CHAPTER xxii.

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

[30th July 1948.]

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 (Redcar) Confirmation Act 1948.

SCHEDULE.

REDCAR PIER.

Provisional Order to confirm the acquisition of the undertaking of the Redcar Pier Company Limited by the mayor aldermen and burgesses of the borough of Redcar to confer powers upon them in connection therewith and for other purposes.

Short title.

1. This Order may be cited as the Redcar Pier Order 1948.

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 the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires—

"authorised rates" means the rates or charges which the Corporation are for the time being authorised to levy demand receive and recover in pursuance of this Order and "authorised rate" means any one of the said rates or charges;

"the borough" means the borough of Redcar;

"the Corporation" means the mayor aldermen and burgesses of the borough;

"the council" means the council of the borough;

"the company" means the Redcar Pier Company Limited;

"the conveyance" means the conveyance dated the second day of August nineteen hundred and forty-six which is confirmed by this Order;

"the date of transfer" means the date of completion of the purchase of the pier and the pier undertaking in accordance with the conveyance;

"the pier" means the pier which is described in section 3 (Description of pier) of the Order of 1871 and the land buildings works plant property and conveniences connected therewith or any part thereof as the case may be;

"the pier undertaking" means the undertaking in connection with the pier vested in the Corporation by this Order;

29 & 30 Vict. c. 58.

"the Order of 1866" means the Redcar Pier Order 1866 confirmed by the Pier and Harbour Orders Confirmation Act 1866;

34 & 35 Vict. c. xcvii.

"the Order of 1871" means the Redcar Pier Order 1871 confirmed by the Pier and Harbour Orders Confirmation Act 1871 (No. 2);

"the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

from such committee and subject as aforesaid the provisions of section 85 of the Local Government Act 1933 shall apply to any such committee as is referred to in this section.

23 & 24 Geo. 5. c. 51.

Limits.

10. The limits within which the Corporation shall have authority under this Order and within which the powers of the pier master may be exercised shall comprise the pier and an area within a distance of fifty yards from any part of the pier which limits are in this Order referred to as "the limits of this Order."

Power to maintain and improve pier &c.

11.—(1) Subject to the provisions of this Order the Corporation may within the limits of this Order rebuild maintain repair renew widen alter improve and extend the pier and in connection therewith may from time to time construct erect maintain alter and improve all necessary jetties landing-places approaches roads sewers drains watercourses cuts gas and water pipes electric light and power works steps warehouses offices sheds marine garages and other buildings cranes weighing machines machinery moorings buoys and other works apparatus and conveniences and may also from time to time lay down and maintain rails tramways and turntables on and along the pier.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until the Minister is satisfied that such line is fit for that use.

(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

41 & 42 Vict. c. 76.

(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

45 & 46 Vict. c. 56.

Power to erect pavilions and other buildings.

12. The Corporation may construct and maintain on the pier and may furnish and equip fishing platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle-stands bandstands shops bazaars kiosks aquaria lavatories baths and sanitary and other conveniences and they may also construct under the pier head and maintain floating swimming-baths and may provide passenger-carrying vehicles on the pier and may make such reasonable charges as they may determine for the use of such conveniences for admission to such buildings or places and for the use of such vehicles as aforesaid.

Power to use pier &c. for entertainments &c.

11 & 12 Geo. 6. c. 26.

13. The Corporation may use or allow to be used or let the pier and any premises provided under the last preceding section of this Order for the purposes and subject to the provisions of section 13 of the Local Government Act 1948 (which purposes shall be deemed to include pyrotechnic displays competitions decorative illuminations and flood lighting).

"the Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847; 10 & 11 Vict. c. 27.

"vessel" includes a seaplane on the surface of the water;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water;

"the Minister" means the Minister of Transport.

Undertakers.

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

Incorporation of Lands Clauses Acts.

5.—(1) 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) so far as they are not inconsistent with the provisions of this Order are hereby incorporated with this Order.

