawings of the whole Works for the Approval of the Lords of the Admiralty: The Works shall not be constructed otherwise than in accordance with such Approval. After the same are commenced or constructed the Undertakers shall not alter or extend the same without first obtaining the like Approval. If any Work be commenced, constructed, altered, or extended contrary to this Provision, the Lords of the Admiralty may, at the Expense of the Undertakers, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Abandonment, Disuse, &c. of Works.

8. If any Work authorized by any Provisional Order be abandoned or suffered to fall into Disuse or Decay, the Lords of the Admiralty may, if and as they think fit, at the Expense of the Undertakers, either repair and restore such Work or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Power to Admiralty to cause Local Survey to be made.

9. The Lords of the Admiralty may at any Time, at the Expense of the Undertakers, cause to be made a Local Survey and Examination of the Works authorized by any Provisional Order, or of the Site thereof.

10. Whenever

Recovery of Expenses from Undertakers.

10. Whenever the Lords of the Admiralty, under the Authority of this Act, do any Act or Thing in relation to any Works authorized by any Provisional Order, which they are by this Act authorized to do at the Expense of the Undertakers, the Amount of such Expense shall be a Debt due to the Crown from the Undertakers, and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is or may be recoverable from the Undertakers.

Lights to be exhibited at Night during Construction of Works.

11. During the Construction of the Works the Undertakers shall, at their own Expense, exhibit and keep burning every Night from Sunset to Sunrise such Lights for the Guidance of Vessels as the Lords of the Admiralty shall from Time to Time require or approve of: If the Undertakers refuse or neglect to comply with this Provision, they shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Limitation of Time for Completion of Works.

12. The Works authorized by any Provisional Order shall be completed within Five Years after the passing of an Act confirming the Provisional Order, or within such other Time as the Provisional Order may direct; and on the Expiration of that Period the Powers by the Order given to the Undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Rates.

Pier, &c. open to Public on Payment of Rates.

13. On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

Power to Board of Trade to revise Rates.

14. Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten *per Centum per Annum* on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten

Ten *per Centum per Annum* the Company may, with the Sanction of the Board of Trade again raise the said Rates to an Amount not exceeding the Amount authorized by the Provisional Order.

Company to send Copy of annual Account in abstract as to Rates, Vessels, &c. to Board of Trade.

15. Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: If the Company refuse or neglect to comply with this Provision, they shall for every such Refusal or Neglect be liable to a Penalty not exceeding Twenty Pounds.

As to Audit of Accounts on Complaint to Board of Trade.

16. If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

(1.) The Board of Trade may appoint an Auditor to audit and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters:

(2.) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same:

(3.) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company:

(4.) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:

(5.) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be equally levied.

17. All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

18. Without

Mode of Recovery of Rates.

18. Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction.

General Provisions.

10 & 11 Vict. c. 27. incorporated.

19. Subject to the Provisions of the Principal Act and this Act and any Provisional Order, The Harbours, Docks, and Piers Clauses Act, 1847, shall be deemed to be incorporated with every Provisional Order.

Water Pipes.

20. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable.

Application of Merchant Shipping Act, &c.

21. The Undertaking authorized by any Provisional Order shall be subject to the Provisions of The Merchant Shipping Act, 1854, and of every General Act relating to Harbours or Dues on Shipping or on Goods carried in Ships, now in force or hereafter to be passed, and to any future Revision or Alteration under the Authority of Parliament of the Rates authorized by the Order.

Costs of the Order.

22. The Costs of and connected with the preparation and making of each Provisional Order shall be paid by the Promoters.

III.—Pending Applications for Provisional Orders.

Proceedings under Section 9 of Principal Act for fixing Schedule of Rates.

