CHAPTER xlvi.

An Act to confer further powers on the Great Yarmouth Port and Haven Commissioners and for other purposes. [30th July 1948.]

WHEREAS the Great Yarmouth Port and Haven Commissioners (hereinafter referred to as "the Commissioners") were incorporated by the Great Yarmouth Port and Haven Act 1866 and under the powers conferred upon them by the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 are the authority for the conservation and improvement of the port and haven of Great Yarmouth:

And whereas it is expedient that the powers in this Act contained should be conferred upon the Commissioners and that the other provisions in this Act contained should be enacted:

And whereas the objects aforesaid cannot be attained 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:—

Short and collective titles. 15 & 16 Geo. 5. c. liii.

1. This Act may be cited as the Great Yarmouth Port and Haven Act 1948 and the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 the Great Yarmouth Haven Bridge Act 1925 and this Act may be cited together as the Great Yarmouth Port and Haven Acts and Order 1866 to 1948.

Interpretation.

2.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

" the Commissioners " means the Great Yarmouth Port and Haven Commissioners;

" the clerk " means the clerk to the Commissioners;

" the Minister " means the Minister of Transport;

29 & 30 Vict. c. ccxlvii.

" the Act of 1866 " means the Great Yarmouth Port and Haven Act 1866;

1 & 2 Geo. 5. c. xcix.

" the Act of 1911 " means the Great Yarmouth Port and Haven Act 1911;

" the existing Acts " means the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 and the Great Yarmouth Haven Bridge Act 1925;

10 & 11 Vict. c. 27.

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

" the port " means the port of Great Yarmouth as defined by section 4 (Limit of the port of Great Yarmouth) of the Act of 1866 as amended by this Act;

" toll " includes all rates dues rents duties sums and other similar charges and payments;

" daily penalty " means the penalty for each day on which any offence is continued after conviction;

" the haven " " the rivers " " the river Yare " " the river Bure " and " the river Waveney " have the same respective meanings as in the Act of 1866;

" the Norwich Commissioners " " the Norfolk Commissioners " " the Suffolk Commissioners " " elected Commissioners " " registered shipowners and tollpayers " " registered fishowners and fish tollpayers " and " registered yacht owners " have the same respective meanings as in the Act of 1911;

" enactment " means any Act of Parliament whether public general local or private any order or scheme made under an Act of Parliament or any provision in an Act of Parliament or in any such order or scheme.

(2) (*a*) In the existing Acts and this Act unless there be something in the subject or context repugnant to such construction—

" seaplane " includes a flying boat and any other aircraft designed to float or manœuvre on water;

"vessel" includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind however navigated propelled or moved and any seaplane on the surface of the water.

(*b*) In the existing Acts "vessel" shall cease to have the meaning assigned to it by section 3 of the Harbours Clauses Act 1847.

(3) Any reference in this Act or in the Great Yarmouth Port and Haven (Increase of Charges) Order 1946 to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Tolls on seaplanes. 10 & 11 Geo. 5. c. 80.

3.—(1) Subject to the provisions of the Air Navigation Act 1920 and notwithstanding anything in the existing Acts or this Act the Commissioners may demand levy collect and receive on or in respect of seaplanes entering or using or leaving the port such reasonable tolls as may from time to time be approved by the Minister which tolls shall be in lieu of the tolls leviable by the Commissioners under the existing Acts on or in respect of vessels.

(2) The tolls authorised by this section in respect of seaplanes shall be paid by and be recoverable summarily from either the owner or the pilot or other person in charge of such seaplane as the Commissioners may determine.

(3) The provisions of section 28 of the Harbours Clauses Act 1847 shall so far as applicable extend and apply to any tolls authorised by this section as though those tolls were authorised by the existing Acts.

Removal of sunk stranded or abandoned vessels.

