CHAPTER xxxvi.

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

[26th July 1946.]

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:—

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. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order (Skegness) Confirmation Act 1946. Short title.

SCHEDULE.

SKEGNESS PIER.

Provisional Order authorising the increase of certain of the maximum rates tolls and charges leviable by the Skegness Pier Company Limited and for other purposes.

Short and collective titles. 42 & 43 Vict. c. lv.

1.—(1) This Order may be cited as the Skegness Pier Order 1946.

(2) The Skegness Pier Order 1879 and this Order may be cited together as the Skegness Pier Orders 1879 and 1946.

Commencement.

2. This Order shall come into force 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. 10 & 11 Vict. c. 27.

3.—(1) In this Order unless the context otherwise requires words and expressions to which by the Harbours Clauses Act 1847 meanings are assigned have in this Order the same respective meanings And

"the Company" means the Skegness Pier Company Limited;

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

"the undertaking" means the undertaking of the Company authorised by the Order of 1879 and this Order;

"the Order of 1879" means the Skegness Pier Order 1879;

"the Minister" means the Minister of Transport.

(2) In this Order and the Order of 1879—

"vessel" includes a seaplane on the surface of the water and craft of unusual construction;

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

Undertakers.

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

Application of Harbours Clauses Act 1847.

5.—(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 and craft of unusual construction:

Provided that nothing in the Harbours Clauses Act 1847 or the Order of 1879 or this Order shall in any circumstances require or authorise the

pier 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 16 to 19 and 21 to 23 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Increase of rates.

6. On and after the commencement of this Order the Order of 1879 shall be read and have effect as if the schedule to this Order were substituted in the Order of 1879 for Part I of the schedule to that Order.

Dues on seaplanes. 10 & 11 Geo. 5. c. 80. 26 Geo. 5. & 1 Edw. 8. c. 44.

7.—(1) Subject to the provisions of the Air Navigation Acts 1920 and 1936 and any Act amending or extending those Acts or of any Order made in pursuance thereof and to the provisions of this Order the Company may demand levy collect and receive on and in respect of seaplanes using the pier such reasonable rates as may from time to time be approved by the Minister which rates shall as respects seaplanes be in lieu of the rates leviable by the Company under the Order of 1879 on and in respect of vessels.

(2) The provisions of section 9 of the Order of 1879 (so far as applicable) shall apply to the rates mentioned in the foregoing subsection as if those rates were rates authorised to be taken by that Order.

Power to set apart part of pier &c. for special purposes.

8.—(1) The Company may set apart any part of the pier or any building or erection thereon for exclusive use for the purposes of concerts lectures entertainments or amusements or any other special purpose and they may when such part of the pier or any such building or erection are so set apart demand and take or permit to be demanded and taken such reasonable sums as they may 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 :

Provided that for the purposes of this section the expression " amusements or any other special purpose " shall not include merry-go-rounds roundabouts rides flying-boats or other mechanical contrivances of a similar nature of which the predominant characteristic is either movement or noise.

(2) The Company 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 or jetties 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 lease undertaking.

9.—(1) The Company 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 the undertaking to any company corporation or person.

(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 Company by the Order of 1879 and this Order which the Company have or might exercise under the Order of 1879 or this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under the Order of 1879 and 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 Company 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 Company 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 the Order of 1879 as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under the Order of 1879 or this Order.

Power to lease pavilions &c.

10.—(1) The Company may let for hire or lease for any term not exceeding fourteen years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may determine.

(2) The words "and may lease the same or any of them upon such terms and conditions and for such period not exceeding three years to take effect in possession as the Company may think fit" in section 9 of the Order of 1879 are hereby repealed.

Officers exempt from rates.

11. Officers of the Board of Trade and 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.

Costs of Order.

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

SCHEDULE.

RATES ON PASSENGERS AND PROMENADERS.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel packet or passage-boat for each time any sum not exceeding	0	1	0
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding	0	1	0
For every Bath or sedan chair (including attendant) taken on the pier for each time any sum not exceeding ...	0	1	0
For every perambulator (including attendant) taken on the pier for each time any sum not exceeding	0	1	0
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	1	0	0

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