

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XLV.

An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in *Great Britain* and *Ireland*. [1st *August* 1861.]

WHEREAS it is expedient to encourage and facilitate the Formation, Management, and Maintenance of Piers and Harbours in *Great Britain* and *Ireland*: And whereas in certain Cases where it is now necessary to apply to Parliament for special Local Acts the Expense of obtaining such special Acts serves to prevent many necessary Works being undertaken: Be it 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; that is to say,

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Words and Figures "The General Pier and Harbour Act, 1861."

Interpretation of Terms.

2. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Plantations:

The Expression "Person or Persons" shall include Companies, Corporations, Commissioners, Trustees, Undertakers, Conservators, or Individuals:

The Word "Promoters" shall apply to and include any Person or Persons who shall make Application for a Provisional Order under this Act:

The Word "Works" shall include any Pier, Harbour, Quay, Wharf, Jetty, or Excavation, whether complete or incomplete, on or near the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith:

The several Words and Expressions contained in the Clauses of any Acts incorporated with this Act shall have the Meanings assigned to them by such Act or Acts, except in Cases in which other Meanings are expressly assigned to them by this Act.

Persons may apply to Board of Trade to grant Provisional Orders.

3. Persons desirous of obtaining Authority to construct any Works under this Act, or to levy Rates at any existing or at any new Works, may make Application by Memorial to the Board of Trade to grant Provisional Orders as herein-after mentioned: Provided always, that this Act shall not apply in any Case where the estimated Expenditure upon any proposed Works shall exceed the Sum of One hundred thousand Pounds.

Subscribers to Memorial to be Promoters.

4. The Persons whose Names shall be subscribed to such Memorial shall be deemed to be the Promoters; and it shall be lawful for the Board of Trade to require and take Security from the Promoters for the Payment of all Costs, Charges, and Expenses necessarily incurred by the said Board of Trade in relation to any such Provisional Order, and such Costs shall be a Debt due to Her Majesty from the Promoters, and be recoverable by Action in any Court of Law of competent Jurisdiction.

Promoters to deposit Copies of Memorial and Plans at

5. In case the Promoters shall be desirous of executing any Works under this Act, they shall in the Months of *October* and *November* deposit Copies of the Memorial they may have submitted to the Board of Trade in relation thereto, and of the Plans, Sections, Working Drawings

Drawings of the Harbour and of any proposed Works, at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division of any County in *Scotland*, in which the proposed Works are to be executed, there to remain open for public Inspection, and all Persons shall at all seasonable Hours of the Day be at liberty to inspect and to make Copies or Extracts therefrom; and the Deposit of such Copies and Advertisement of such Deposit shall be certified in such Manner as may be required by the Board of Trade; and Notice of the Deposit of a Copy of such Memorial, and of the Plans, Sections, and Working Drawings of the proposed Works as aforesaid, shall be published once in each of Two consecutive Weeks in some Newspaper circulated within the County wherein such Works are proposed to be undertaken, and once in the *London*, *Edinburgh*, or *Dublin* Gazette.

the Office of the Clerk of the Peace.

Notice of Deposit to be given by Advertisement.

6. The Promoters shall deposit at the Admiralty Office, *Whitehall*, a Copy of such Memorial, and Plans and Sections and Working Drawings of the Harbour and the proposed Works connected therewith, and shall make Application to the Admiralty to sanction such Works, and thereupon the Admiralty, so soon as may be, shall give or withhold their Sanction to the proposed Works, or shall indicate what Alterations, if any, shall be made in the proposed Works.

Promoters to deposit Plans with the Admiralty.

7. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any Application for such Approval, as if the same were an Application to Parliament for such a Bill as is in that Act mentioned.

Application of 14 & 15 Vict. c. 49. to this Act.

8. Notwithstanding anything in this Act contained, the proposed Works shall only be undertaken and executed upon such Conditions and according to such Plans as shall be previously approved by the Lords of the Admiralty as aforesaid; and if any Works shall at any Time be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of any Commissioners or other Person or Persons that may for the Time being have the Management of any such Works, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Power to Admiralty to remove Works not approved by them.

Levying of Rates.

9. 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,

Regulations as to levying of Rates upon

Application to Board of Trade.

Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, shall be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they shall prepare,—

Publication of Schedule.

(1.) A Schedule of such Rates which they may think reasonable and proper to be levied at such Works, and shall publish such Schedule once at the least in each of Two consecutive Weeks in the Months of *October* and *November* in some Newspaper circulated within the District or some Part of the District in which such Works are or may be proposed to be constructed:

Deposit of Schedule with Clerks of the Peace.

(2.) And shall also deposit a printed Copy of such Schedule at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in *Scotland* in the Office of the Sheriff Clerk and Clerk of the Peace of the County where such Works are or may be proposed to be constructed:

Deposit of Schedule with Board of Trade.

