

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXIX.

An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.

[29th *July* 1862.]

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:

1. This Act may be cited as The Harbours Transfer Act, 1862. Short Title.

2. In this Act—

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral; and when the said Term is used in reference to any other Act, it shall be taken to comprise any Term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners: Interpretation of Terms.

The

The Term "the Board of Trade" shall be taken to mean the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Preliminary Inquiries Act, 1851.

Board of Trade may exercise Powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49.

3. Whenever after the End of the present Session of Parliament Application is made to Parliament for any such Bill as is described in The Preliminary Inquiries Act, 1851, the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Board of Trade to inform Admiralty of pending Schemes.

4. Provided always, as follows:

(1.) In each Year as soon as may be, and not more than Fourteen Days after the Deposit at the Office of the Board of Trade of such Documents as may be required by the Standing Orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a List of all such Bills for which Applications to Parliament may be then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such Bills respectively:

Admiralty may intervene where necessary for Protection of Interests of Naval Service.

(2.) Where in any Case, on Consideration of the Information so furnished, the Admiralty are of opinion that it is proper for them to take Steps for the Protection of the Interests of Her Majesty's Naval Service, they may exercise the Powers given to them by The Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the Standing Orders of either House of Parliament may or may not have required any Documents to be deposited at the Admiralty Office.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to Harbour Works on Tidal Lands, Lifeboats, &c.

5. With respect to any Special Act that may be passed after the End of the present Session of Parliament, the following Sections of The Harbours, Docks, and Piers Clauses Act, 1847, and all Provisions relative thereto in that Act or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Twelve, Thirteen, Sixteen, Eighteen, and Nineteen.

Railways Clauses Consolidation Acts, 1845.

Consent and Approval of Board of

6. With respect to any Special Act that may be passed after the End of the present Session of Parliament, Sections Seventeen of The

The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (*Scotland*) Act, 1845, respectively, and all Provisions relative thereto in the said Acts or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Trade to Railway Works on Tidal Lands.

Tramways (Ireland) Act, 1860.

7. With respect to Applications made after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, under The Tramways (*Ireland*) Act, 1860, Section Forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41.

Special Acts for Railways, Harbours, &c.

8. Where any Special or Local or Local and Personal Act, or Act of a Local or Local and Personal Nature, already passed or to be passed before the End of the present Session of Parliament,—

(1.) Authorizing or regulating the Construction of a Railway, or the Execution of any Work whatever, situate on or affecting Tidal Lands, or the Shore of the Sea or of any navigable River, where and so far up the same as the Tide flows and reflows; or,

(2.) Authorizing or regulating the Construction or improving of a Harbour, Dock, or Pier, or Works connected therewith, by any Company, Body Corporate, Commissioners, Trustees, Undertakers, Persons or Person; or,

(3.) Constituting or altering or regulating the Constitution of any Harbour or Conservancy Authority; or,

(4.) Altering or regulating the Powers or Duties of any Harbour or Conservancy Authority,—

contains either expressly or by Incorporation or Reference or otherwise any Provision for any of the Purposes following:—

For preventing the Construction or Execution of any Work or the doing of any Thing without the Consent or Approval of the Admiralty, or for authorizing or requiring any Work to be constructed, executed, or maintained, or any Thing to be done with the Consent or on the Requisition or to the Satisfaction of the Admiralty:

For empowering the Admiralty to exercise any Authority concerning Lifeboats, Mortars, Rockets, Tide Gauges, or Barometers to be provided by any Undertakers:

For empowering the Admiralty to make a Local Survey or Examination at the Expense of any Company, Body, or Person:

Powers for Protection of Navigation, &c. under Local Acts for Harbours, Railways, and other Works on Tidal Lands, &c. to be exercised by Board of Trade.

For

For empowering the Admiralty, in case of any Work being abandoned or suffered to fall into Disuse or Decay, or in any other Case, to abate, remove, or alter any Work or any Part of it, or restore the Site thereof to its former Condition, at the like Expense:

For empowering the Admiralty to exercise any Authority concerning Lights to be maintained at Night during the Construction or Execution of any Work:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a Member or Members of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority:

For empowering the Admiralty to determine any Dispute or Difference between or among any Bodies or Persons:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any Arbitrator, Referee, or Umpire, or any Engineer, Inspector, or Officer, or any Person to fill any Place or discharge any Duty under such Act:

or any other Provision for the Protection, Management, or Regulation of Harbours or Navigation, or for the Exercise of any Control or Power over or in relation to any Harbour Authority, or any other Provision in any wise relating to Conservancy, or authorizing or requiring any Act or Thing concerning Harbours or Navigation or Conservancy to be done by or in relation to the Admiralty,—

Then from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, such Acts and all Enactments relative thereto shall be read and construed as if in the respective Provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Power to Admiralty to retain Authority over Ports, &c. where Dockyards, &c. are situate.

