CHAPTER lxxv.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Blackpool (South Shore) Helensburgh Montrose Penarth and Whitehaven. [1st August 1924.]

A.D. 1924.

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 the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Orders made by the Minister of Transport 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 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 Orders as amended and set out in the schedule to this Act shall be and the same are 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 Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1924. Short title.

[*Price* 3*s. Net.*]

A.D. 1924.

The SCHEDULE of Orders.

1. BLACKPOOL (SOUTH SHORE).—Increase of pier toll &c.

2. HELENSBURGH.—Revision of harbour rates and additional borrowing powers &c.

3. MONTROSE.—Increase of certain harbour rates and additional borrowing powers &c.

4. PENARTH.—Transfer of pier to Penarth Urban District Council &c.

5. WHITEHAVEN.—Increase of certain harbour rates &c.

SCHEDULE.

BLACKPOOL (SOUTH SHORE) PIER.

Provisional Order for varying certain rates chargeable in respect of the use of Blackpool (South Shore) Pier.

Blackpool Order.

Short and collective titles.

1. This Order may be cited as the Blackpool (South Shore) