CHAPTER clxxix.

An Act to extend and amend the Humber Conservancy Acts 1852 to 1899 and to confer further powers on the Humber Conservancy Commissioners and for other purposes. [4th August 1905.]

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WHEREAS by the Humber Conservancy Acts 1852 to 1899 the Humber Conservancy Commissioners (hereinafter called "the Commissioners") are incorporated and invested with powers for the conservancy of the River Humber and other purposes connected therewith:

And whereas it is expedient that the Commissioners should be authorised to dredge the said river and to carry out other works to assist and improve navigation and it is necessary that further funds should be provided for those purposes:

And whereas it is expedient to make provision for further or other contributions to the revenue of the Commissioners in this Act mentioned:

And whereas it is expedient that the Humber Conservancy Acts 1852 to 1899 should be amended in various respects and that further powers for certain purposes should be conferred on the Commissioners and that such provisions should be made as are contained in this Act:

And whereas it is expedient that the Commissioners should be authorised to borrow for the purposes of the Humber Conservancy Acts 1852 to 1899 and this Act in manner provided by this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[*Price* 1*s.* 9*d.*]

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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 (that is to say):—

Part I.

Preliminary.

Short title and citation.

1.—(1) This Act may be cited as the Humber Conservancy Act 1905.

(2) This Act and the Humber Conservancy Acts 1852 to 1899 may be cited together as the Humber Conservancy Acts 1852 to 1905.

Division of Act into Parts.

2. This Act shall be divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Extension of Powers of Commissioners.

Part III.—Amendments of Humber Conservancy Acts.

Part IV.—Financial provisions.

Part V.—Supplemental.

Interpretation.

3. In this Act unless the context otherwise requires—

The expression "the Commissioners" means the Humber Conservancy Commissioners;

The expression "the Humber Conservancy Acts" means the Humber Conservancy Acts 1852 to 1899 and this Act;

The expression "the corporation" means the mayor aldermen and citizens of the city and county of Kingston-upon-Hull;

The expression "the Hull Trinity House" means the Corporation of the Guild or Brotherhood of Masters and Pilots Seamen of the Trinity House in Kingston-upon-Hull;

The expression "high-water mark" means high-water mark ordinary spring tides Admiralty datum.

Incorporation of Acts.

4. The following enactments are hereby (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The provisions of the Commissioners Clauses Act 1847 with respect to mortgages (except sections 84 to 87):

And for the purposes of this Act in construing the Lands Clauses Acts the Commissioners shall be deemed to be a company.

Part II.

Extension of Powers of Commissioners.

Construction of Humber Conservancy Acts.

5. In the construction of the Humber Conservancy Acts the expressions "the Humber" "the river" and "the River Humber" shall be deemed to mean and include the River Humber and the estuary thereof from the confluence into the same of the Rivers Ouse and Trent to the sea and all navigable havens and creeks of the River Humber or of the estuary thereof wherein the tide flows and reflows but shall not include any part of the old harbour or haven at Hull.

No erections in Humber below river lines or without licence above river lines.

6.—(1) Subject to the provisions of this Act no person shall make or form any recess dock bed for boats or barges basin pier jetty landing-place quay or embankment wall or other work on the foreshore or bed of the River Humber between the river lines and high-water mark of the said river without a licence of the Commissioners which shall not be unreasonably withheld to be signified under their common seal the granting of such licence to be subject to the provisions of section 9 of the Humber Conservancy Act 1899.

(2) Subject to the provisions of this Act no person shall make or form any recess dock bed for boats or barges basin pier jetty landing-place quay or embankment wall or other work in or upon the bed of the River Humber beyond or riverward of the river lines.

(3) This section shall not apply to or affect any works or powers of executing altering or maintaining works before the passing of this Act authorised or conferred under or by virtue of any Act.

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Commissioners may enter on lands to survey.

7.—(1) For the purposes of the Humber Conservancy Acts the Commissioners their officers agents servants and workmen may at all reasonable times with the consent of the owner thereof enter on any lands (other than lands vested in or in trust for His Majesty or in trust for any department of His Majesty's Government) in or near the River Humber in order to survey and take levels thereof and to probe or bore for ascertaining the nature of the soil and to set out the line of any work but nothing in this section shall authorise the Commissioners to do any act within the limits of any dock or other work constructed on the River Humber by any company incorporated by Act of Parliament and which has not been abandoned or permitted to fall into decay or within the limits of the jurisdiction of the undertakers of the Aire and Calder Navigation.

(2) Before entering upon any lands under the powers by this section conferred the Commissioners shall give not less than three nor more than fourteen days' notice in writing to the owner and occupier of such lands.

(3) The Commissioners shall cause as little inconvenience as may be in the exercise of the powers by this section conferred and shall make compensation to the owner occupier and all persons interested for any damage thereby occasioned and the amount of such compensation shall in case of difference be determined by a single arbitrator under and subject to the Arbitration Act 1889.

Sand &c. not to be removed from bed or foreshore of River Humber without licence of Commissioners.

8. Subject to the provisions of this Act any person who at any time digs carries away or removes any sand gravel shingle rock soil or other material from the foreshore or bed of the River Humber without first having obtained the licence in writing of the Commissioners which shall not be unreasonably withheld or who having obtained such licence digs carries away or removes any sand gravel shingle rock soil or other material from any part of such foreshore or bed or in any quantity or manner other than the part quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds:

Provided that the provisions of this section shall not affect the right of any existing company owning docks or piers to dredge the entrances and approaches to the docks and piers

of such company or any other powers of dredging vested in or customarily exercised by such company at the passing of this Act.