(3.) And shall also transmit a Copy of such Schedule to the Board of Trade, and therewith a Statement showing the State of any existing Works, and the Rates then leviable thereat, the average Revenue derived at such Works for the Three Years preceding the Date of the First of such Advertisements as aforesaid, and the probable or estimated Amount of the Rates proposed to be levied under such Schedule at any existing Works, or at any new Works proposed to be constructed; and also the estimated Amount of Money, if any, proposed to be expended upon any existing or upon any new Works:

Shipowners, Traders, &c., &c., may forward Objections to Board of Trade.

(4.) And it shall be competent to any Shipowner or Trader within the Limits of such Port, Harbour, or Place, or to any registered Elector or Landowner in the County in which such Works may be situate, or in which it is proposed to construct any new Works, to forward any Objections to such Schedule in Writing to the Board of Trade within Fourteen Days after the last Insertion of such Schedule in any Newspaper as aforesaid:

Board of Trade to adjust Schedule, and may empower Promoters to levy Rates.

(5.) The Board of Trade, after the said Fourteen Days shall have elapsed, and after the Receipt of such Schedule and Statement, shall, as soon as conveniently may be, take the same into consideration, and make such Inquiries and obtain such further Information in reference to the several Matters therein set forth, and to the Objections, if any, that may have been forwarded as aforesaid, as they may deem expedient, and shall finally adjust and fix a Schedule of Rates not

not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," and thereupon the Board of Trade may by Provisional Order empower any of the Persons in this Section mentioned, or their Assigns, to levy and recover Rates according to such Schedule, and to borrow Money on the Security of such Rates, upon such Terms and Conditions and under such Regulations as may be deemed expedient.

Consent of Commissioners of Woods, &c. to be obtained.

10. No Provisional Order, except such as relate to the levying and Recovery of Rates only, shall be made under this Act without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues being first had and obtained.

Saving Rights of the Crown.

11. Nothing in this Act contained shall extend to abrogate or prejudice any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or of Her Duchy or County Palatine of *Lancaster*.

Saving Rights of the Duchy of Cornwall.

12. Nothing contained in this Act, or in the Acts incorporated herewith, shall extend to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities for the Time being vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving Rights of Conservators of the Rivers Thames and Mersey, &c.

13. Nothing in this Act contained shall extend or be applicable to the Port of *London*, or to the River *Thames* within the Limits defined by "The *Thames* Conservancy Act, 1857," nor to the Port and Harbour of *Liverpool*, or to the River *Mersey*, as defined by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for better preserving the Navigation of the River* Mersey, nor to the Port and Harbour of *Glasgow* and the Limits of the River *Clyde*, as defined by "The *Clyde* Navigation Consolidation Act, 1858," nor to the Port and Haven of *Sunderland* and River *Wear*, within the Limits defined by "The River *Wear* and *Sunderland* Dock Act, 1859," nor to the Port of *Kingston-upon-Hull* or the River *Humber*, within the Limits defined by "The River *Humber* Conservancy Act, 1852," nor to the River Tyne or to the Port and Harbour of *Newcastle-upon-Tyne*, and the Limits thereof as defined by "The *Tyne* Improvement Act, 1850."

14. The

Promoters not to do any Act which shall prejudice any Right acquired by Royal Charter, &c.

14. The Promoters shall not, by any Provisional Order under this Act, or by any Act of Parliament confirming such Order, be authorized to do any Act, Matter, or Thing which shall prejudice or affect any Right, Privilege, Power, Jurisdiction, or Authority acquired by or given or reserved to any Person or Persons by Royal Charter, by Prescription, or by any Local or Personal or Private Acts, for the Purpose of executing any Works such as are contemplated by this Act, or for the Management and Conservancy thereof, or for protecting the Navigation of any tidal Waters or navigable River, or for making any River navigable, or otherwise improving, maintaining, or continuing the navigable Passage thereof, or any Works connected therewith, or which shall or shall tend to prejudice or injuriously affect the Access to or Passage from any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, or the Channels or Passages thereof, or leading thereto or therefrom, or the Use or Enjoyment of any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, without the Consent in every Case of such Person or Persons, and such Consent shall be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Board of Trade may grant Provisional Orders, subject to Provisions herein named.