23. And whereas it was by the Principal Act (Section Nine) enacted, that in case the Promoters, or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, should be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they should prepare a Schedule of such Rates which they might think reasonable and proper to be levied at such Works, and should publish such Schedule in a Newspaper as therein specified, and should also deposit a printed Copy of such Schedule at such Office as therein specified, and also transmit a Copy of such Schedule to the Board of Trade with such other Documents as therein specified, and that after such Proceedings and the Lapse of such Time as therein specified the Board of Trade should finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule to The

Burgh Harbours (*Scotland*) Act, 1853, and that thereupon the Board of Trade might by Provisional Order empower any of the Persons in the Section now in recital mentioned to levy Rates according to such Schedule:

And whereas under the said recited Provision, Persons within the Description therein contained have prepared Schedules of Rates which they thought reasonable and proper to be levied, and have published, deposited, and transmitted the same in manner by the said recited Provision required, but the Board of Trade on proceeding to finally adjust and fix Schedules of Rates have, in certain Cases found that the Schedules so prepared, published, deposited, and transmitted comprise Rates in some Instances exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and in other Instances leviable in respect of Subjects not specified in the last-mentioned Schedule:

And whereas in the several Cases aforesaid it is represented to the Board of Trade by the Promoters, and the Board of Trade have no Reason to doubt, that it is essential to the Success of the several Undertakings that an Opportunity should be given to the Promoters of obtaining the Sanction of Parliament to the several Schedules of Rates so prepared, published, deposited, and transmitted as aforesaid, without reference to the Conformity of such Schedules with the Schedule to The Burgh Harbours (*Scotland*) Act, 1853: Be it therefore enacted as follows:

Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act.

Where any Schedule of Rates has been prepared, published, deposited, and transmitted as aforesaid, and it appears to the Board of Trade to be expedient that the same, or the same as modified on any Objection taken under the Principal Act, should be authorized by a Provisional Order, it shall be lawful for the Board of Trade to finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule so prepared, published, deposited, and transmitted, or so modified, and thereupon by Provisional Order to authorize the Levying and Recovery of Rates according to the Schedule so finally adjusted and fixed, notwithstanding that the same may in any respect differ from the Schedule to The Burgh Harbours (*Scotland*) Act, 1853: Provided, that it shall be lawful for the Board of Trade, if in any Case they think fit, before finally adjusting and fixing any such Schedule, to require the Promoters to publish any further or other Notice relative to the proposed Schedule as the Board of Trade may direct.

Provisions of Principal Act as in Schedule (C.) to this Act repealed.

24. The Provisions of the Principal Act described in Schedule (C.) to this Act shall be repealed with respect to any Application already made to the Board of Trade for a Provisional Order.

IV.—General Provisions.

Order not to be made affecting Powers under Local Acts without Consent.

25. The Board of Trade shall not make any Provisional Order taking away or abridging any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Person or Corporation by any Local or Special Act of Parliament, without the Consent in Writing of such Person or Corporation; but, subject to this Restriction, and to the Provisions of the Principal Act and of this Act, every Provisional Order when duly confirmed by Parliament shall be of full Force and Effect, any Local or Special Act to the contrary notwithstanding.

Power to Board of Trade to impose Terms, &c.

26. Every Provisional Order of the Board of Trade on any Application already made or to be hereafter made shall take effect subject and according to such Restrictions and Provisions and on such Terms and Conditions as may be therein specified, not being inconsistent with the Provisions of the Principal Act or this Act.

Application of 7 W. 4. & 1 Vict. c. 83. to Act.

27. The Provisions of the Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three, "to compel Clerks of the Peace for Counties "and other Persons to take the Custody of such Documents as shall "be directed to be deposited with them under the Standing Orders "of either House of Parliament," shall (as far as may be) apply to all Cases of Deposit of Documents made or to be made with any Person under the Principal Act or this Act.

SCHEDULES.

SCHEDULE (A.)

Parts of General Pier and Harbour Act, 1861, *repealed as to future Applications to the Board of Trade for Provisional Orders.*

(1.) Sections Five, Nine.

(2.) In Section Six, so much as requires any Deposit to be made at the Admiralty Office.

(3.) In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette.

SCHEDULE (B.)

PART I.