In the event of any question or difference arising as to whether the consent referred to in this section and in the section of this Act the marginal note whereof is "No erections "in Humber below river lines or without licence above river "lines" ought or ought not to be given or as to the conditions upon which such consent should be given such question or difference shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party to the dispute.

Power to dredge.

9. It shall be lawful for the Commissioners and they are hereby authorised and empowered for the purposes of maintaining and improving the navigation of the River Humber from time to time as occasion may require to dredge cleanse and scour the river and to alter vary deepen restrict cleanse dredge cut enlarge diminish contract shorten widen straighten and improve the bed and channel of the river and to reduce or remove any shoal or shoals whatsoever within the river and in the exercise of such powers to abate and remove or cause to be abated and removed all impediments and obstructions whatsoever in the river or on the foreshores or bed thereof which may now or at any time hereafter be injurious to the river or obstruct or tend to obstruct the free navigation thereof:

Provided that the powers conferred upon the Commissioners by this section shall not be exercised in such a manner as to injuriously affect any docks piers ferries or works of any existing dock or railway company or the ferry boat dock or corporation pier of the corporation or the wall or embankment fronting the land of the corporation known as the Western Reservation:

Provided further that nothing in this Act shall relieve or be deemed to relieve any existing company or authority owning docks or works in or upon the said river from any liability in respect of dredging to which they are or may be subject at the date of the passing of this Act.

Power for Commissioners to provide apparatus.

10. The Commissioners may for the purposes of dredging scouring cleansing and deepening the bed shore and channels of the River Humber or for the purposes of any works which they may be authorised to construct by provisional order or

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otherwise from time to time provide purchase lease or hire such steam or other dredgers tugs steam or other hoppers lighters or other vessels steam engines piling engines pumps machinery implements tools apparatus plant or other materials as they think fit and may from time to time sell or dispose of the same.

Power to work quarries &c. for purposes of works.

11. The Commissioners may for the purpose of any work which they may be authorised to construct by provisional order or otherwise purchase by agreement or take on lease and hold and subsequently dispose of any quarry or quarries of stone lime or other material conveniently situated for the purpose and may work the same in such manner and by means of such engines rails staiths cranes lighters or other craft and other apparatus and appliances as they think fit and convey the materials gained therefrom to the places where they are to be used or disposed of for the purpose aforesaid and the cost thereof and of working and conveyance aforesaid shall be held to be disbursements for the purposes of the Humber Conservancy Acts.

Works below high-water mark not to be commenced without consent of Board of Trade.

12.—(1) The Commissioners shall not under the powers of this Act carry out on the shore or bed of the River Humber any work or any dredging or deposit in the river below high-water mark any material excavated or dredged by them without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making such alteration or extension the like consents or approvals.

(2) If any work referred to in this section be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such cost and charge shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

(3) Before the Commissioners apply to the Board of Trade under this section for consent to carry out any dredging below

high-water mark in the vicinity of or affecting any lands of or held in trust for any of the persons mentioned in subsection (1) of the section of this Act of which the marginal note is "Saving for landowners" they shall send to each of such persons affected due notice of such application and the Board of Trade before giving their consent to any such application shall have regard to any objections received from any of such persons and such consent shall be given subject to such terms and conditions for the protection of any of such persons as the Board of Trade may think fit.

(4) Before the Commissioners apply to the Board of Trade under this section for consent to carry out any works below high-water mark or any dredging which may affect the channels of the Humber or be in the vicinity of the docks piers ferries or works of any existing dock or railway company or the corporation or to deposit any material as mentioned in subsection (1) of this section they shall send to the corporation the Great Central North Eastern Lancashire and Yorkshire and Hull and Barnsley Railway Companies and to the undertakers of the Aire and Calder Navigation due notice of such application with particulars of the proposed works and the Board of Trade before giving their consent to any such application shall have regard to any objections or representations made by or on behalf of such bodies or any of them and shall if so requested by any of such bodies hold an inquiry and shall make such conditions in relation to the carrying out of such works for the protection of the said bodies or any of them as the Board of Trade may think fit.

Part III.

Amendments of Humber Conservancy Acts.

Deposit of plans defining river lines.

13.—(1) The plans showing the river lines signed in quadruple by the Right Honourable Lord Barnard the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (and being copies of the plans referred to in section 16 of the Humber Conservancy Act 1871 and in section 16 of the Humber Conservancy Act 1899 with the addition of certain green lines) shall be called the Humber Conservancy plans and one copy of such signed plans shall be deposited at the Parliament Office one at the Private Bill Office of the House of Commons one at the offices of the Commissioners and one with the Board of Trade.

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(2) Where on the Humber Conservancy plans a green line has been added the green line shall be substituted for the pink line and the pink line or the green line where so substituted shall be the line beyond which under section 16 of the Humber Conservancy Act 1871 the Board of Trade may not authorise the Commissioners by provisional order to execute construct or maintain any works.

(3) The expression "the river lines" in the Humber Conservancy Acts shall mean the line coloured pink on the Humber Conservancy plans where there is no line coloured green and the line coloured green where there is a line coloured green.

(4) The copy of the Humber Conservancy plans deposited at the offices of the Commissioners shall be open for inspection at all reasonable times.

(5) Nothing in this Act contained shall in any way alter vary or modify the river lines in that portion of the River Humber which flows past the Cleethorpes Urban District.

