CHAPTER cxvi.

An Act to extend the time for the restoration and completion of works for enlarging and improving the Port and Harbour of Neath to confer further borrowing powers upon the Neath Harbour Commissioners and for other purposes. [21st July 1891.] A.D. 1891.

WHEREAS an Act was passed in the sixth and seventh years of the reign of Her present Majesty intituled "An Act for "improving and maintaining the Port or Harbour of Neath in the "County of Glamorgan" and Commissioners were appointed for carrying into execution the provisions of that Act:

And whereas by the Neath Harbour Act 1874 (herein-after called "the Act of 1874") the Neath Harbour Commissioners (herein-after referred to as "the Commissioners") were incorporated and empowered to enlarge and improve the port and harbour of Neath and to provide floating accommodation for shipping with railways roads and approaches thereto and other works in connexion therewith:

And whereas by the Neath Harbour Act 1884 (herein-after called "the Act of 1884") the Commissioners were authorised to construct further works and to borrow sums not exceeding sixty thousand pounds for the purposes of that Act and mortgages for the sum of three hundred and seventy thousand pounds previously borrowed by the Commissioners under the Neath Harbour Acts of 1874 1878 and 1880 were consolidated into one class and the issue thereof was confirmed:

And whereas the Commissioners were authorised by the Act of 1884 to convert the mortgages representing the said sum of three hundred and seventy thousand pounds into "A" debenture stock and mortgages for the additional sum of sixty thousand pounds authorised to be borrowed under that Act into "B" debenture stock and provision was made for electing seven

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Commissioners called "security holders Commissioners" to represent the mortgagees:

And whereas the Commissioners having purchased the land required for the works authorised by the Act of 1874 and the larger portion of those works having been executed the seaward portion thereof suffered serious damage from the action of the sea and the Commissioners were unable to raise money for restoring and completing the works unless further powers were conferred upon them and by the Neath Harbour Act 1886 (herein-after called "the Act of 1886") the powers conferred on the Commissioners by the Act of 1884 to borrow sixty thousand pounds on mortgage and to create debenture stock were cancelled and provision was made for electing additional security holders Commissioners and for restoring and completing the said works and other purposes of that Act the Commissioners were authorised to raise one hundred and twenty-five thousand pounds as a first charge on their undertaking and by the Neath Harbour Act 1889 facilities were granted for the raising thereof:

And whereas since the harbour works were authorised in 1874 the tonnage and draught of water of vessels employed in the carrying trade have been greatly increased and it is expedient that the depth of water at and near the entrance to the harbour and the dimensions of the lock and entrance basin should in the course of restoration be also increased in order to admit of such larger vessels entering the harbour:

And whereas (with the exception of a mortgage for one thousand pounds) no portion of the one hundred and twenty-five thousand pounds authorised by the Act of 1886 has been raised and for the purpose of defraying the expense of additional dredging and of enlarging the sea lock and entrance basin it is expedient that the Commissioners be empowered to borrow an additional sum of one hundred and twenty-five thousand pounds with the like priority and in all respects on an equality with the said sum of one hundred and twenty-five thousand pounds authorised by the Act of 1886:

And whereas the holders of upwards of three-fourths in value of the mortgages granted under the authority of the recited Acts have respectively signified their consent in writing to the provisions of this Act with respect to the borrowing of an additional sum of one hundred and twenty-five thousand pounds for the purposes and with the priorities defined in the Act of 1886 as amended by this Act:

And whereas it is expedient to amend the Act of 1886 with respect to the constitution of the Commissioners and in other respects as by this Act provided to further extend the time for

restoring and completing the aforesaid harbour works and to confer on the Commissioners such powers as are herein-after expressed:

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

May it therefore please Your Majesty that it may be enacted and 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:—

Short title.

1. This Act may be cited as the Neath Harbour Act 1891.

Incorporation of Act.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act and in construing the provisions of that Act for the purposes of this Act the works respectively authorised by the Act of 1874 and the Act of 1884 shall be deemed to be a railway and the Commissioners shall be deemed to be a railway company.