Advertisement in October or November of intended Application.

(1.) Every Advertisement is to state—

1. The Objects of the intended Application, specifying any of the following Objects, when comprised among the Objects of the Application:

   (*a.*) Extension of Time for the Completion of any Works already authorized:

   (*b.*) Power for a Company to amalgamate with another:

   (*c.*) Power to sell, purchase, lease, or take on Lease an Undertaking:

   (*d.*) Amendment or Repeal of any Local or Special Act of Parliament, or of any former Provisional Order:

   (*e.*) Power to levy any Tolls, Rates, or Duties, or to alter any existing Tolls, Rates, or Duties:

   (*f.*) The conferring, varying, or extinguishing of any Exemption from Tolls, Rates, or Duties, or of any other Right or Privilege:

   (*g.*) Constitution or Alteration of Constitution of any Harbour Authority.

2. A general Description of the Nature of the proposed new Works, if any.

3. The Names of the Parishes, Townlands, Townships, and Extra-parochial Places in which the proposed new Works, if any, will be made.

4. The

4. The Times and Places at which the Deposit under Part II. of this Schedule will be made.
5. An Office, either in London, or at the Place to which the intended Application relates, at which printed Copies of the Draft Provisional Order, when deposited, will be purchaseable as herein-after provided.

(2.) The whole Notice is to be included in One Advertisement, which is to be headed with a short Title descriptive of the Undertaking or Application.

(3.) The Advertisement is to be inserted once at least in each of Two successive Weeks in some One and the same Newspaper published in the City, Town, or Place where the proposed Works will be made, or where the Pier or Harbour to which the intended Application relates is situate; or if there be no such Newspaper, then in some One and the same Newspaper published in the County in which such City, Town, or Place, or some Part thereof, is situate; or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

(4.) The Advertisement is also in every Case to be inserted once at least in the London Gazette if the Place to which the intended Application relates is situate in England or Wales, in the Edinburgh Gazette if such Place is situate in Scotland, or in the Dublin Gazette if such Place is situate in Ireland.

PART II.

Deposit on or before 30th November.

(1.) The Promoters are to deposit—

1. A Copy of the Advertisement published by them.
2. A proper Plan and Section of the proposed new Works, if any; such Plan and Section to be prepared according to such Regulations as may from Time to Time be made by the Board of Trade in that Behalf.

(2.) The Documents aforesaid are to be deposited for public Inspection—

1. In England or Ireland, in the Office of the Clerk of the Peace for every County, Riding, or Division; in Scotland, in the Office of the Principal Sheriff Clerk for every County, District, or Division,—in which any proposed new Work will be made, or in which the Pier or Harbour to which the intended Application relates, or any Part thereof, is situate.
2. At the Custom House, if any, of the Port, Sub-Port, or Creek to which the intended Application relates.

(3.) The Documents aforesaid are also to be deposited in the Offices of the Admiralty and of the Board of Trade.

PART III.

Deposit on or before 23d December.

(1.) The Promoters are to deposit at the Office of the Board of Trade—

1. A Memorial of the Promoters, signed by them or One of them, headed with a short Title descriptive of the Undertaking or Application (corresponding with that at the Head of the Advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
2. A printed Draft of the Provisional Order as proposed by the Promoters.
3. An Estimate of the Expense of the proposed new Works, if any, signed by the Person making the same.

(2.) They are also to deposit printed Copies of the Draft Provisional Order for public Inspection at the Custom House (if any) of the Port, Sub-Port, or Creek to which the Application relates.

(3.) They are also to deposit a sufficient Number of such printed Copies at the Office named in that Behalf in the Advertisement; such Copies to be there furnished to all Persons applying for them at the Price of not more than One Shilling each.

SCHEDULE (C.)

Parts of General Pier and Harbour Act, 1861, *repealed as to Applications already made to the Board of Trade for Provisional Orders.*

In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette; and also so much as restricts the Time for the Introduction of a Bill into Parliament for the Confirmation of a Provisional Order.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.