(2) For the purposes of the incorporation of the said Acts the expression "the Special Act" in those Acts shall mean this Order.

Application of Harbours Clauses Act 1847.

6.—(1) In the application to this Order of the Harbours Clauses Act 1847 the word "vessel" shall include a seaplane on the surface of the water:

Provided that nothing in the Harbours Clauses Act 1847 or this Order shall authorise a pier master or other officer to require the dismantlement of a seaplane or any part thereof or the making of any alteration modifying in any way its structure or equipment or otherwise affecting its airworthiness.

(2) Sections 6 to 13 16 to 19 25 26 49 50 60 and 84 to 90 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Acquisition of pier undertaking by Corporation.

7.—(1) The conveyance (a copy of which is set forth in the First Schedule to this Order) is hereby confirmed and made binding on the parties thereto respectively.

(2) Subject to the provisions of the section of this Order of which the marginal note is "Crown rights" the pier and the pier undertaking are hereby vested in and may be maintained and carried on by the Corporation.

Saving rights of action.

8. Subject to the provisions of this Order nothing in this Order contained shall be held to prejudice or affect any action or suit or right or cause of action or suit or any remedy which at the date of transfer may have been pending by or against the company or which the company may have against any person or which any person may have against the company but all such actions suits rights causes and remedies may be enforced or prosecuted by or against the company as if this Order had not been made.

Pier committee.

9. The Corporation may at any time and from time to time by resolution appoint as members of any committee appointed by the Corporation for the management of the pier and the pier undertaking and for such period as the Corporation may determine any number of persons not being members of the council being persons of experience in or having special knowledge of the pier undertaking and any such person may be at any time removed by the Corporation

Power to set apart part of pier for special purposes.

14.—(1) The Corporation may set apart any part of the pier or any premises provided under the section of this Order of which the marginal note is "Power to erect pavilions and other buildings" for exclusive use for any of the purposes authorised by the last preceding section or any other special purpose and they may when such part of the pier or any such premises are so set apart demand and take or permit to be demanded or taken such reasonable sums as they from time to time think fit and direct for the admission of persons thereto and may exclude therefrom all persons by whom the sums so directed to be demanded and taken shall not have been paid.

(2) The Corporation shall notwithstanding that part of the pier has been set apart under this section reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of any special charge authorised by this section so long as they use the pier as a passage only and do not remain upon the part of the pier set apart as aforesaid.

Power to dredge.

15.—(1) The Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to any extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Minister having been first obtained.

(3) The powers of the Corporation under this section shall be exerciseable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Minister on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Corporation to the Commissioners of Crown Lands or the Minister of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Corporation under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Minister as the case may be.

(4) All money arising from any sale or other disposition of sand mud or other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue of the pier undertaking.

Power to purchase dredgers &c.

16. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums

received in respect of any such letting on hire shall be deemed to form part of the revenue of the pier undertaking and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Goods not to be landed without consent.

17. No merchandise animals or goods (passengers' personal luggage excepted) shall be landed on or at the pier otherwise than with the consent of the Corporation.

Restrictions on mooring.

18. No vessel or boat of any kind shall be moored or attached alongside or to the pier without the consent of the Corporation or the pier master.

Power to levy rates.

10 & 11 Geo. 5. c. 80.

19. The Corporation may within the limits of this Order subject and according to the provisions of this Order levy demand receive and recover for the use of the pier and the conveniences connected therewith and subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any Order made in pursuance thereof in respect of seaplanes using the pier such reasonable rates as may from time to time be approved by the Minister and in respect of all other vessels boats persons goods and things of every description and for services described in the Second Schedule to this Order any rates not exceeding those specified in that schedule.

Power to vary exemptions and compound for rates.

20. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the pier in the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Charges for services &c. not otherwise provided for.

21. The Corporation may make reasonable charges for all services rendered facilities afforded work done and plant and machinery or appliances provided by them at the pier in so far as such charges are not expressly provided for by this Order.