9. Provided always, That where it appears to the Admiralty that the Interests of Her Majesty's Naval Service require that the whole or any Part of any Harbour, Port, Bay, Estuary, or navigable River in, on, or adjoining to which there is or shall be any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, Arsenals, or Naval Stations, should be excepted, either entirely or in some respects, out of the Operation of the last foregoing Section, the Admiralty may give Notice in Writing to the Board of Trade that any such Harbour, Port, Bay, Estuary, or navigable River as aforesaid, or such Part thereof as is in the Notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such Notice shall be published by the Admiralty in the *London*, *Edinburgh*, or *Dublin* Gazette, (according as the Place affected may be in *England*, *Scotland*, or *Ireland*,) and thereupon the Harbour, Port, Bay, Estuary, or navigable River to which such Notice relates, or the Part thereof therein

therein specified, shall, either entirely or in the respects therein mentioned, as the Case may require, be and remain as if this Act had not been passed, but any such Notice may be from Time to Time varied or at any Time revoked by a like Notice published in like Manner.

Exception as to Mersey and Thames.

10. Provided also, That nothing herein-before contained shall affect—

(1.) The Act of the Session of the Fifth and Sixth Years of Her Majesty, "for better preserving the Navigation of the "River *Mersey*:" 5 & 6 Vict. c. cx.

(2.) So much of Section Three of the Act of the Session of the Twentieth and Twenty-first Years of Her Majesty, "to "provide for the Conservation of the River *Thames*, and "for the Regulation, Management, and Improvement "thereof," as empowers the Admiralty to appoint Two of the Conservators of the River *Thames*. 20 & 21 Vict. c. cxlvii. s. 3.

General Pier and Harbour Act, 1861, *and Amendment Act.*

Parts of 24 & 25 Vict. c. 45., relative to Admiralty repealed.

11. From and after the End of the present Session of Parliament, the following Provisions of The General Pier and Harbour Act, 1861, shall be repealed; namely, so much of Section Six as shall be then in force, Sections Seven and Eight, and so much of Section Fifteen as relates to the Consent of the Admiralty.

Pier and Harbour Act Amendment Act repealed as to Deposit at Admiralty Office.

12. From and after the End of the present Session of Parliament, any Provision of The General Pier and Harbour Act, 1861, Amendment Act, requiring any Deposit of Documents to be made at the Admiralty Office, shall be repealed.

Board of Trade to furnish to Admiralty Information as to Applications for Provisional Orders.

13. In each Year, not later than the Seventh Day of *January*, the Board of Trade shall furnish to the Admiralty a List of all Applications for Provisional Orders under the last-mentioned Acts then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such proposed Provisional Orders respectively.

Provisions of same Act made applicable to Board of Trade.

14. From and after the End of the present Session of Parliament, the following Sections of The General Pier and Harbour Act, 1861, Amendment Act, and all Provisions relative thereto in any other Act or in any Provisional Order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Seven, Eight, Nine, Ten, and Eleven.

Public Harbours: 46 *Geo.* 3. *c.* 153.

Notices of Piers, &c. to be given to Board of Trade. 46 G. 3. c. 153.

15. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Act of the Forty-sixth Year of King *George* the Third (Chapter One hundred and fifty-three) "for "the Preservation of the Public Harbours of the United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Ballast: 54 *Geo.* 3. *c.* 159.

Provisions as to Ballast to be administered by Board of Trade. 54 G. 3. c. 159. ss. 14. 16.

16. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, Sections Fourteen and Sixteen of the Act of the Fifty-fourth Year of King *George* the Third (Chapter One hundred and fifty-nine), "for the better Regulation "of the several Ports, Harbours, Roadsteads, Sounds, Channels, "Bays, and navigable Rivers in the United Kingdom, and of His "Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings, and "Stores therein, and for repealing several Acts passed for that "Purpose," and all Provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Holyhead and Portpatrick.