4.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the port or in or near any approach thereto the Commissioners may if they think fit cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Commissioners may recover from the owner of any such vessel or his executors or administrators all expenses incurred by the Commissioners in respect of the raising removal blowing up or destruction thereof or of any part thereof or in raising removing or storing any furniture tackle and apparel thereof or any cargo goods chattels and effects raised or removed therefrom or in marking lighting watching buoying or otherwise controlling such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

Provided always that the Commissioners may if they think fit and shall if so required by the owner of the vessel cause such vessel and any furniture tackle apparel cargo goods chattels and effects or any part of the same respectively so raised removed or stored as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise which shall be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses and duties and shall hold the surplus (if any) of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Commissioners such expenses and duties the deficiency may be recovered by the Commissioners in manner aforesaid.

(3) The Commissioners shall (except in a case which the Commissioners consider is urgent) before raising removing blowing up or destroying any such vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Commissioners notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Commissioners:

Provided that if the owner gives any such notice as last aforesaid—

(*a*) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by the Commissioners for the purpose of preventing interference with navigation; and

(*b*) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Commissioners shall be at liberty to cause the vessel to be raised or removed or blown up or otherwise destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(4) The Commissioners shall (except in case of emergency or when required by the owner to sell) before selling any such vessel under the provisions of this section give to the owner seven days' notice of their intention so to do.

(5) Any notice given by the Commissioners pursuant to subsection (3) or subsection (4) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place

of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Commissioners then by exhibiting such notice at the principal office of the Commissioners for twenty-four hours in the case of a notice given under the said subsection (3) or for seven days in the case of a notice given under the said subsection (4).

(6) In this section the expression—

"owner" in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of the vessel at the time the said expenses were incurred by the Commissioners or if there was then no owner of the vessel the owner of the vessel at the time of the sinking stranding or abandonment thereof;

"vessel" includes a seaplane and other aircraft.

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

(8) Except for the purpose of removing any obstruction to the port nothing in this section shall entitle the Commissioners to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Commissioners shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver. 56 & 57 Vict. c. 60.

Power to amalgamate committees with respect to rivers Yare Bure and Waveney.

5.—(1) Notwithstanding anything in any enactment the Commissioners may at any time by resolution amalgamate for such purposes and for such period as shall be specified in the resolution the separate committees with respect to the rivers Yare Bure and Waveney (comprising the Norwich Commissioners the Norfolk Commissioners and the Suffolk Commissioners) created by section 38 (As to separate committees with respect to rivers Yare Bure and Waveney) of the Act of 1911 or any two of such bodies.

(2) As from the date prescribed by the Commissioners the committees amalgamated by the said resolution shall for the purposes and for the period specified in the said resolution be a separate committee of the Commissioners for executing the Acts and Orders from time to time relating to the Commissioners with respect to the two or three rivers (as the case may be) with

which they are concerned but such committee shall be under the control and general superintendence of the Commissioners who may from time to time appoint such additional Commissioners as they think fit to act on such committee and that committee may and shall with respect to those rivers with which it is concerned (but subject to the provisions of the resolution and of the said Acts and Orders) exercise and perform all the powers duties and obligations by the said Acts and Orders conferred and imposed on the Commissioners and the provisions of the Commissioners Clauses Act 1847 relating to committees appointed by the Commissioners shall apply to such committee:

10 & 11 Vict. c. 16.

Provided always that in the execution of the Acts and Orders from time to time relating to the Commissioners by the whole body of Commissioners the members of the said committee may and shall act in their individual capacity of Commissioners and not in their collective capacity of a committee.

Owners or masters of vessels to deliver returns to collector of tolls &c.

6.—(1) On and from the first day of August one thousand nine hundred and forty-eight for the purpose of collecting the tolls leviable under the Second and Fourth Schedules to the Act of 1911 upon vessels entering into or departing from the haven and landing or embarking passengers and upon vessels navigating or using the rivers Yare Bure and Waveney or any part of any of such rivers and carrying or conveying passengers thereon and in respect of every passenger so landing or embarking or carried or conveyed the owner or master of every such vessel shall deliver or cause to be delivered to the collector of tolls or to his duly authorised representative at his office or at such other place as may from time to time be appointed by the Commissioners for the purpose by mid-day on Tuesday in each week a return in writing in respect of the last preceding week containing full particulars of the number of entries or departures into or from the haven or trips upon the said rivers or any part of any of such rivers made by such vessel with the date of each such entry or departure or trip and the number of passengers landing or embarking or carried or conveyed on the occasion of each such entry or departure or trip.

