CHAPTER xxxii

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Hartlepool.

[28th July 1950.]

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

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

Be it therefore 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:—

Confirmation of Order in schedule.

1. The Order as 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.

Short title.

2. This Act may be cited as the Pier and Harbour Order (Hartlepool) Confirmation Act 1950.

SCHEDULE

HARTLEPOOL PORT AND HARBOUR

Provisional Order to authorise the Hartlepool Port and Harbour Commissioners to levy take and receive increased dues duties rates and tolls to provide for the revision of dues duties rates and tolls and for other purposes

Short and collective titles.
18 & 19 Vict. c. cxxvi.
32 & 33 Vict. c. lxxxii.
4 Edw. 7. c. clxxxiv.

1.—(1) This Order may be cited as the Hartlepool Port and Harbour Order 1950.

(2) The Hartlepool Port and Harbour Acts 1855 and 1869 the Hartlepool Port and Harbour Order 1904 and this Order may be cited together as the Hartlepool Port and Harbour Acts and Orders 1855 to 1950.

Commencement.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

Interpretation.

3. In this Order unless the context otherwise requires—

"The Commissioners" means the Hartlepool Port and Harbour Commissioners;

10 & 11 Vict. c. 27.

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The Act of 1855" "the Act of 1869" and "the Order of 1904" mean respectively the Hartlepool Port and Harbour Act 1855 the Hartlepool Port and Harbour Act 1869 and the Hartlepool Port and Harbour Order 1904;

"The Minister" means the Minister of Transport;

"Authorised rates" means the dues duties rates and tolls which the Commissioners are for the time being authorised to levy demand take and receive in pursuance of the Act of 1855 the Act of 1869 and the Order of 1904 as amended by this Order or any order made under section 8 (Revision of rates) of this Order;

"Seaplane" includes a flying boat and any other aircraft designed to manœuvre on the water.

Undertakers.

4. The Commissioners shall be the undertakers for carrying this Order into execution.

Application of Harbours Clauses Act 1847 &c.

5.—(1) The definition of the word "vessel" in section 3 of the Harbours Clauses Act 1847 as incorporated with the Act of 1855 the Act of 1869 the Order of 1904 and this Order shall be deemed to include a seaplane on the surface of the water:

Provided that nothing in the Harbours Clauses Act 1847 or this Order shall in any circumstances require or authorise the harbour-master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(2) Sections 12 and 13 16 to 19 and 84 to 87 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Increase of authorised rates.

6. On and after the commencement of this Order the duties authorised by section CXVII (Duties on vessels as in Schedule (A)) and section CXIX (When certain duties may be taken) of the Act of 1855 and specified in Schedule (A) thereto (as amended by the Act of 1869) and the rates and tolls authorised by section 11 (Power to demand and receive rates and tolls in Second Schedule) of the Order of 1904 and specified in the Second Schedule thereto shall be increased by seventy-five per centum.

Rates for seaplanes. 12, 13 & 14 Geo. 6. c. 67.

7. Subject to the provisions of the Civil Aviation Act 1949 or of any order made in pursuance thereof and to the provisions of this Order the Commissioners may demand levy collect and receive in respect of seaplanes entering the harbour such reasonable rates as may from time to time be approved by the Minister which rates shall be in lieu of the authorised rates leviable by the Commissioners on or in respect of vessels.

Revision of rates.

8.—(1) If it is represented by application in writing to the Minister—

(*a*) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(*b*) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application ; or

(*c*) by the Commissioners ;

that in the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commissioners where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the

Commissioners or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Commissioners being insufficient or more than sufficient to enable the Commissioners with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Commissioners may reasonably be expected to expend) making good depreciation providing for any contributions which the Commissioners may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Commissioners being insufficient to enable the Commissioners to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Commissioners were authorised to levy demand and recover under or by virtue of the Act of 1855 the Act of 1869 and the Order of 1904.

23 & 24 Geo. 5. c. 51.

(7) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

Costs of Order.

9. All costs charges and expenses of and incident to the preparing for and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.
Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament
LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
Price 4*d*. net
PRINTED IN GREAT BRITAIN
(75071)

Pier and Harbour Order (Caernarvon) Confirmation Act, 1950

14 GEO. 6 **Ch. xxxiii**

ARRANGEMENT OF SECTIONS

Section.

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

CAERNARVON HARBOUR

1. Short and collective titles.
2. Commencement of Order.
3. Interpretation.
4. Undertakers.
5. Substitution of new Schedule (A) to Act of 1809.
6. Increase of rates in Schedule (B) to Act of 1809.
7. Increase of rates in Schedules (C) and (D) to Act of 1809.
8. Rates on seaplanes.
9. Rates for services and accommodation not otherwise provided for.
10. Revision of rates.
11. Amendment of section 40 of Act of 1809.
12. Repeal of section 15 of Act of 1793.
13. Costs of Order.

SCHEDULE (A).—Rates and tolls on vessels and passengers entering using leaving or passing through the port.

Part I—Vessels.
Part II—Vessels not included under Part I.
Part III—Additional rates on vessels.
Part IV—Passengers.