Transfer of Harbours in Schedule.

17. On the First Day of *January* One thousand eight hundred and sixty-three, the Harbours specified in the Schedule to this Act, and all Breakwaters, Piers, Jetties, Quays, Wharves, Lighthouses, Roads, Approaches, Works, and Buildings belonging thereto, and the Ground and Soil thereof, and all Lands and Hereditaments acquired for the Purposes thereof, so far as on that Day such Harbours and Property shall be vested in the Admiralty or in any Commissioner for the Execution of any Act for any Estate or Interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and on and after the same Day the Enactments mentioned in the said Schedule, and every other Enactment relating to or affecting the same Harbours shall be read and construed as if the Board of Trade were therein named instead of the Admiralty or instead of any such Commissioner, as the Case may be.

Powers, &c. under Acts in Schedule and other Acts to be exercised by Board of Trade.

Savings.

Prerogative of Crown and general Conservancy Powers of Admiralty.

18. Nothing in this Act shall affect—

(1.) Any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or belonging to Her Majesty the Queen, Her Heirs or Successors, in right of Her Crown, or of Her Office of Admiral, or otherwise:

(2.) Any

(2.) Any Right, Duty, Power, Jurisdiction, or Authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, otherwise than under or by virtue of the several Acts and Parts of Acts herein-before expressly mentioned or referred to.

19. Nothing in this Act shall prejudicially affect—

Acts done, Contracts and Appointments made, Proceedings pending, &c. under Provisions of former Acts not to be prejudicially affected.

(1.) Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which before the passing of this Act has been or before the respective Days whereon the several Provisions of this Act commence and take effect shall be made, entered into, executed, or done under or by virtue of any Act or Part of an Act herein-before expressly mentioned or referred to; and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(2.) Any Debt or Money Demand, or any Right or Cause of Action or Suit, or other Remedy of, for, or against the Admiralty or any other Body or Person; and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(3.) Any Nomination or Appointment of any Member of any Board or Body of Trustees, Commissioners, or Conservators or of any Harbour or Conservancy Authority, which before the passing of this Act has been or before the respective Days aforesaid shall be made under any such Act as aforesaid:

(4.) Any Action, Suit, Prosecution, Proceeding, or Thing which before the passing of this Act has been or before the respective Days aforesaid shall be commenced under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Borrowing Powers of Harbour Authorities.

Power to borrow, whether authorized by Special Act or not. 24 & 25 Vict. c. 47. s. 3.

20. The Power given to a Harbour Authority by The Harbours and Passing Tolls, &c. Act, 1861, to borrow from the Public Works Loan Commissioners, shall be deemed to apply whether the Harbour Authority has or has not Power to borrow under a Special Act.

21. A Har-

Borrowing Power not restrained by Limitation of Amount in Special Act.

21. A Harbour Authority may, subject and according to the Provisions of the last-mentioned Act, borrow Money to any Amount whatever, notwithstanding any Limitation of the Amount to be borrowed by such Harbour Authority contained in any Special Act; but nothing in The Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to give to any Loan made or to be made under The Harbours and Passing Tolls, &c. Act, 1861, Equality, as to Order of Charge or of Payment of Principal or Interest, with any Loan made or to be made under any Special Act, except only as to such Portion (if any) of the Money raised under The Harbours and Passing Tolls, &c. Act, 1861, as might have been raised under the Special Act solely, or to repeal or alter any Provision of any Special Act whereby any Harbour Authority being a Company is restricted from borrowing until a definite Portion of Capital is subscribed for or taken or paid up.

Maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3. p.7. repealed.

22. Section Three, Paragraph Seven, of The Harbours and Passing Tolls, &c. Act, 1861, shall be read and construed as if the Words "not exceeding the Rates specified in the Schedule to The "Burgh Harbours (*Scotland*) Act, 1853," were omitted therefrom.

SCHEDULE.

Harbours.	Enactments.
Holyhead Harbour, and the Harbour of Refuge at or near Holyhead - -	17 & 18 Vict. c. 44.
Portpatrick Harbour - -	1 G. 4. c. 112. sects. 8, 9 (except so much as relates to the signing of Contracts), 10 to 22 (both inclusive), 28. 30, 31, 32. 24 & 25 Vict. c. 106.

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