Appointment and duties of conservator.

14.—(1) The Board of Trade may from time to time appoint a conservator for the purposes of the Humber Conservancy Acts for any period not exceeding five years and may at any time suspend or remove the conservator and may re-appoint him or appoint another in his place.

(2) The duties of the conservator shall be as follows:—

(A) To survey and inspect the River Humber:

(B) To report to the Board of Trade and to the Commissioners annually (or more often if required by the Board of Trade or the Commissioners) upon the state of the navigation specifying all deposits impediments encroachments nuisances and annoyances in upon or affecting the River Humber and when and by whom or by what cause such deposits impediments encroachments nuisances and annoyances have been created or have arisen:

(C) To examine and report to the Commissioners and to the Board of Trade upon any schemes submitted to him by the Commissioners and upon any proposals which may be made in Parliament or otherwise and which may in his opinion in any way affect the River Humber:

(d) To give evidence if and when required to do so by the Commissioners or by the Board of Trade before any Committee of either House of Parliament or at any inquiry ordered by the Board of Trade with reference to any Bill or proposal which may affect the River Humber.

(3) Works affecting the River Humber shall not be undertaken by the Commissioners or sanctioned by them until the scheme for such works has been submitted to the conservator and his report thereon received.

(4) The conservator shall not advise or act for any local authority company or person respecting any matter affecting the navigation of the River Humber and its principal tributaries except on request made through the Commissioners and with their consent and failing such consent with the consent of the Board of Trade.

(5) The Commissioners shall at the expense of the conservancy fund provide the conservator with such assistant or assistants and boats and crews and offices for the purpose of enabling him to discharge his duties under this Act as the Commissioners may think necessary or as the Board of Trade may require.

(6) The conservator shall not make a survey or do any work upon the River Humber involving the expenditure of money or incur any expense upon behalf of the Commissioners without their consent unless required so to do by the Board of Trade.

(7) The conservator shall reside in the city of Kingston-upon-Hull or within ten miles thereof.

(8) The official correspondence of the conservator and all surveys charts plans and documents prepared by him as conservator shall be open to the inspection of any of the Commissioners or their officials and shall be the property of the Commissioners but under the control of the conservator and shall be kept in a suitable place as directed by the Commissioners.

(9) The Commissioners shall subject to the approval of the Board of Trade fix or vary the salary of the conservator and pay the same to him out of the conservancy fund by equal quarterly payments Provided always that the salary of the conservator shall not be less than three hundred pounds per annum unless with the consent of the Board of Trade.

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(10) If and when the conservator by the request of the Commissioners or the Board of Trade discharges any duties under this Act at any place at a distance of more than ten miles from the River Humber he shall be paid by the Commissioners such remuneration and expenses as may be fixed by the Board of Trade.

(11) In case of any difference arising between the Commissioners and the conservator under this section or otherwise in relation to the duties or authority of the conservator such difference shall be referred to the Board of Trade and their decision shall be final.

Chairman to be member of all committees.

15. The chairman of the Commissioners shall in virtue of his office be a member of every committee of the Commissioners.

Place and time of meetings.

16. The annual meeting of the Commissioners shall be held at their offices at Hull or at such place as they may from time to time appoint and shall be held on any day in the month of March as may be fixed by the chairman of the Commissioners and the Commissioners may adjourn from time to time and from place to place within ten miles of the River Humber as they shall think proper.

Special meetings.

17. The Commissioners may hold special meetings at such places and times as the clerk to the Commissioners shall subject to standing orders appoint and the clerk to the Commissioners shall convene a special meeting on the written request of the chairman of the Commissioners or of any five or more Commissioners but no business shall be transacted at any special meeting except such as is stated in the notice thereof.

No election meeting necessary where number of candidates does not exceed number of vacancies.

18. If at any election of Commissioners under the Humber Conservancy Act 1876 the number of persons nominated (that is to say duly proposed and seconded and having expressed their willingness to be elected) in accordance with section 24 (Nomination of candidates) of that Act does not exceed the number of vacancies to be filled no meeting or special meeting as the case may be shall be necessary to fill the vacancies but the persons so nominated shall as from the date stated in their nomination be elected to be Commissioners and the clerk to the Commissioners shall as soon as may be after the last day fixed for nomination notify by advertisement in one or more newspapers circulating in the ports of Kingston-upon-Hull Grimsby and Goole that the persons nominated have been elected and

that no meeting or special meeting will be held for the purpose of election and such persons shall as from the date stated in their nomination become elected Commissioners.

As to collision rules under Order in Council.

19. The power to make byelaws conferred upon the Commissioners by section 10 of the Humber Conservancy Act 1899 shall not be deemed to have lessened or to affect the power conferred upon His Majesty in Council by section 421 (2) of the Merchant Shipping Act 1894 to make on the application of the Hull Trinity House rules concerning lights and signals to be carried or the steps for avoiding collision to be taken by vessels navigating the waters of the River Humber.

Part IV.

Financial Provisions.

Contributions to conservancy fund.

20.—(1) The corporation the Hull Trinity House and the companies specified in the First Schedule hereto shall in every year after the passing of this Act pay to the Commissioners as their contribution to the conservancy fund the several sums in the said schedule mentioned after their respective titles and such contributions shall be paid by equal half-yearly payments on the first day of January and the first day of July in every year and the first of such half-yearly payments shall be made on the first day of January next after the passing of this Act.