Payment of rates not to confer right to use buildings.

22. No pass ticket or payment of rates payable under this Order for the use of the pier shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the pier or any of them or any part of the pier which is set apart for a particular purpose unless the Corporation otherwise determine.

Fishermen and pilots exempted from rates.

23. All fishermen and pilots shall at all times have free ingress passage and egress to on along and from the pier for the purpose of embarking in or disembarking from their boats at the pier when about to exercise or having exercised their respective callings but not for any other purpose and on such occasions no rates or charges shall be chargeable on such fishermen and pilots or their boats.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those 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 pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

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 or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the pier.

Power to charge higher rates at certain times.

26.—(1) Notwithstanding anything contained in this Order the Corporation may charge for every person entering upon and using the pier between the hours of six o'clock in the afternoon and ten o'clock in the afternoon on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six o'clock in the afternoon and ten o'clock in the afternoon) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six o'clock in the afternoon on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Corporation shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

Power to close pier on special occasions.

27.—(1) The Corporation may on any special occasions but not on more than twelve days in any one year or for more than three days consecutively close the pier or any part thereof against the public and may on such occasions admit any person to the pier or such part on payment of such special rate of admission not exceeding one shilling for each person as the Corporation may determine.

(2) On all such occasions the Corporation shall reserve a sufficient passage along the pier between the landing steps and the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rate so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the Second Schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) During at least two days before the day on which the pier is to be closed the Corporation shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

Pass and family tickets.

28.—(1) The Corporation may grant pass tickets or family tickets to passengers and promenaders or others for the use of the pier (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Corporation may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Corporation shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

Revision of rates.

29.—(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 any person who in the opinion of the Minister is a proper person for the purpose ; or

(*b*) by the Corporation ;

that in the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them 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 section.

(2) An application made to the Minister under 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 for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate 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 cause an inquiry to be held in reference thereto and the provisions of the section of this Order of which the marginal note is "Inquiries by Minister" shall apply to such inquiry as if it were an inquiry held in pursuance of that section :

Provided that in cases where no objection has been made to the application or where any objection which has been made has either been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

undertaking or subject to the provisions of this Order if that shall be insufficient out of the general rate fund and the general rate or one or other of them save in so far as such moneys shall be properly payable out of moneys authorised by this Order to be borrowed.

Power to borrow.

33.—(1) The Corporation may independently of any other borrowing power from time to time borrow at a rate of interest not exceeding without the consent of the Minister five per centum per annum—

(*a*) for the payment of the costs charges and expenses of and incidental to this Order such sum as may be required for the purpose; and

(*b*) with the consent of the Minister such further sum or sums as may from time to time be required for any of the purposes of the pier undertaking.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

(3) It shall not be lawful to exercise the powers of borrowing conferred by this section otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any Orders for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

8 & 9 Geo. 6. c. 10.
9 & 10 Geo. 6. c. 58.

Application of money borrowed.

34. The money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

Periods for repayment of money borrowed.

35. All money borrowed by the Corporation under this Order shall be repaid within the respective periods following (that is to say):—

(*a*) as to the money borrowed for the purpose (*a*) mentioned in the section of this Order of which the marginal note is "Power to borrow" within five years from the commencement of this Order; and

(*b*) as to money for the purposes (*b*) mentioned in the same section within such period from the date or dates of borrowing the same as the Minister shall prescribe.

Proceeds of sale of lands to be treated as capital.

36. The proceeds of sale of any lands of the Corporation under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation under this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into a sinking fund except to such extent and upon such terms as may be approved by the Minister of Health.

Annual account to be sent to Minister.

37. The Corporation shall within three months after the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the pier undertaking.

Power to sell.

30.—(1) The Corporation may at any time with the previous consent in writing of and upon such terms conditions and restrictions as may be approved by the Minister sell the pier undertaking or any part thereof and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Corporation by this Order and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Order.

