CHAPTER cl.

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Donegal. [6th August 1897.] A.D. 1897.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

Confirmation of Order in schedule.

1. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force.

Special provision as to houses of labouring class.

2. The undertakers mentioned in the said Order shall not under the powers of this Act or of the said Order purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

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except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Order Confirmation (No. 6) Act 1897.

SCHEDULE.

DONEGAL.

Donegal.

Order for the Improvement Maintenance and Regulation of Donegal Harbour in the County of Donegal.

The Undertakers.

The Undertakers.

1. The Right Honourable Arthur Saunders William Charles Fox Gore Earl of Arran his heirs assigns and successors in title (in this Order called "the Undertakers") shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Works and Powers.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking are hereby incorporated with this Order.

Power to take lands by agreement

3. The Undertakers may by agreement enter on take and use any lands they may require for purposes connected with the harbour but shall not be exempted from any proceedings on account of any nuisance caused or permitted by them on lands so taken.

Limits of Order.

4. The limits of this Order within which the Undertakers shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend (herein-after called "the limits of this Order") shall comprise the piers and works and the area below high-water mark being the entire of the channel estuary or bay of Donegal north and east of an imaginary line drawn from the northernmost point of a promontory known as Hassans to the northernmost point of the promontory known as Belle Isle in the said bay.

Improvement and maintenance of works.

5. Subject to the provisions of this Order the Undertakers may renew repair maintain alter and improve the existing quays or piers known and marked on the Admiralty Chart No. 2792 of 1852 as the Old Quay and the New Quay and in connexion therewith may renew and repair any jetties wharves sewers drains watercourses roads approaches gates rails tramways turntables and sidings and other works and conveniences on or along and between the quays piers and other works and may dredge scour deepen widen enlarge alter improve and maintain the entrance channels bars shoals and waterways within and adjoining the limits of this Order and may renew and maintain buoys moorings lights beacons landing places and other works and conveniences.

Power to renew warehouses &c.

6. The Undertakers may renew and maintain or take on lease all warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary in connexion with the quays piers and works for the accommodation of vessels and traffic landed at or embarked from the same.

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Penalty for obstructing works.

7. Every person who wilfully obstructs any person acting under the authority of the Undertakers or who removes any poles or stakes driven into the ground for the purpose of setting out the lines of any works or defaces destroys or injures any works or any part thereof or any property of the Undertakers shall for every such offence be liable to a penalty not exceeding five pounds.

Ballast for vessels.

8. The Undertakers may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master or owner of any vessel within the limits of this Order to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Undertakers of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order.

Consent to works below high-water mark.

9. Any works under this Order below high-water mark shall not be commenced without the consent thereto in writing of the Board of Trade having been first obtained and shall be executed only in manner approved by the Board of Trade.

Power to Undertakers to purchase or hire dredgers &c.

10. The Undertakers may for the purposes of the pier and works provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of the same as they may think fit or may sell or dispose of the same and the money thereby realised may be applied towards carrying into effect the purposes of this Order or some of them.

Undertakers to be local authority.

11. Within the limits of this Order the Undertakers shall be deemed a local authority within the meaning of the Merchant Shipping Act 1894 and Acts amending the same and shall have all the powers conferred by those Acts on local authorities.

Power to cease in certain events.

12.—(1.) If within five years from the date of the passing of the Act confirming this Order the works authorised by this Order are not completed the powers by this Order given for executing works or otherwise in relation thereto shall so far as regards works not executed at the expiration of such five years cease.

(2.) A certificate from the Board of Trade to the effect that any works have or have not been completed or sufficiently completed shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

Rates.

Rates may be levied although works not completed.

13. When and so soon as it is certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers that the harbour or any pier quay or works has or have been so far repaired or renewed as to afford proper increased or better accommodation for traffic the Undertakers may for the use of the harbour piers quays and works and conveniences connected therewith demand recover and receive in respect of the harbour or of the pier quay or works as the case may be to which the certificate relates such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate with the accommodation afforded.

14. The Undertakers may enter into compositions with and grant exemptions to any persons with respect to the payment of rates authorised by this Order and may vary and extinguish such exemptions or compositions but so that no preference be in any case given to any person.

Undertakers may compound for rates.