(2) The contributions in the said schedule mentioned shall be in lieu of all other payments payable under any Act or agreement by the corporation the Hull Trinity House and the companies in the said schedule mentioned.

Provision as to contribution by corporation.

21. The contribution payable by the corporation under the section of this Act the marginal note of which is "Contributions to conservancy fund" shall be paid out of and be a charge upon their anchorage and jettage dues known as the water bailiff dues now vested in and collected by the corporation.

Provision as to contribution by Hull Trinity House and power to increase buoyage and beaconage dues.

22.—(1) The contribution payable by the Hull Trinity House under the section of this Act the marginal note of which is "Contributions to conservancy fund" shall be paid out of the buoyage and beaconage dues receivable by the Hull Trinity House in respect of ships or vessels passing or having the benefit of any of the lights buoys or beacons placed and

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maintained by the Hull Trinity House between Kingston-upon-Hull and the sea.

(2) Notwithstanding that by Orders in Council made by Her late Majesty Queen Victoria on the twenty-third day of October one thousand eight hundred and seventy-six and the fourteenth day of July one thousand eight hundred and ninety-nine the consent of the Crown under the Merchant Shipping Acts was signified to the reduction of the said buoyage and beaconage dues and the said dues were reduced accordingly the Hull Trinity House may with the consent of the Board of Trade levy the said buoyage and beaconage dues at rates not exceeding those receivable before the said first reduction was made.

Amendment of section 18 of River Humber Conservancy Act 1852.

23.—(1) Notwithstanding the provisions of section 18 of the River Humber Conservancy Act 1852 no corporation or company who had not become contributors towards the conservancy fund before the first day of January one thousand nine hundred and five shall be entitled under the provisions of that section to be represented at meetings of the Commissioners unless such corporation or company shall agree to become contributors to the extent of three hundred pounds a year for a period of not less than three years and shall continue to pay such sum annually.

(2) In construing the said section the expression "corporation" shall be deemed to include any commissioners of sewers and the municipal corporation county council or urban district council of any borough county or district situate on the River Humber or on any navigable river or navigation connected therewith and the expression "company" shall be deemed to mean a company incorporated by Act of Parliament.

(3) Any municipal corporation who may become contributors towards the conservancy fund may by resolution appoint any member of the council of the borough to act as a commissioner and any other corporation defined as aforesaid may appoint any member of such corporation to act as a commissioner and any such municipal or other corporation may remove the commissioner appointed by them and shall notify such appointment or removal to the clerk to the Commissioners.

Application of capital.

24. All moneys borrowed by the Commissioners or received as consideration for lands sold or being otherwise in the nature of capital shall be applied to purposes of the Humber Conservancy Acts to which capital is properly applicable and not otherwise.

As to amount to be expended in dredging.

25.—(1) The Commissioners shall within fifteen years from the date of the passing of this Act expend a sum of at least fifty thousand pounds in the carrying out of dredging or other works to assist and improve the navigation of the river.

(2) A fair proportion of such sum and of all other expenditure for the improvement of the river shall be expended on the Upper Humber and the Lower Humber respectively Such proportion of expenditure in case of objection by any four or more Commissioners to be settled by an engineer to be appointed by the Board of Trade The Commissioners if required by four or more of their body shall apply to the Board of Trade to appoint such engineer and shall send to each contributory for the time being to the conservancy funds due notice of such application and of the appointment of such engineer who shall have regard to any objections or representations made by or on behalf of any such contributory.

(3) The Commissioners shall within twelve months from the date of the passing of this Act lay before the Board of Trade for approval a plan showing the dredging operations in the first instance proposed to be carried out by the Commissioners for the improvement of the River Humber and within the like period apply for the consent of the Board of Trade under the section of this Act the marginal note whereof is "Works below high-"water mark not to be commenced without consent of Board "of Trade" and such dredging operations shall be commenced immediately after the approval thereof shall have been received by the Commissioners.

Application of revenue.

26. The moneys received by the Commissioners under the authority of the Humber Conservancy Acts and being in the nature of revenue shall be applied by them to the purposes following :—

First In payment of all costs charges and expenses of and incidental to the preparing obtaining and passing of this Act or otherwise in relation thereto so far as the same shall not be paid out of borrowed moneys ;

Secondly In payment of interest from time to time accruing due on any moneys borrowed by the Commissioners before the passing of this Act ;

Thirdly In providing any instalments payable or sinking fund required in respect of the moneys borrowed by the Commissioners before the passing of this Act ;

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Fourthly In payment of interest from time to time accruing due on any moneys borrowed by the Commissioners after the passing of this Act;

Fifthly In providing any instalments payable or sinking fund required in respect of any moneys borrowed by the Commissioners after the passing of this Act;

Sixthly In payment of all expenses incurred by the Commissioners in providing such boats lighters appliances and machinery as may be necessary for the removal of wrecks and obstructions in the River Humber and in defraying the expenses of the Commissioners in or incidental to the removal of such wrecks and obstructions and incidental thereto or consequent thereupon and not recovered from the owners or other persons liable to the payment thereof so far as the same shall not be payable and paid out of capital;

Seventhly In payment of salaries and establishment expenses; and

Eighthly In defraying all the costs charges and expenses which the Commissioners may incur in the execution of the several purposes of the Humber Conservancy Acts and in making completing doing and maintaining all such works matters and things as they may be authorised to make complete do and maintain so far as the same shall not be payable and paid out of capital.