(2) On and from the first day of August one thousand nine hundred and forty-eight for the purpose of collecting the tolls leviable under the Third Schedule to the Act of 1911 the owner or master of any vessel and the owner salesman or person in charge of any fish or goods landed unloaded or shipped or intended to be landed unloaded or shipped in the Haven or liable to the payment of any toll shall deliver to the collector of tolls or to his duly authorised representative at his office or such other place as may from time to time be appointed by

the Commissioners for the purpose by mid-day on Tuesday in each week a return in writing in respect of the last preceding week containing the name of the owner seller or purchaser of the fish or goods or of the person to whom or the vessel into which they have been or are to be delivered and a true account of the quantities description kinds number and weight of the fish and goods and shall (if requested so to do) produce to the collector of tolls or his duly authorised representative all bills of lading sale books accounts and documents relating to the landing unloading shipping or delivery quantity kinds number weight and sale of the fish or goods.

(3) Every person who shall offend against this enactment or give any false particular or shall prevent the collector of tolls or his duly authorised representative from properly examining the said bills of lading sale books accounts or documents shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression " week " means the period from midnight on one Sunday to midnight on the following Sunday.

Revision of tolls.

7.—(1) If it is represented by application in writing to the Minister—

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(*b*) by the Commissioners;

that under the circumstances then existing the authorised tolls or any of them should be revised the Minister if he thinks fit may make an order revising the authorised tolls referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised tolls or any of them an order has been made or the Minister has decided not to make an order no further application for a revision of the tolls or toll to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall subject as hereinafter provided cause an inquiry to be held in reference thereto:

Provided that in cases in which no objection has been made to the application or in which any objection which has been made either has been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

(5) The expression " authorised tolls " in this section means the tolls which the Commissioners are for the time being authorised to levy demand and recover in pursuance of this Act or any existing enactment.

Returning officer for election of elected Commissioners.

8. The returning officer for the purposes of the election of elected Commissioners by registered shipowners and tollpayers and registered fishowners and fish tollpayers and registered yacht owners as the case may be in the year one thousand nine hundred and fifty-one and in every third year thereafter shall be the chairman of the Commissioners or in the event of his decease or failure to act one of the Commissioners appointed in that behalf by the Commissioners or if no appointment be made then the clerk.

Rules as to nomination and election.

9. Subject to the provisions of the Act of 1911 the rules in the First Schedule to this Act relating to the nomination and mode of election of elected Commissioners by registered shipowners and tollpayers and registered fishowners and fish tollpayers and registered yacht owners as the case may be in the year one thousand nine hundred and fifty-one and in every third year thereafter shall be observed.

Minutes of Commissioners.

10.—(1) A minute of the proceedings of a meeting of the Commissioners or of a committee of the Commissioners purporting to be signed at that or the next ensuing meeting by a person describing himself as or appearing to be the chairman of the meeting to the proceedings of which the minute relates or the chairman of such next ensuing meeting shall be evidence of the proceedings and shall be received in evidence without further proof and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had and where the proceedings are the proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(2) Section 55 of the Commissioners Clauses Act 1847 shall cease to apply to the Commissioners and to be incorporated with the existing Acts.

Revocation of resolutions.

11. Section 44 of the Commissioners Clauses Act 1847 shall cease to apply to the Commissioners and to be incorporated with the existing Acts.

Contracts of Commissioners.

12. Any contract which under section 56 of the Commissioners Clauses Act 1847 may be made in writing signed by two members of the Commissioners may be made in writing signed by the clerk or by an officer of the Commissioners authorised by them to sign the same.

