CHAPTER 21.

An Act to make provision for the temporary modification of the charges which may be made in respect of Ports, Harbour, Dock, and Pier Undertakings.

[4th August 1920.]

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 :

Modifications of statutory provisions affecting charges.

1.—(1) Where it appears to the Minister of Transport to be expedient, having regard to the cost of labour and materials, or any other circumstances, that an order under this section should be made with regard to any port, harbour, dock, or pier undertaking, the Minister may, if he thinks fit, by order provide for the modification of any statutory provisions regulating the charges to be made in respect of any such undertaking, and of any statutory provisions consequential on or supplemental to any such provisions as aforesaid, for such period during the continuance of this Act, in such manner, and subject to such conditions, as appear to the Minister to be just and reasonable :

Provided that—

(*a*) Where the undertakers are commissioners or any other authority or public body of persons carrying on otherwise than for purposes of private profit any such undertaking, no modification in the statutory provisions regulating the charges to be made by the undertakers shall be authorised which is more than sufficient, so far as can be estimated, to enable the undertaking to be carried on without loss; and

(*b*) In any other case, no such modification shall be authorised which is more than sufficient to provide, with due care and management, for interest on loan capital and for a reasonable return on share capital, regard being had to the pre-war financial condition of the undertaking and its prospective development.

(2) Before making an order in pursuance of the powers conferred by this Act, the Minister shall refer the matter to the rates advisory committee constituted under section twenty-one of the Ministry of Transport Act, 1919, for their consideration and report: Provided that, if it appears to the Minister that there is ground for making an order, and that the case is one of urgency, he may, without any such reference and without any such notices as are hereinafter required, make an interim order increasing the statutory maximum charges by such amount and subject to such conditions as he thinks proper; but an interim

9 & 10 Geo. 5. c. 50.

order shall not remain in force for more than six months, and where any interim order is made the Minister shall forthwith refer the matter to the rates advisory committee.

(3) The power of making orders under this section shall include a power of making orders, with a view to discouraging avoidable delay on the part of persons using accommodation and facilities provided by an undertaking, authorising the imposition of charges for the user of such accommodation and facilities beyond such time as may be specified in the order, and in the case of such an order no such reference as aforesaid and no such notices as are hereinafter mentioned shall be required.

(4) The charges authorised by any order made under this Act may be charged notwithstanding any statutory provisions or any agreement whether or not confirmed by an Act or order having the force of an Act, and such charges may be made operative from such date as may be fixed by the order, but not earlier than the tenth day of May nineteen hundred and twenty.

(5) If at any time it appears to the Minister of Transport that, owing to changes in the cost of labour or materials or other circumstances affecting an undertaking with respect to which an order has been made, the powers of charging effected by the order are insufficient or excessive for the purposes aforesaid, the Minister may, and, if representations are made to him by the undertakers or by a chamber of commerce or shipping or by any other representative body of traders or shipowners concerned or by a local authority, he shall refer the matter to the rates advisory committee, and may, after considering any report of the Committee, make an order revising the powers of charging so authorised as aforesaid; so, however, that the revised maximum charges shall not in any case be less than the statutory maximum charges applicable to the undertaking.

Proceedings of rates advisory committee.

2.—(1) The rates advisory committee shall consider any matter referred to them under this Act with a view to giving advice and assistance to the Minister with respect to the making of any order in relation to an undertaking and may, if so authorised by the Minister of Transport, delegate any of their powers and duties under this Act to sub-committees consisting of such members of the Committee as the Committee with the approval of the Minister may appoint, together with such additional persons being members of the panel set up under section twenty-three of the Ministry of Transport Act, 1919, as the Minister may appoint, and references in this Act to the Committee shall, as respects any powers or duties so delegated, be construed as including references to such sub-committee.

The Chairman of any such sub-committee shall be such member thereof as the rates advisory committee with the approval of the Minister may appoint.