(2) The Corporation shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

Power to lease undertaking or rates.

31.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister lease to any company corporation or person (*a*) the pier undertaking or (*b*) the right to collect and retain the authorised rates.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by this Order and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister and the provisions of this Order with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to Corporation to provide money for purposes of Order.

32. The Corporation may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the pier undertaking and the rebuilding maintenance management repair renewal alteration and improvement thereof and the payment of expenses in connection therewith out of the revenue of the pier

38. The Corporation may accept and apply towards the purposes of the pier and the pier undertaking any moneys which may be granted or contributed to them for those purposes or any of them. Power to accept contributions.

39.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. Byelaws.

(2) As respects byelaws made under this Order the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

40. The Corporation may appoint officers for securing the observance of the byelaws made by the Corporation under this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant. Appointment of officers to enforce byelaws.

41. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiries as if they were an inquiry held in pursuance of subsection (1) of that section. Inquiries by Minister.

42.—(1) The Corporation shall whenever required by the Minister provide at their own expense and to the satisfaction of the Minister a site on or near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. Provision for life-saving apparatus.

(2) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

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

44. The Corporation shall at all times keep at convenient places and in obedience to any requirements which may be made by the Minister life-buoys and life-lines in good order and fit and ready for use. Life-buoys to be kept.

45.—(1) The Corporation shall at the outer extremity of the pier below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. Permanent lights on works.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision against danger to navigation.

46.—(1) In case of injury to or destruction or decay of the pier or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Meters and weighers.

47. The Corporation shall have the appointment of meters and weighers within the limits of this Order.

Recovery of penalties.

48. All penalties under this Order or under any byelaw made under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers exempt from rates.

49. Officers of the Ministry of Transport British sea fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Crown rights.

50. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation 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 Crown Lands or of the Minister respectively without the consent in writing of the Commissioners of Crown Lands or of the Minister as the case may be on behalf of His Majesty first had and obtained for that purpose.

Saving for town and country planning.

22 & 23 Geo. 5. c. 48.
6 & 7 Geo. 6. c. 29.
7 & 8 Geo. 6. c. 47.
9 & 10 Geo. 6. c. 68.
10 & 11 Geo. 6. c. 51.

51.—(1) The provisions of the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946 and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Order shall apply to that development.

(2) This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Application of section 265 of Public Health Act 1875. 38 & 39 Vict. c. 55.

52. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Order as if the same were re-enacted herein.

Pier to be in borough.

53. The pier shall be deemed to be for all purposes within the borough.

Repeal.

54. The Order of 1866 and the Order of 1871 are hereby repealed.

Costs of Order.

55. All costs charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Corporation.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

This conveyance is made the second day of August one thousand nine hundred and forty-six between THE REDCAR PIER COMPANY LIMITED a company registered under the Companies Acts and whose registered office is situate at the Pier Pavilion Redcar in the county of York (hereinafter called "the Company") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF REDCAR aforesaid (hereinafter called "the Corporation") of the other part.

WHEREAS:

1. The Company is the estate owner in fee simple free from incumbrances of the property hereby assured on which the pier and buildings and erections in connection therewith are erected subject only to the yearly rent of one shilling (if demanded) and to the exceptions reservations covenants and conditions contained in a conveyance dated the fourteenth day of September one thousand eight hundred and seventy-one and made between the Queen's most Excellent Majesty of the first part the Board of Trade of the second part and the Company of the third part so far as the same are still subsisting and capable of taking effect.

2. The Company has by virtue of the powers and provisions contained in its memorandum and articles of association and the Acts of Parliament and Orders specified in the Second Schedule hereto and of all other powers in that behalf them hereunto enabling erected the said pier and the buildings in connection therewith and carried on there the business of pier proprietors and other businesses incidental thereto.