Commissioners may give gratuities and allow superannuation allowance.

27. The Commissioners may if they think fit pay such annual or other sum of money as to them seems fit and reasonable to any officer or person in their employ in addition to the usual salary or wages of such officer or person for any extra or unusual service or as compensation for any accident injury loss or damage which may happen to or be sustained by such officer or person and also to any officer or person in their employ by way of retiring or superannuation allowance for length of service and also to the widow or children of any officer or person who has been in their employ.

Power to borrow.

28.—(1) The Commissioners in addition to any sums which they have been heretofore authorised to borrow may borrow any sums not exceeding one hundred thousand pounds and for the purpose of securing the repayment of any sums so borrowed may mortgage all or any of their revenue under the Humber Conservancy Acts.

(2) Any sum so borrowed may be applied by the Commissioners for any purposes of the Humber Conservancy Acts to which capital is properly applicable (including the payment of the expenses of obtaining this Act that is to say all costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act).

(3) A person lending money to the Commissioners shall not be concerned to inquire as to the application of or be answerable for the loss misapplication or non-application of any money so lent.

(4) All mortgages granted by the Commissioners before the passing of this Act and which are then in force shall during the continuance thereof and as to the money or property mortgaged thereby have priority over all mortgages granted under this Act.

Application of sections of Humber Conservancy Act 1899.

29. The following sections of the Humber Conservancy Act 1899 shall apply in respect of moneys borrowed under this Act (that is to say):—

Section 18 (Provision as to loans by Public Works Loan Commissioners);

Section 19 (Appointment of receiver);

Section 20 (Discharge of borrowed money) excepting that any sum borrowed for the purpose of paying the expenses of obtaining this Act shall be repaid within five years from the passing of this Act; and

Section 21 (Annual return to Board of Trade as to instalments of sinking fund).

Part V.

Supplemental.

Application of penalties.

30. Any fine penalty or forfeiture recovered after the passing of this Act under the Humber Conservancy Acts or any byelaw made by the Commissioners under this or any other Act shall notwithstanding anything in any other Act be paid to the Commissioners and carried by them to the credit of the conservancy fund.

As to appointment of Commissioners by certain companies.

31. The North Eastern Railway Company and the Lancashire and Yorkshire Railway Company may exercise the powers of appointing Commissioners now possessed by them by appointing

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either one of their officers or one of the members of their board to act as a Commissioner.

Board of Trade to appoint a commission of inquiry into constitution of Commissioners &c.

32.—(1) Within six months after the passing of this Act the Board of Trade shall appoint a commission consisting of three persons to inquire into and report to them—

(A) As to the constitution of the Commissioners and the powers and jurisdiction now vested in them and as to any other conservancy or navigation powers or jurisdiction now possessed with respect to the River Humber:

(B) What modification or extension if any of the constitution powers and jurisdiction of the Commissioners or of any such other powers or jurisdiction as aforesaid whether by transfer consolidation variation of representation or otherwise is desirable:

(C) What alterations if any should be made in the amounts of the contributions mentioned in the First Schedule to this Act and what funds if any and from what sources should be provided for the purposes of the Commissioners in addition to the contributions which may be recommended by the commission but so as not to impair the security upon which the Commissioners may borrow money after the passing of this Act:

(D) Whether any and if so what definition should be given for the purposes of this Act to the expressions "the Upper Humber" and "the Lower Humber."

(2) The said commission shall hold an inquiry for the purposes aforesaid as soon as practicable after their appointment and at such time or times and place or places as they determine and at such inquiry hear all such persons or bodies by themselves their counsel solicitors agents and witnesses as they think fit.

(3) The Commissioners shall afford the said commission all such facilities as may be requisite to enable them to visit and inspect the various parts of the River Humber for the purpose of such inquiry and report and the Commissioners and all persons and bodies shall if required by the said commission produce all such documents reports plans and papers and give all such information called for as may be in their possession or under their control.

(4) A copy of the report of the commission shall on receipt thereof be forwarded to the Commissioners to the corporation and to the other persons or bodies who may have been represented at the inquiry.

(5) The costs charges and expenses of the said commission of and incidental to the said inquiry and report as certified by a secretary or assistant secretary to the Board of Trade after consideration of the recommendations in this behalf of the said commission shall be paid to the Board of Trade in the first instance by the Commissioners and the amount of such costs charges and expenses shall be a debt due to the Crown and shall be recoverable as a Crown debt or summarily Provided that such costs charges and expenses shall ultimately be borne by such parties and in such proportions as the commission may recommend or as may be directed by Parliament on the hearing of the Bill in the next following subsection mentioned.

(6) If the said commission report that in their opinion the constitution powers and jurisdiction of the Commissioners should in any way be extended or modified or that the contributions mentioned in the First Schedule to this Act should be altered the Commissioners shall as soon as reasonably practicable after the receipt by them of a copy of the report of the commission introduce into Parliament a Bill embodying the recommendations in the report.

Saving rights of Crown.

33.—(1) Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give.

(2) Nothing in this Act shall alter the provisions of any agreements set out in the schedule to the Humber Conservancy Act 1868 or in the schedules to the Humber Conservancy Act

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1871 but the provisions of those agreements shall so far as applicable apply in relation to any of the purposes of this Act.

Property and rights of corporation.