15. The Undertakers may demand and receive such rates or other considerations as they may think reasonable for the use of any railways tramways sidings warehouses and other conveniences in connexion with the piers and works and for which rates are not specified in the schedule to this Order Provided that any line of tramway constructed under the provisions of this Order shall not be used for the public conveyance of passengers unless and until the same has been certified by the Board of Trade as fit for such traffic.

Rates for use of conveniences in connexion with piers and works.

16. The Undertakers may renew and maintain mooring buoys within or adjoining the limits of this Order for the accommodation of vessels using the harbour piers and works and may demand and receive such rates or other considerations as they may think reasonable for the use of any such mooring buoys.

Power to lay down mooring buoys.

17. The Undertakers may lease the piers and works quays buildings wharves cranes and other conveniences and the rates and charges or any of them authorised by this Order for any period not exceeding seven years from the date of the lease and for such rent and consideration and on such terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Undertakers are made subject under this Order.

Power to lease undertaking and rates.

18. If at any time the clear annual income derived from the harbour pier and works on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of five per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Undertakers in or about the execution of the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates authorised by this Order or any of them to such amounts as will be sufficient to provide the aforesaid interest at the rate of five per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time to raise the rates again to not exceeding the amounts specified in the schedule to this Order.

Board of Trade may reduce rates.

19. Within twelve hours after the arrival within the limits of this Order of any vessel liable to rates the master of such vessel shall report such arrival to the collector of rates and if he fails to make such report within the time aforesaid and after he has been required to do so by the collector he shall be liable to a penalty not exceeding ten pounds.

Master of vessel to report arrival.

20. The master or owner or crew of every boat engaged in the white fishery and of every boat delivering herrings or mackerel shall within twelve hours after arrival within the limits of this Order report the same to the piermaster or

Masters of fishing boats to report arrival and give

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account of take of fish.

collector of rates and shall furnish to the collector a true and accurate statement of his or their take of fish and the names of the persons obtaining delivery of the same and liable for the rates or charges thereon and if he or they fail to do so they shall be liable to a penalty not exceeding ten pounds.

Piermaster may prevent sailing of vessels where rates not paid.

21. The piermaster may prevent the removal or sailing out of the limits of this Order of any vessels or boats in respect of which any rate or charge is payable until evidence has been produced to him of the payment of such rate or charge to the collector of rates.

Meters and weighers.

22. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Certain fishing vessels under stress of weather exempt from rates.

23. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour piers and works belonging thereto and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

24. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress on into along through up to and out of the harbour piers and works by land and with their vessels and otherwise without payment.

Exemption of lifeboat crews.

25. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the piers and works without payment.

Finance.

Power to borrow.

26. The Undertakers may borrow on mortgage or otherwise at interest on the security of the rates authorised by this Order such sum as may be required for the purposes of this Order not exceeding in the whole the sum of two thousand pounds and may assign the rates and charges hereby authorised in security for the repayment of the money so borrowed with interest thereon.

Application of money borrowed.

27. The Undertakers shall apply all money borrowed by them under this Order in defraying the cost of the quays piers and works and conveniences or other purposes authorised by this Order to which capital is properly applicable and not otherwise.

For appointment of a receiver.

28. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole.

Application of revenue.

29. The rates and revenue received under this Order shall be applicable for the purposes and in the order following and not otherwise (that is to say) :—

(1) In paying the costs charges and expenses of and incidental to applying for obtaining and making this Order and otherwise in relation thereto ;

(2) In paying year by year the expenses of the maintenance management and regulation of the harbour piers and works and in defraying the other necessary expenses of the Undertakers in relation thereto ;

(3) In paying year by year the interest on any money borrowed under this Order :

The surplus revenue of the harbour piers and works after answering the several purposes aforesaid shall be applicable by the Undertakers for their own use and benefit.

Annual account to be sent to the Board of Trade.

30. The Undertakers within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

25 & 26 Vict. c. 19.

Byelaws.

Power to make byelaws.

31. The Undertakers may make byelaws for the supply of ballast to vessels and boats and for the removal or deposit of ballast and for the regulation and control of vessels and boats and for the regulation and control of vessels using mooring buoys authorised by this Order and for the regulation and control of the fishermen and others and goods and traffic frequenting or resorting to or employed embarked disembarked loaded or unloaded within the limits of this Order and for setting apart portions of the piers and works for particular purposes and traffic and for the use of promenaders and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Life Saving Apparatus.