3. By an agreement dated the fourteenth day of May one thousand nine hundred and forty-six and made between the Company of the one part and the Corporation of the other part the Company has agreed to sell and the Corporation have agreed to purchase the whole of the Company's undertaking including the said freehold premises and contents as at present existing and all the Company's rights interest and goodwill in the said business (excluding the share capital book debts cash in hand and at the bank) free from incumbrances at the price of two thousand pounds.

Now this deed witnesseth as follows:

1. In pursuance of the said agreement and in consideration of the sum of two thousand pounds now paid by the Corporation to the Company (the receipt whereof the Company hereby acknowledges) the Company as beneficial owner hereby conveys unto the Corporation all and singular the premises described in the First Schedule hereto

to hold the same unto the Corporation in fee simple subject nevertheless to the payment of the yearly rent of one shilling (if demanded) reserved by and to the exceptions reservations covenants and conditions contained in the before recited conveyance of the fourteenth day of September one thousand eight hundred and seventy-one and to the conditions restrictions and regulations set out in the Redcar Pier Orders of 1866 and 1871 so far as the same are still subsisting and capable of taking effect.

2. In further pursuance of the said agreement and for the consideration aforesaid the Company as beneficial owners hereby assign unto the Corporation First the goodwill of the business of pier proprietors carried on by the Company upon the said lands and premises hereby conveyed and the right to use the name so far as the Company has power to confer such right of "the Redcar Pier" in connection with the said business in continuation of the said premises carried on by the Company as aforesaid and Secondly all that the pier undertaking of the Company including so far as the Company can lawfully assign the same the statutory undertaking of a pier authority created by the erection of the said pier and by exercise and performance by the Company of the powers and duties conferred on the Company by the said Redcar Pier Orders of 1866 and 1871 and of all other statutory provisions whatsoever in that behalf and all other the undertakings of the Company together also with all the contents of the said pier as at present existing and the benefit of all other property rights whatsoever and wheresoever of the Company (except the share capital book debts cash in hand and at the bank) to hold the same unto the Corporation absolutely.

3. The Corporation hereby covenant with the Company that the Corporation will observe and perform the exceptions reservations covenants and conditions contained or referred to in the recited conveyance of the fourteenth day of September one thousand eight hundred and seventy-one and the conditions restrictions and regulations set out in the said Redcar Pier Orders of 1866 and 1871 so far as aforesaid and will keep the Company indemnified from and against all actions costs claims and demands on account or in respect of any future breach non-observance or non-performance thereof.

4. The Company hereby covenant with the Corporation that the Company will keep the Corporation indemnified in respect of all outgoings relating to the said lands premises pier structures business and undertaking incurred or due or payable to the date hereof including all liabilities in respect thereof then previously incurred but not discharged and against all proceedings costs damages claims demands and liability in respect of such outgoings and liability.

In Witness whereof the Company and the Corporation have caused their respective common seals to be hereunto affixed the day and year first hereinbefore written.

1ST SCH. —*cont.*

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece of land being part of the foreshore and bed of the sea below high-water mark delineated and coloured red on the plan annexed to the recited conveyance of the fourteenth day of September one thousand eight hundred and seventy-one as is occupied by the pillars and supports of the pier jetty and landing-place erected by the Company at Redcar aforesaid commencing at or near a point on the esplanade nearly opposite Clarendon Street Redcar aforesaid and extending from such point into the sea a distance of one thousand three hundred feet in an east-north-easterly direction or thereabouts together with all buildings and erections now standing and being thereon and in their present condition and including all the right interest and liability of the Company in the portion of the pier structure formerly forming the northern end thereof but now lying on the sea bed to the north-east thereof.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

6th August 1866—Redcar Pier Order 1866.

6th August 1866—Pier and Harbours Order Confirmation Act 1866.

31st March 1871—Redcar Pier Order 1871.

13th July 1871—Pier and Harbour Orders Confirmation Act 1871 (No. 2).