34. Nothing in this Act shall prejudice affect or interfere with any foreshore on the north side of the River Humber in the city and county of Kingston-upon-Hull belonging to the corporation or any lands of the corporation adjacent thereto or any rights of the corporation or any other owners for the time being of the said hereditaments in respect of the said foreshore or land or in any way connected therewith and no embankment or other work of any kind whatsoever shall be erected or made in front of the said foreshore or land without the previous consent in writing of the corporation being first had and obtained.

Saving rights of Hull Trinity House.

35. Except as provided by the section of this Act the marginal note of which is "Board of Trade to appoint a commission of inquiry into constitution of Commissioners &c." nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction or authority of the Hull Trinity House in the appointment and regulation of pilots or in respect of beaconage and buoyage or the erecting placing and setting up of beacons buoys and floating and shore lights and lighthouses in the Humber or any other right office duty and privilege whatsoever now subsisting and in force and held used or enjoyed by the Hull Trinity House under or by virtue of any Royal charter grant letters patent or Act or otherwise howsoever.

Saving for landowners.

36.—(1) Nothing in this Act shall take away lessen prejudice or interfere with any foreshore estate right title claim or demand which the following persons or any of them have at the passing of this Act or which they their heirs or successors in estate or any person in trust for them would have had at any time if this Act had not been passed namely Charles Alfred Worsley Earl of Yarborough or any person in trust for him Sir Francis Edmund George Astley-Corbett Baronet Emilia Jessie Boucherett Robert Nassau Sutton Nelthorpe James Goulton-Constable John William Dent the Farmer's Company Limited the trustees of the Blue Coat Charity James Bennett Tombleson Thomas Tombleson Skelsey's Adamant Cement Company Limited Charles Frederick Burley and the Reverend Thomas George Onslow and Reuben Bingham trustees of the late Sir Richard Sutton Baronet or be construed to prevent them from exercising their existing rights for protecting their land from loss or damage by reason of the

overflowing or washing of any tidal waters within the River Humber nor shall the Commissioners apply for or take under any provisional order to be made under the authority of the 16th section of the Humber Conservancy Act 1871 authority to make or execute any improvements or works in or on or affecting any part of the Humber or foreshore or bed thereof adjoining any lands of or held in trust for the above-mentioned persons their heirs or successors in estate without such provisions being made as the Board of Trade may think necessary for securing that the Commissioners shall in the exercise of their powers thereunder interfere as little as may be with the access to and from those lands from and to the water and channels of the Humber or with the drainage of those lands and shall make compensation for any damage or loss if any sustained by the above-named persons their heirs or successors in estate by reason of any such interference as aforesaid the amount of compensation to be ascertained in the manner prescribed by the Lands Clauses Acts for ascertainment of compensation for land injuriously affected.

(2) Notice of the intention of the Commissioners to make application to the Board of Trade for any such provisional order as aforesaid shall be forwarded by registered post to the last known place of abode or office as the case may be of the above-named persons or their successors in estate before any such application shall be made.

(3) Nothing in this Act contained shall extend or be construed to extend to defeat lessen prejudice or alter impair take away or affect any of the rights privileges powers or authorities vested in or enjoyed by Charles Alfred Worsley Earl of Yarborough Sir Francis Edmund George Astley-Corbett Baronet Emilia Jessie Boucherett Robert Nassau Sutton Nelthorpe James Goulton-Constable the Farmer's Company Limited James Bennett Tombleson Skelsey's Adamant Cement Company Limited Charles Frederick Burley the trustees of the late Sir Richard Sutton Baronet or the commissioners of sewers for the county of Lincoln in the havens or creeks of the River Humber or to any wharves jetties or landing places now belonging to or used by them in the River Humber or in any such havens or creeks.

Saving certain rights of Earl of Yarborough.

37. Nothing in this Act contained shall alienate defeat lessen prejudice derogate from alter or impair any estate right title interest property power or privilege which the Earl of Yarborough his heirs or successors in estate has or have as

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being owner or owners of any oyster beds in the Humber or the estuary thereof or which he or they might have had or availed himself or themselves of or been entitled to in case this Act had not been passed.

Saving for Earl Carrington.

38.—(1) If any question shall arise between the Right Honourable the Earl Carrington or his heirs or successors in title or estate (hereinafter in this section called "the owner") and the Commissioners as to whether any stoneheap groyne or other work constructed by the owner or his predecessors in title on or in front of any land belonging to the owner obstructs or impedes the navigation of the Humber or is likely so to do or is or is likely to be the cause of any such obstruction or impediment then that question shall be referred to the decision of the Board of Trade and the decision of that Board shall be final.

(2) Nothing in this Act shall take away lessen prejudice or interfere with any estate right title claim or demand which the owner or any person in trust for him has or may possess at the passing of this Act or which the owner or any person in trust for him would have had at any time if this Act had not been passed of free access to and from the water and channels of the River Humber and all rights privileges powers and authorities in that river or in the havens or creeks thereof or in any wharves jetties or landing places therein or authorise the Commissioners to apply for or take under any provisional order to be made under the authority of the sixteenth section of the Humber Conservancy Act 1871 any power to impose any due toll tax rate or charge on any lands of the owner without his consent or to apply for or take under any provisional order as aforesaid authority to make or execute any improvements or works in or on or affecting any part of the Humber or of the foreshore or bed thereof adjoining to any lands of or held in trust for the owner without proper provisions for securing that the Commissioners shall in the exercise of their powers thereunder interfere as little as may be with the access to and from those lands from and to the water and channels of the Humber or with the drainage of those lands and shall make compensation for any damage or loss sustained by the owner by reason of any such interference as aforesaid the amount of compensation to be ascertained in manner prescribed by the Lands Clauses Acts for ascertainment of compensation for land injuriously affected.