Application of Local Government Act 1933 to bye-laws. 23 & 24 Geo. 5. c. 51.

13.—(1) All byelaws made by the Commissioners after the passing of this Act under any enactment shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Commissioners were a local authority within the meaning of those sections and the clerk were the clerk of the local authority.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

Contributions to associations hospitals &c. and other expenses.

14. The Commissioners may—

(i) make contributions to the funds or towards the expenses of any object association committee council conference congress or other organisation dealing with any matter of general interest to the Commissioners in relation to their undertaking and to any hospital or sanatorium in the area of the East Anglian Regional Hospital Board; and

(ii) pay any expenses of the attendance of any members or officers of the Commissioners at conferences or meetings of any such association or other organisation and the cost of purchasing reports and contributions towards the proceedings of any such conference or meetings:

Provided that the sum expended by the Commissioners under this section shall not in any year exceed two hundred pounds.

Amendments of Acts of 1866 1900 1911 and 1925. 63 & 64 Vict. c. ciii.

15. The amendments specified in the second column of the Second Schedule to this Act shall be made in the provisions of the Act of 1866 the Great Yarmouth Port and Haven Act 1900 the Act of 1911 and the Great Yarmouth Haven Bridge Act 1925 specified in the first column of that schedule.

Recovery of tolls &c.

16.—(1) Any toll which the Commissioners are entitled to recover under the authority of any enactment from time to time relating to the Commissioners may be recovered either

summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a simple contract debt in any court of competent jurisdiction.

(2) The time within which summary proceedings may be taken for the recovery of any such toll shall be reckoned from the date of the service of the demand therefor.

Several sums in one summons.

17. Where the payment of more than one sum by any person is due under the provisions of any enactment from time to time relating to the Commissioners any summons or warrant issued for the purposes of any one or more of such enactments in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of penalties &c.

18.—(1) Save as otherwise expressly provided by any enactment from time to time relating to the Commissioners all offences against any such enactment and all penalties and forfeitures imposed or recoverable thereunder or under any byelaw made thereunder or by virtue thereof may be prosecuted and recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

Inquiries by Minister.

19. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

Application of provisions of Local Government Act 1933 and Public Health Act 1936.

20. The following provisions of the Local Government Act 1933 and the Public Health Act 1936 shall with the necessary modifications extend to the Commissioners as if those provisions were herein re-enacted and in terms made applicable to the Commissioners and to the Great Yarmouth Port and Haven Acts and Order 1866 to 1948:—

Local Government Act 1933—

Section 278 (Name of local authority need not be proved):

Public Health Act 1936—

26 Geo. 5. & 1 Edw. 8. c. 49.

Section 283 (Notices to be in writing) except subsection (2) thereof;

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.); and

Section 286 (Proof of resolutions &c.).

21.—(1) The following enactments are hereby repealed:— Repeal.

The Act of 1866—

In section 4 (Limit of the port of Great Yarmouth) the words from "and shall comprise" where they secondly occur to ", three miles seaward";

Section 65 (Power to weigh or destroy sunken vessels);

Section 105 (Power to compound for rates on goods in steam vessels);

Section 111 (Payment of yearly composition);

Section 118 (But no profit to be derived from ballast cranage weighing and measuring rates);

Section 128 (Recovery of rates &c. by action):

Great Yarmouth Port and Haven Act 1900—

Section 18 (Power to compound for tolls &c.);

In section 26 (Amendment of Act of 1866 as to removal of wrecks) the words from the beginning of the section to "said section and";

Section 27 (Commissioners constituted owners of sunken vessels &c. for purposes of sale);

Section 31 (Measurement in case of dispute);

Section 32 (River Commissioners to have same powers as under Act of 1866);

Section 38 (Tolls to be revised):

Great Yarmouth Port and Haven Act 1907— 7 Edw. 7. c. xlii.