15. After such Inquiries as the Board of Trade may think expedient, and after the Consent of the Admiralty, and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and, if required, of the Persons mentioned in the last preceding Section, shall have been obtained, and the same shall have been certified to the Board of Trade in such Manner as they may require, the Board of Trade may settle and make a Provisional Order; and every such Order shall be made and shall take effect subject and according to the following Provisions:—

It shall specify who are to be the Undertakers of the Works, and may provide (where requisite) for the Election or Appointment of Commissioners as Undertakers of the Works, and may (where requisite) incorporate the Undertakers into a Body Corporate, with an appropriate Name, perpetual Succession, and a Common Seal:

It may empower the Undertakers to make and alter Byelaws for the Management of such Works, subject in *England* and *Ireland* to the Approval of the Court of Quarter Sessions of the Peace for the County in which the Works are situated, and in *Scotland* to the Approval of the Sheriff or Sheriff Substitute of such County:

It may empower the Undertakers to take Land on Lease or otherwise, to an Extent limited by the Order, by Agreement:

It may empower the Undertakers to levy and to recover Rates at such Works, and may provide for the Application of the Monies accruing from the Rates to be levied, and (where requisite) may provide for the due Audit of the Accounts of Receipt and Expenditure at such Works:

It may empower the Undertakers for the Purposes of such Works to borrow on Mortgage or Bond, at a maximum Rate of Interest to be therein specified, upon Security of the Rates, to an Extent limited by the Order, with Provisions for Payment of Interest and Repayment of Principal:

It may incorporate by Reference "The Commissioners Clauses Act "(1847)," "The Companies Clauses Act (1845)," "The Com- "panies Clauses (*Scotland*) Act (1845)," "The Harbour, Docks, "and Piers Clauses Act (1847)," "The Lands Clauses Con- "solidation Act (1845)," "The Lands Clauses Consolidation "(*Scotland*) Act (1845)," or any Part of such Acts, except so much of the said Two last-mentioned Acts as relates to the Purchase of Land otherwise than by Agreement; the Expression the "Special Act" used in such incorporated Acts shall be deemed to apply to such Provisional Order.

Order to be deposited with Clerk of the Peace.

16. After the making of any Order under this Act, the Promoters shall deposit a Copy of the same at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division in *Scotland*, in which the proposed Works referred to in such Order may be situate; and Notice of such Deposit shall be given by Advertisement once in the *London*, *Edinburgh*, or *Dublin* Gazette, and in some Newspaper circulated in the County as aforesaid; and after it shall have been certified to the Board of Trade by the Promoters that such Deposit and Advertisement as last aforesaid have been made, and that Fourteen Days have elapsed from the Date of such Advertisement, the Board of Trade shall, within Three Calendar Months from the Beginning of the Session of Parliament in any Year, cause a Bill to be introduced into either House of Parliament for the Purpose of obtaining an Act for the Confirmation of such Order, and the Order to be confirmed shall be specified in a Schedule to the Bill introduced for confirming the same, and shall be set out at Length therein, and until such Confirmation no Provisional Order shall be of any Validity or Force whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

Notice of Deposit by Advertisement.

Board of Trade to obtain Confirmation of Provisional Order by Parliament.

Where Petition presented

17. In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this

against an Order, Bill confirming same may be referred to Select Committee.

this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Orders, &c. to be signed by One of the Secretaries, &c. of Board of Trade, or by Secretary of the Admiralty.

18. All Orders, Notices, Consents, Approvals, and other Acts of the Board of Trade or of the Lords of the Admiralty in execution of this Act shall be in Writing or in Print, or partly in Writing and partly in Print, and shall be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or by the Secretary of the Admiralty for the Time being, as the Case may be.

Board of Trade to report to Parliament.

19. The Board of Trade shall make and lay before both Houses of Parliament in the Month of *February* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Week after the next Meeting thereof, a general Report of their Proceedings under this Act, stating the several Cases in which Applications have been made to them under the Provisions of this Act, and the Board of Trade may from Time to Time make and lay before Parliament such special Reports in relation to all or any of the Matters aforesaid as they may think fit.

Power to Secretary of State for War to take and hold Land, &c., for Batteries, &c.

20. It shall be lawful for the Promoters of any Harbour constructed under the Provisions of this or any other Act, whether Local or otherwise, to make, and for Her Majesty's Principal Secretary of State for the War Department to accept, a Grant either in Fee or for a Term of Years not less than Nine hundred and ninety-nine Years of any Lands, Tenements, and Hereditaments proper for Sites for Batteries or Fortifications, not exceeding in Quantity in any One Place what may be sufficient for building and erecting thereon a Battery or Fortification for the Protection of such Harbour, and for making a proper or sufficient Access or Approach thereto, and to enter into any Covenant or Stipulation with the said Principal Secretary of State and his Successors not to build or do any Act prejudicial to the said Batteries or Fortifications on the Land adjacent to the Sites so granted as aforesaid, within the Line of Fire from such Batteries or Fortifications to be erected thereon, and which Sites when conveyed as aforesaid shall be held by the said Principal Secretary and his Successors on behalf of Her Majesty.

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