Extension of time for completion of works.

3. The time limited for the completion of the works authorised by the Act of 1874 as extended by the Act of 1889 is hereby further extended for a period of two years from the twenty-eighth day of July one thousand eight hundred and ninety-two and the Act of 1874 and the Act of 1884 shall be read and have effect as if such extended time had been named therein as the period limited for the completion of the works thereby authorised.

Alteration of section 5 of Act of 1886 as to constitution of Commissioners.

4. From and after the passing of this Act section 5 (re-constituting the Neath Harbour Commissioners) of the Act of 1886 shall be and the same is hereby amended as follows:—

There shall be added to the ex-officio Commissioners named or indicated in the said section "the several persons who for the "time being shall be the lessees of the Cape Copper Works "in the parish of Cadoxton juxta Neath in the county of "Glamorgan and the lessees of the Main Colliery Company "the same parish Provided that if more than one person shall "be lessees of either of the said works then such one only of "the lessees or their chief agent as may be appointed by "such lessees respectively and of whose appointment notice in "writing has been given to the clerk to the Commissioners at "his office shall be entitled to act as a Commissioner."

There shall be omitted from the said section and repealed so much thereof as provides for two local Commissioners being from time to time elected by the whole body of Commissioners and mentions the names of the first local Commissioners.

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Repeal of sections 9 10 and 11 of Act of 1886.

5. The following sections of the Act of 1886 namely section 9 (Election of local Commissioners) section 10 (Qualification of local Commissioners) and section 11 (Local Commissioners absenting themselves to cease to be Commissioners) shall be and the same are hereby repealed.

Power to raise further money by first mortgage.

6. The Commissioners may for the purposes of the Act of 1886 as amended by this Act borrow at interest not exceeding six per centum per annum on the security of their undertaking and of the rates tolls dues rents or moneys which they are authorised by the Neath Harbour Acts (mentioned in the preamble of this Act) to levy and receive any sums which they may require not exceeding one hundred and twenty-five thousand pounds and they may mortgage such undertaking rates tolls dues rents and moneys to secure the repayment thereof with interest thereon accordingly.

Same priority as sum to be borrowed under Act of 1886.

7. The said sum of one hundred and twenty-five thousand pounds shall be in addition to the sum of one hundred and twenty-five thousand pounds authorised by the Act of 1886 to be borrowed by the Commissioners and shall have the same priority as regards both principal and interest and rank in every respect on an equality with such last-mentioned sum and as if the sum of one hundred and twenty-five thousand pounds authorised by the Act of 1886 to be borrowed by the Commissioners had been two hundred and fifty thousand pounds.

Provisions of Acts of 1886 and 1889 to apply to loan.

8. Sections 30 to 35 both inclusive of the Act of 1886 shall apply equally and in all respects to the additional sum by this Act authorised to be borrowed as to the sum mentioned in section 30 of the Act of 1886 and to the mortgages for securing the repayment of such sums respectively and the provisions of section 5 of the Act of 1889 shall apply to both of such sums and mortgages.

Powers to trustees and others.

9. Trustees executors and other persons empowered under section 7 of the Lands Clauses Consolidation Act 1845 to sell and convey lands and who may hold or be entitled to or interested in any mortgage on the Neath Harbour undertaking or other security of the Commissioners are hereby authorised to exercise all or any of the powers of consenting or voting and other powers and discretions by this Act or the Act of 1886 given to the holders of such mortgages or other securities and are hereby indemnified for consenting to the Bill for this Act and for all acts bonâ fide done by them in pursuance of the provisions of this Act.

Reservation of general Acts relating to harbours &c.

10. Nothing in this Act contained shall exempt the Commissioners or the docks and works authorised by the Acts of 1874 and 1884 from the provisions of any present or future general Act

relating to harbours docks or piers or to dues on shipping or on goods carried in ships or to pilotage or to lights buoys and beacons or to the powers and privileges of the general lighthouse authorities.

Expenses of Act.

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

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