Section 9 (Application of section 18 of the Act of 1900 to this Act);

Section 15 (Power to contribute to funds of hospitals &c.):

The Act of 1911—

The proviso to section 7 (Commissioners on and after yearly meeting in 1912);

In subsection (1) of section 8 (General qualification of Commissioners) the words "to the value of one thousand pounds at least";

In section 21 (Lists to be printed) the words "not exceeding one shilling for each copy";

In section 24 (Revised lists to be printed) the words from "and within" to "be in force" and the words "not exceeding one shilling for each copy";

Section 27 (Polls for election of elected Commissioners);

Section 28 (Election to be by majority of votes);

Section 29 (Nomination and election of elected Commissioners);

Section 30 (Time of holding poll);

In section 71 (Tolls on animals fish and goods in Third Schedule) the words from "and in respect of" to the end of the section:

Great Yarmouth Port and Haven Order 1924—

In subsection (1) of section 4 (Alterations of tolls on certain vessels) the words from "and as if the words" to "the said Fourth Schedule" where they firstly occur and the proviso;

Section 5 (Revision of dues or rates).

(2) The following enactments shall be repealed on and from the first day of August one thousand nine hundred and forty-eight:—

Great Yarmouth Port and Haven Act 1900—

Section 23 (Owners or masters of vessels to deliver returns);

The Act of 1911—

Section 67 (Masters of vessels &c. to give collector account of fish or goods brought into the Haven &c.).

Costs of Act.

22. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

NOMINATION OF CANDIDATES AND MODE OF ELECTION.

1. The returning officer shall in the year one thousand nine hundred and fifty-one and in every third year thereafter not less than seven days before the day appointed by him for the delivery to him of nominations for the election of elected Commissioners by registered shipowners and tollpayers and registered fishowners and fish tollpayers and registered yacht owners publish by advertisement in a local newspaper circulating in the borough of Great Yarmouth a notice signed by him specifying—

(*a*) The number of persons to be elected by—

(i) registered shipowners and tollpayers

(ii) registered fishowners and fish tollpayers and

(iii) registered yacht owners;

(*b*) The place where forms of nomination may be obtained;

(*c*) The place where and the day upon and the hours during which the nominations are to be delivered or sent to him;

(*d*) The day on which in the event of a poll the voting papers will be sent out and the day on or before which and the place where they are to be returned; and

(*e*) The place for the examination and casting up of the votes.

2. Subject to the provisions of the Great Yarmouth Port and Haven Act 1911 the person or persons to be from time to time elected as elected Commissioners by the registered shipowners and tollpayers or the registered fishowners and fish tollpayers or the registered yacht owners as the case may be in the case of a poll being taken shall to the extent of the vacancy or vacancies in respect of which the poll is taken be the person or persons receiving thereat the greatest number of votes of the persons whose names appear in the shipowners' and tollpayers' list or the fishowners' and fish tollpayers' list or the yacht owners' list as the case may be In the case of an equality of votes at the poll the returning officer shall be entitled to give a casting vote in addition to the vote or votes (if any) to which he may be otherwise entitled under the said Act of 1911.

3. Any person entitled to vote in the election of elected Commissioners may by writing signed by him nominate for the office of Commissioner himself if qualified or any other person if qualified and any persons being co-owners or in partnership or any body corporate registered on the shipowners' and tollpayers' list or the fishowners' and fish tollpayers' list or the yacht owners' list as the case may be for the time being in force may in the case of any such co-ownership or partnership by a majority of the members thereof in writing and in the case of a body corporate by writing under their

1ST SCH. —*cont.*

common seal nominate for the office of Commissioner any person duly qualified Every such nomination which must be assented to in writing by the person nominated shall be on a form to be prescribed by the Commissioners If the persons nominated by registered shipowners and tollpayers and so assenting are more than three the Commissioners to be elected by the registered shipowners and tollpayers shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by registered fishowners and fish tollpayers and so assenting are more than three the persons to be elected by the registered fishowners and fish tollpayers shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by registered yacht owners and so assenting are more than one the person to be elected by the registered yacht owners shall be elected from the persons so nominated and assenting and from them only.