(2) The Committee before reporting or advising on any matters referred to them under this Act shall, unless in their discretion they consider it unnecessary or undesirable to do so, give such public notice as they think best adapted for informing persons affected of the date when and the place where they will inquire into the matter and any person affected may make representations to the Committee, and, unless in their discretion the Committee consider it unnecessary, shall be heard at such inquiry, and, if the Committee in their discretion think fit, the whole or any part of the proceedings at such inquiry may be open to the public.

(3) The Committee shall hear such witnesses and call for such documents and accounts as they think fit and shall have power to take evidence on oath, and for that purpose any member of the Committee may administer oaths.

Provisions as to employment of accountants and other persons and as to costs, &c.

3.—(1) The Minister of Transport may, for the purposes of this Act, employ such accountants and other persons as he may think fit, and it shall be the duty of the undertakers concerned to furnish to any such accountant or other person such information and to produce to him such accounts and books as he may require for the purpose of reporting to the Minister or to the rates advisory committee as to the financial position of the undertaking.

(2) The costs incurred by the Minister of Transport or by the Committee in connection with an application for an order under this Act, including the remuneration of any such accountant or other person, shall be paid by the applicants for the order, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by the applicants shall be a debt to the Crown from those applicants.

(3) For determining the cost of labour for the purposes of this Act, the Minister of Labour shall, at the request of the Minister of Transport, certify what are the rates of wages which have been fixed either by any body generally representative of employers and employed in or about ports, docks, harbours, and piers for the time being constituted, or when formed by the National Joint Industrial Council for workers in or about ports, docks, harbours, and piers, or by an award under the Industrial Courts Act, 1919.

9 & 10 Geo. 5. c. 69.

As to applications for an order.

4. An application by the undertakers to the Minister of Transport for the purposes of this Act shall be accompanied by such information, certified in such manner as the Minister may require, with respect to the financial position of the undertaking in question; and before making an order the Minister shall require the undertakers to give public notice of the application for an order under this Act, and as to the manner in which, and the time within which, representations to the

Minister may be made; and the Minister shall consider any representations which may be duly made.

Definitions and saving.

5. For the purposes of this Act the expression "statutory provisions" includes the provisions of an order having the force of an Act:

The expression "undertakers" includes the owners or other persons for the time being entitled to levy tolls, rates, dues, and charges in respect of any port, harbour, dock, or pier, and in relation to any port, harbour, dock, or pier where such person is the Minister of Transport, includes the Minister.

Short title and duration.

6.—(1) This Act may be cited as the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.

(2) This Act shall have effect until the fifteenth day of February nineteen hundred and twenty-three.

CHAPTER 22.

An Act to reduce temporarily the rates payable in respect of Ecclesiastical Tithe Rentcharge.

[4th August 1920.]

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:

Partial relief of ecclesiastical tithe rentcharge from rates.

1.—(1) The owner of tithe rentcharge attached to an ecclesiastical corporation or benefice shall not be liable to pay, in respect of any rate made on or after the first day of April nineteen hundred and twenty, and before the first day of January nineteen hundred and twenty-six, which is assessed on him as owner of that tithe rentcharge, an amount in excess of such an amount as would have been payable by him if the rate had been made at such amount in the pound as is equal to the amount in the pound (to be ascertained in accordance with the rules set out in the Schedule to this Act) at which the corresponding rate was made in the year nineteen hundred and eighteen, and the excess shall be deemed to be irrecoverable.

(2) Where the owner of tithe rentcharge attached to a benefice, before payment of the amount payable by him in respect of any such rate as aforesaid, produces to the collector of the rate a statutory declaration made by him in a form prescribed by the Minister of Health showing that the total income arising from the benefice for the year ending on the fifth day of April preceding the date at which the rate was made, estimated in accordance with the provisions of the Income Tax Acts, did not exceed three hundred pounds, or, if it exceeded that sum, did not exceed