(3) Nothing in this Act shall prevent the owner from exercising any right which he may now have of executing constructing

and maintaining improvements and works for straightening widening deepening protecting training and otherwise improving Winteringham Haven and the channel or channels therefrom to the Humber Provided that any such improvements or works shall be executed or constructed in accordance with plans and in a manner approved by the Commissioners and in the event of any difference arising between the owner and the Commissioners with reference thereto such difference shall be referred to the Board of Trade and the decision of that Board shall be final.

Saving for commissioners of sewers.

39. Nothing in this Act contained shall be deemed or construed to prejudice or derogate from or in anywise diminish alter abridge or interfere with the jurisdiction rights powers or authorities vested in the commissioners of sewers for the county of Lincoln or with any right which they may have to dig and remove soil clay or other material from the foreshore of the river for the purpose of repairing or maintaining the Humber bank sluices and outfalls or to face the river side of the said bank with chalk slag or other material for the repair maintenance or protection thereof.

For protection of Ancholme Commissioners.

40. For the protection of the commissioners for draining lands within the level of Ancholme in the county of Lincoln and making certain parts of the River Ancholme navigable (in this Act referred to as "the Ancholme Commissioners") the following provisions shall unless otherwise agreed apply and have effect:—

(1) As a condition to the consent of the Board of Trade to the making of any provisional order under the authority of section 16 of the Humber Conservancy Act 1871 whereby the navigable channel of the River Humber adjoining the mouth of the Ancholme Drainage and Navigation may be altered or varied the Board of Trade shall require the Commissioners to provide and at all times keep open in such manner as the Board of Trade may deem necessary an efficient channel or channels for drainage and navigation between the Ancholme Drainage and Navigation and the navigable channel of the River Humber or to do such other act and thing as the Board of Trade may deem reasonable and proper for the protection of the Ancholme Drainage and Navigation:

(2) Notice of the intention of the Commissioners to make application to the Board of Trade for any such consent

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or provisional order as aforesaid shall be forwarded by registered post to the clerk to the Ancholme Commissioners before any such application shall be made:

(3) Due notice of the intention of the Commissioners to make application to the Board of Trade for the consent of that Board to carrying out any dredging or other work under the section of this Act whereof the marginal note is "Power to dredge" shall be forwarded by registered post to the clerk to the Ancholme Commissioners and the Board of Trade shall take into consideration any representation made on behalf of the Ancholme Commissioners before giving their consent to such dredging or other work and shall if requested by either party hold an inquiry and shall make such conditions in relation thereto that they may deem necessary for keeping an efficient channel or channels for drainage and navigation between the Ancholme Drainage and Navigation and the navigable channel of the River Humber or to do such other act and thing as the Board of Trade may deem reasonable and proper for the protection of the Ancholme Drainage and Navigation:

(4) Nothing in this Act contained shall extend or be construed to extend to defeat lessen prejudice or alter impair take away or affect any of the rights powers or authorities vested in or enjoyed by the Ancholme Commissioners in the haven of the River Ancholme and the haven of the east drain at Ferriby Sluice.

For protection of Market Weighton Drainage Trustees.

41. Nothing in this Act contained shall extend to prejudice take away diminish or affect any existing rights privileges or powers now vested in the Market Weighton Drainage Trustees but the trustees shall notwithstanding any of the provisions of this Act have and be at liberty to exercise all such rights powers and privileges as they would have had if this Act had not been passed.

Saving rights of rural district council of Glanford Brigg.

42. Nothing in this Act contained shall extend or be construed to extend to defeat lessen prejudice alter impair take away or affect any of the rights privileges powers or authorities vested in or enjoyed by the rural district council of Glanford Brigg in the county of Lincoln in the sluices or outfalls into the Humber of certain land drains under their control in the parishes of Alkborough and Whitton or in or to the wharves or landing

places now used by them in the parishes of Winteringham Barrow Goxhill East Halton North Killingholme and South Killingholme or in or to any sewers or sewer outlets within their district nor to prevent them from exercising any right which they may now possess of removing any sand gravel soil or other material from the tidal havens creeks or drain outfalls which may obstruct the free flow of land drainage water or sewage nor from doing any necessary works of repair to such sluices outfalls wharves or landing places.

Saving for Barton Urban District Council.

43. Nothing in this Act contained shall extend or be construed to extend to defeat lessen prejudice alter take away or in any manner interfere with any of the rights privileges powers or authorities vested in or enjoyed by the urban district council of Barton-upon-Humber in the county of Lincoln in the Barton Haven nor in the free wharf or landing place thereof nor in any sewers or sewer outlets breaks or other erections in the said haven nor to prevent them from exercising any right which they may now possess of removing soil mud or other material from the sewer outlets which may obstruct the free flow of the sewerage or land drainage nor from doing any necessary works of repair to such outlets wharf landing place breaks or other erections.

For protection of Cleethorpes Urban District Council.