4. If the number of persons duly qualified and nominated by registered shipowners and tollpayers and by registered fishowners and fish tollpayers and by registered yacht owners respectively and having assented to the nominations as hereinbefore provided does not exceed the number of vacancies to be filled by persons to be elected by such bodies respectively no poll shall (except as hereinafter provided) be necessary to fill such vacancies or vacancy but in each such case the persons or person so nominated and having so assented shall as from the date stated in their or his respective nominations or nomination be deemed to be elected to fill such vacancies or vacancy.

5. If the persons duly nominated for election as elected Commissioners by the registered shipowners and tollpayers or the registered fishowners and fish tollpayers respectively be less in number than the number of vacancies to be filled or be not qualified as required by the Great Yarmouth Port and Haven Act 1911 to fill all the vacancies the retiring Commissioners elected by those bodies respectively shall if qualified as required by the said Act or so many of them respectively (chosen if occasion arises by lot) as may be required to fill the remaining vacancies or vacancy be deemed to be re-elected and if no person be duly nominated by the registered yacht owners the retiring Commissioner elected by them shall if qualified as required by the said Act be deemed to be re-elected and in any case in which there shall be no retiring elected Commissioner or an insufficient number of retiring elected Commissioners qualified as required by the said Act to fill such vacancies or vacancy the same shall in each such case be filled up in accordance with the provisions of section 33 (As to bye-elections) of the said Act.

6. Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the returning officer not later than two clear days before the day for sending out the voting papers in the case of a poll.

7. In the case of a poll the returning officer shall cause to be prepared separate voting papers of the persons nominated by the registered shipowners and tollpayers and the registered fishowners and fish tollpayers and the registered yacht owners as the case may be and shall insert therein the full name and

address of each of the persons nominated by the registered shipowners and tollpayers and the registered fishowners and fish tollpayers and the registered yacht owners as the case may be and not withdrawn in the alphabetical order of the surnames of such persons and he shall also insert on each of such voting papers the name and address of the person entitled to vote and the number of votes to which such person is entitled.

8. The returning officer shall not less than seven days before the last day on which the voting papers are to be returned to him cause a voting paper to be delivered by persons appointed by him for that purpose or by post at the address stated in the shipowners' and tollpayers' list or the fishowners' and fish tollpayers' list or the yacht owners' list as the case may be of every person entitled to vote at the election or in the case of co-owners a partnership or a body corporate at the addresses of the co-owners or the address of the partnership or body corporate as the case may be.

9. Each voter shall place in the proper column of the voting paper against the name of any candidate for whom he votes the number of votes he gives to such candidate and shall sign such voting paper and in case the voter votes on behalf of co-owners or a partnership or body corporate he shall state the names or name of the co-owners partnership or body corporate for whom he votes.

10. If any person entitled to receive a voting paper has not received a voting paper as aforesaid he shall either on written or personal application to the returning officer on or before the last day for returning the voting papers be entitled to receive a voting paper from him and to fill up the same in his presence and then and there to deliver the same to him.

11. The voter shall send the voting paper to the returning officer so as to reach him on or before the day fixed by him in the notice of the election either by leaving or causing the same to be left at the place named in the notice or by posting the same so as to reach the returning officer not later than noon on the day fixed by the notice.

COUNTING OF VOTES.

12. The returning officer shall on the day immediately following the day for returning the voting papers attend at the principal office of the Commissioners and he shall cast up such of the votes as he finds to be valid and to have been duly given and shall ascertain the number of such votes for each candidate.

13. A voting paper by which a voter purports to give more votes than he is entitled to give shall be void to all intents.

14. Any candidate may himself attend or may appoint any agent to attend the examination and casting-up of the votes and any candidate or agent so attending who obstructs or in any way interferes with the examination and casting-up of the votes may by order of the returning officer be forthwith removed from the place appointed for that purpose and if so removed shall not be permitted to return thereto.