Portions of Harbours Clauses Act excepted.

32. Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Undertakers shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the piers and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

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33. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or other apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the piers and works spars and other apparatus for saving life and may also either in course of using or exercising the apparatus for saving life fire rockets over the piers and works.

Miscellaneous.

Recovery of penalties.

34. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 for all the purposes of which Act this Order shall be deemed the special Act.

Saving rights under Crown Lands Act 1866.

35. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the consent of the Board of Trade having been first obtained.

Saving rights of Crown in mines and minerals. 29 & 30 Vict. c. 62.

36. Anything contained in this Order or to be done under the authority thereof shall not in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by Sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty.

Costs of Order.

37. All the costs charges and expenses of or incidental to the preparation and obtaining of this Order or otherwise incurred in relation thereto shall be paid by the Undertakers.

Short title.

38. This Order may be cited as the Donegal Harbour Order 1897.

SCHEDULE to which the foregoing Order refers.

TONNAGE RATES &c.

	s.	d.
For every vessel entering the harbour to discharge cargo per register ton each time	0	2
But when such vessel does not break bulk or take in cargo one-half the above rate but no vessel is to pay the charge more than once in one calendar month.		
For every vessel leaving the harbour with cargo loaded therein per register ton each time	0	2
For every steam tug entering or leaving the harbour with vessel in tow	10	0
For every fishing smack or vessel of fifteen tons burthen and upwards belonging to or using the harbour for the purpose of the fishery as a composition in full of tonnage duty payable in advance the annual sum of	7	6
Every fishing smack or vessel of fifteen tons burthen and upwards using the harbour for the purpose of the fishery and not paying the aforesaid composition on each occasion of entering the harbour	2	0
Every fishing boat landing fish from outside limits of harbour and making use of the quays or piers	1	0

RATES ON GOODS SHIPPED OR UNSHIPPED RECEIVED OR DELIVERED AT THE PIERS OR WORKS.

	s.	d.
Beer and porter per 64 gallons	0	4
Bricks and tiles per 1000	0	6
Butter per 54 lbs.	0	1
Bacon per box	0	4
Bog ore (super oxide of iron) per ton	0	2
Calves pigs sheep and lambs each	0	4
Canvas per 56 lbs.	0	0½
Cattle bulls cows oxen and horses each	0	6
Cement per ton	0	4
Coals per ton	0	3
Deals per 120	1	0
Eggs per cwt.	0	2
Fish—dried salted or in pickle per ton	1	0
Flour per ton	0	4
Ditto for export half the above rate	0	2
Glass per 4 cwt.	0	6
Guano and all other artificial manures per ton	0	3
Gunpowder per 100 lbs.	0	3

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	s.	d.
Hides each	0	1
Ice per ton	0	4
Indian corn per ton	0	4
Indian meal per ton	0	4
Indian meal for export half rate	0	2
Iron per ton	1	0
Laths per 1,000	0	1
Lead per ton	1	0
Leather per cwt.	0	3
Lime per ton	0	2
Machinery per ton	1	0
Malt per ton	1	0
Nets per 5 cubic feet	0	4
Oakum per cwt.	0	4
Oils and paints per ton	0	6
Potters' clay per ton	0	4
Potatoes per ton	0	6
Sails and ropes per cwt.	0	0½
Salt per ton	0	3
Slates per ton	0	4
Soap per cwt.	0	1
Spars over 25 feet in length each	0	4
Spars under 25 feet in length each	0	2
Staves per 120	0	4
Stones per ton	0	2
Sugar per ton	0	6
Tar per 36 gallons	0	1
Tea per 56 lbs.	0	3
Timber of all kinds per 50 cubic feet	0	3
Ware per 4 cwt.	0	6
Wheat oats and barley per ton	0	3
Whisky and other spirits per 84 gallons	1	0
Wine per gallon	0	0½
„ bottled per dozen	0	1
All other goods not enumerated above—		
Light goods per 2½ cwt. or 5 cubic feet	0	4
Heavy goods per ton	0	6

In charging the rates on all goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those specified a proportionate part of the respective rates shall be charged.

Rates for Ballast.

	s.	d.
All vessels for any quantity taken on board per ton - - -	0	1

Rates for Water.

Vessels per 100 gallons supplied - - - - -	0	6
Fishing boats per 25 gallons supplied - - - -	0	1½

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