44. The following provisions for the protection of the Cleethorpes Urban District Council (in this section called "the council") shall apply and have effect (that is to say):—

(1) Nothing in this Act contained shall take away from lessen prejudice limit or interfere with the powers vested in the council for the construction maintenance and repair of Work No. **1** authorised by the Cleethorpes Improvement Act 1902 including the construction maintenance and repair of all such subsidiary works authorised by the said Act as may from time to time be necessary in connection with such work:

(2) Nothing in this Act contained shall take away from lessen prejudice or interfere with any estate right title interest privilege power or authority vested in or enjoyed by the council at the passing of this Act in over or upon the foreshore of the River Humber or any landing place or jetty thereon or in over or upon any lands adjoining the said foreshore:

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(3) Nothing in this Act contained shall authorise empower or entitle the Commissioners to interfere with any sewer or sewer outfall belonging to the council at the passing of this Act or to prevent restrict or limit the council from making such additions to or alterations in such sewer or sewer outfall as they may deem necessary or from constructing maintaining or repairing such other sewers or sewer outfalls or drainage works as the council may deem necessary for the adequate sewerage of their district.

For protection of corporation of Grimsby.

45. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Grimsby (in this section called "the corporation") shall apply and have effect (that is to say):—

Nothing in this Act contained shall authorise empower or entitle the Commissioners to interfere with any sewer or sewer outfall belonging to the corporation at the passing of this Act or to prevent restrict or limit the corporation from exercising any existing right of making such additions to or alterations in such sewer or sewer outfall as they may deem necessary or of constructing maintaining or repairing such other sewers or sewer outfalls or drainage works as the corporation may deem necessary for the adequate sewerage of their borough.

Saving rights of lord of manor of Barton-on-Humber.

46. Nothing in this Act contained shall alter or prejudicially affect the rights or privileges of the lord of the manor of Barton-on-Humber in the county of Lincoln under grant from the Crown dated the eleventh day of October one thousand eight hundred and fifty-eight.

Saving for surveyors under Barton-upon-Humber Inclosure Award.

47. Nothing in this Act shall apply to or affect any works or powers of executing altering or maintaining works authorised or conferred under or by virtue of the Barton-upon-Humber Inclosure Award made on the twenty-fifth day of August one thousand seven hundred and ninety-six in pursuance of the Act of Parliament 33 George III. intituled "An Act for dividing "allotting and inclosing the open fields ings marshes and common "pastures and other common and waste lands and grounds within "the lordship of Barton-upon-Humber in the county of Lincoln."

Saving for Great Central Railway Company

48. Except as provided by the section of this Act the marginal note of which is "Board of Trade to appoint a commission of inquiry into constitution of Commissioners &c." nothing in

Humber Commercial Railway and Dock Company and Hull and Barnsley Railway Company.

this Act contained shall extend to take away diminish or affect any existing rights privileges or powers now vested in the Great Central Railway Company or the Humber Commercial Railway and Dock Company or the Hull and Barnsley Railway Company but those companies shall notwithstanding any of the provisions of this Act have all such rights powers and privileges for the construction and maintenance of any works and the performance of any acts authorised to be executed and performed by them or for the alteration of such works in accordance with such powers as they already possess as they would have had if this Act had not been passed.

Saving for Aire and Calder Navigation.

49. Except as provided by the section of this Act the marginal note of which is "Board of Trade to appoint a commission of inquiry into constitution of Commissioners &c." nothing in this Act contained shall extend to prejudice take away diminish or affect any existing rights privileges or powers now vested in the undertakers of the Aire and Calder Navigation as conservators of the Lower Ouse but the undertakers shall notwithstanding any of the provisions of this Act have and be at liberty to exercise all such rights powers and privileges as they would have had if this Act had not been passed.

Saving for Lancashire and Yorkshire Railway Company.

50. Except as provided by the section of this Act the marginal note of which is "Board of Trade to appoint a commission of inquiry into constitution of Commissioners &c." nothing in this Act contained shall extend to prejudice take away diminish or affect any rights privileges or powers vested in the Lancashire and Yorkshire Railway Company under the Lancashire and Yorkshire Railway (Steam Vessels) Act 1904 or otherwise but the Company shall have and be at liberty to exercise all such rights powers and privileges as they would have had if this Act had not been passed.

Repeal.

51. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in that schedule.

Costs of Act.

52. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners either out of their revenue under the Humber Conservancy Acts or out of money borrowed for the purpose under this Act.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Name of Contributory.	Amount of Contributions.
	£
The Corporation of Kingston-upon-Hull - - - -	2,500
The Hull Trinity House - - - - - -	3,000
The Great Central Railway Company - - - -	1,000
The Undertakers of the Aire and Calder Navigation - - -	600
The North Eastern Railway Company - - - -	2,000
The Hull and Barnsley Railway Company - - - -	400
The Lancashire and Yorkshire Railway Company - - -	300

SECOND SCHEDULE.

Repeals.

The River Humber Conservancy Act 1852.

Section 7	(Meetings.)
Section 12	(Power to Admiralty to appoint conservator.)
Section 13	(And to fill up vacancies.)
Section 14	(Commissioners may appoint persons to assist conservator and also a clerk) in part as to appointment of persons to assist conservator.
Section 17	(Commissioners to fix salary of the conservator and provide means for inspecting river.)

The Humber Conservancy Act 1868.

Section 14	(Annual meetings.)
Section 15	(Summoning of special meetings.)

THE HUMBER CONSERVANCY ACT 1871.

Section 16 The words at the end of that section "and where on such "plans lines have been coloured brown then not beyond such "brown lines."

THE HUMBER CONSERVANCY ACT 1876.

Section 45 (Application of moneys received by Commissioners under this Act.)

THE HUMBER CONSERVANCY ACT 1899.

Section 16 (Conservancy plans of river.)

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