1ST SCH. —*cont.*

15. The candidates elected shall be certified by the returning officer under his hand and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

16. The returning officer shall also cause to be made a list containing the names of the candidates together with (in the case of a contest) the number of votes given to each and the names of the persons elected and shall sign and certify such list and shall publish the list in a local newspaper circulating in the borough of Great Yarmouth and shall deliver such list together with the nomination and voting papers which he has received to the Commissioners who shall cause the same to be deposited in their principal office The clerk to the Commissioners shall post a copy of such list on the outer door of the principal office of the Commissioners.

GENERAL PROVISIONS.

17. The returning officer shall make all his arrangements for the conduct of every election so as to ensure its completion within twenty-one days after the first day of March.

18. Whenever the day appointed for the performance of any act in relation to any election is a Sunday a bank holiday or any day appointed for public fast or thanksgiving such act shall be performed on the day next following unless it is one of the days excluded as aforesaid and in that case on the day following such excluded day.

19. In this schedule "elected Commissioners" "registered shipowners and tollpayers" "registered fishowners and fish tollpayers" "registered yacht owners" "shipowners' and tollpayers' list" "fishowners' and fish tollpayers' list" and "yacht owners' list" have the same respective meanings as in the Great Yarmouth Port and Haven Act 1911.

SECOND SCHEDULE.

AMENDMENTS OF THE GREAT YARMOUTH PORT AND HAVEN ACTS 1866 1900 AND 1911 AND THE GREAT YARMOUTH HAVEN BRIDGE ACT 1925.

THE GREAT YARMOUTH PORT AND HAVEN ACT 1866.

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 63 (Penalty on obstructing traffic along sides of haven).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Act".
Section 64 (Penalty for not providing footways where haven bank is cut through).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Act".

2ND SCH. —*cont.*

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 68 (In case of failure the necessary works may be done by Commissioners).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act ".
Section 72 (Buildings not to be made near head of wharves &c.).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act ".
Section 92 (Commissioners may remove ballast at expense of owners &c.).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act " where they thirdly occur.
Section 106 (Power to examine salesman's books to ascertain quantity of fish liable to dues).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act " and the word " tolls " shall be substituted for the word " rates ".
Section 107 (Commissioners to compound with herring vessels for herring according to a scale).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act ".
Section 109 (If owner &c. of herring vessel fail to accept composition dues to be payable).	The words " Third Schedule to the Great Yarmouth Port and Haven Act 1911 as amended by any enactment from time to time relating to the Commissioners " shall be substituted for the words " said Third Schedule ".
Section 114 (Ballast rates).	The words " such rate or rates per ton of ballast taken in or discharged as the Commissioners may from time to time appoint " shall be substituted for the words " any sum not exceeding the rate of one shilling and sixpence per ton of ballast taken in or discharged " and the words " not exceeding one shilling and sixpence per ton " in the first proviso to the section shall be omitted.
Section 115 (Power to compound for river tolls on goods).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act ".
Section 117 (Charges for cranage weighing measuring and other services).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act " where they secondly occur.

2ND SCH. —*cont.*

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 123 (Power to lease rates &c.).	The words "any Act or Order from time to time relating to the Commissioners" shall be substituted for the words "this Act".
Section 124 (Authority of lessees for recovery of rates).	The words "authorised by any Act or Order from time to time relating to the Commissioners" shall be substituted for the words "by this Act authorised" the words "the said Acts and Orders" shall be substituted for the words "this Act" where they secondly occur and the words "of tolls" shall be substituted for the words "of rates".
Section 126 (Rates &c. payable by owner).	The words "authorised by any Act or Order from time to time relating to the Commissioners" shall be substituted for the words "by this Act authorised" where they firstly occur and the words "authorised by the said Acts and Orders" shall be substituted for the words "by this Act authorised" where they secondly occur.
Section 127 (Payment of rates to collectors of rates).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Act".
GREAT YARMOUTH PORT AND HAVEN ACT 1900.	
Section 19 (Charges for cranage and other services).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Act".
Section 20 (Master and owner liable for tolls).	The words "any Act or Order from time to time relating to the Commissioners" shall be substituted for the words "this Act or under the Act of 1866".
Section 24 (Provision for declaration as to payment of tolls and for production of receipt).	The words "any Act or Order from time to time relating to the Commissioners" shall be substituted for the words "this Act and the Act of 1866".