The common seal of THE REDCAR PIER COMPANY LIMITED was hereunto affixed in the presence of— } L.S.

T. K. G. RIDLEY Director

C. O. HARRISON Director

G. HISER Secretary

The common seal of the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH of REDCAR was hereunto affixed in the presence of— } L.S.

J. S. DIXON Mayor

H. CALDWELL Town Clerk.

SECOND SCHEDULE.

I.

RATES ON VESSELS ANCHORING OR MOORING AT THE PIER OR WITHIN THE LIMITS OF THIS ORDER.

	£	s.	d.
For every lighter each trip per ton	0	0	6
For every boat entirely open landing or taking on board passengers or goods each	0	0	6
For every other vessel under the burden of 15 tons per ton register...	0	0	4
For every vessel of the burden of 15 tons and under 50 tons per ton register	0	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton register	0	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton register	0	0	10
For every vessel of the burden of 150 tons and upwards per ton register	0	1	0

II.

RATES FOR GOODS SHIPPED UNSHIPPED OR TRANSHIPPED WITHIN THE LIMITS OF THIS ORDER.

	£	s.	d.
Light goods per cubic foot	0	0	1
Heavy goods per ton	0	2	0

Light goods shall be deemed to be goods or articles the weight of which is less than 56 lbs. per cubic foot measurement.

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

2ND SCH. —*cont.*

III.

RATES FOR THE USE OF CRANES AND WEIGHING MACHINES.

(1) *Cranes.*

	£	s.	d.
All goods not exceeding one ton	0	0	3
Exceeding one ton and not exceeding two tons	0	0	4
Exceeding two tons and not exceeding three tons	0	0	6
Exceeding three tons and not exceeding four tons	0	0	8
Exceeding four tons and not exceeding five tons	0	0	10
Exceeding five tons and not exceeding six tons	0	1	0
Exceeding six tons and not exceeding seven tons	0	1	2
Exceeding seven tons and not exceeding eight tons... ...	0	1	4
Exceeding eight tons and not exceeding nine tons	0	1	8
Exceeding nine tons and not exceeding ten tons	0	2	0
Exceeding ten tons	0	3	0

(2) *Weighing machines.*

For goods weighed for each ton or part of a ton	0	0	2

IV.

RATES FOR USE OF PIER.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding	0	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for fishing bathing embarking or disembarking for each time any sum not exceeding	0	0	3
For every bath-chair (including attendant) taken on the pier for each time any sum not exceeding	0	0	4
For every perambulator (including attendant) taken on the pier for each time any sum not exceeding...	0	0	4
For every person using the pier for the purpose of fishing for each time any sum not exceeding	0	0	6
For every person using the pier for the purpose of bathing for each time any sum not exceeding	0	0	6
For every motor car taken on the pier but not shipped or unshipped for each time any sum not exceeding ...	0	5	0
For every lorry taken on the pier but not shipped or unshipped for each time any sum not exceeding per ton ...	0	3	0
For every bicycle or tricycle taken on the pier but not shipped or unshipped for each time any sum not exceeding	0	0	2

For any vehicle not otherwise specified such rate as the Corporation may determine.

The master and every member of the crew of any vessel within the limits of this Order shall be entitled to use the pier free of charge for the purpose of landing from or embarking on board his vessel.

V.

RATES ON PASSENGERS' LUGGAGE.

	£	s.	d.
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 28 lbs.	0	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	0	8
If exceeding 2 cwt. for every 28 lbs. weight in addition ...	0	0	1

VI.

RATES FOR SUPPLYING WATER ON PIER.

Water per 100 gallons	0	1	0

VII.

RATES FOR ANIMALS.

Horses	each	0	1	6
Asses mules bulls cows and oxen	each	0	1	0
Calves sheep and pigs	each	0	0	3
Lambs dogs and other small animals	each	0	0	2

For any animal not otherwise specified such rate as the Corporation may determine.

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