GREAT YARMOUTH PORT AND HAVEN ACT 1911. 2ND SCH. —*cont.*

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 14 (Collector of tolls to make lists of shipowners and tollpayers and fish-owners and fish tollpayers).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 " the words " thirty-first day of January in the year one thousand nine hundred and fifty-one " shall be substituted for the words " fourteenth day of January in the year one thousand nine hundred and twelve " and the words " all persons resident in Great Britain who " in paragraphs (1) and (2) of the section shall be substituted for the words " all persons who ".
Section 16 (Collectors of tolls to make lists of yacht owners).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 " and the words " thirty-first day of January in the year one thousand nine hundred and fifty-one " shall be substituted for the words " fourteenth day of January in the year one thousand nine hundred and twelve ".
Section 19 (Scale of registered tollpayers' votes).	The words " as amended by any enactment from time to time relating to the Commissioners " shall be inserted after the word " Act " where it secondly occurs and the words " as so amended " shall be inserted after the word " Schedules " where it fourthly occurs.
Section 31 (Retirement from office of Commissioners).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act " where they firstly occur and the words " the said Acts and Orders " shall be substituted for the words " this Act " where they secondly occur.
Section 33 (As to bye-elections).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Part of this Act ".

2ND SCH. —*cont.*

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 36 (Meetings and quorum of Commissioners).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 ".
Section 38 (As to separate committees with respect to rivers Yare Bure and Waveney).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 " and the words " and Orders " shall be inserted after the word " Acts " where it secondly and thirdly occurs.
Section 56 (Application of certain provisions of Act of 1866).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 ".
Section 64 (Power to continue and regulate fish wharf undertaking &c.).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 ".
Section 75 (Tolls payable by owner &c.).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act " where they firstly occur and the words " the said Acts and Orders " shall be substituted for the words " this Act " where they secondly occur.
Section 76 (Power to compound &c. for tolls).	The words " the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " the Great Yarmouth Port and Haven Acts 1866 to 1911 " the words " section 115 " shall be substituted for the words " sections 105 and 115 " and the words " Provided further that no yearly composition of tolls shall be required or agreed to be made for any fractional part of a year and any composition made shall be payable in advance at the commencement of each year and shall be payable to and recoverable by the Commissioners in like manner as tolls are recoverable " shall be inserted at the end of the section.

PROVISIONS TO BE AMENDED	AMENDMENTS
Section 77 (Recovery and application of tolls &c.).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1907 " and the words " the said Acts and Orders " shall be substituted for the words " this Act " where they firstly and secondly occur.
Section 100 (Lands &c. to form part of the undertaking).	The words " Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " Great Yarmouth Port and Haven Acts 1866 to 1911 ".
Section 101 (Evidence of appointment and removal of harbour-master collector of tolls and officers).	The words " any of the Acts and Orders from time to time relating to the Commissioners " shall be substituted for the words " this Act ".
Fourth Schedule.	For paragraph 2 there shall be substituted the following paragraph :—

" 2. For every sea-going vessel navigating or using the rivers Yare Bure or Waveney or any part of any such rivers for the purpose of carrying animals fish or goods or any passengers thereon—

In respect of vessels making a user of the said rivers for each such user—

	£	s.	d.
If the vessel be propelled by steam or other mechanical power per register ton	0	0	4
If propelled in any other way per register ton	0	0	3

(A user of a river shall be deemed to commence when the vessel enters a river from a sea voyage and to determine when the vessel leaves the river for a sea voyage)."

GREAT YARMOUTH HAVEN BRIDGE ACT 1925.

Section 46 (Power to retain and sell lands).	The words " any Act or Order from time to time relating to the Commissioners " shall be substituted for the words " this Act " where they secondly occur.

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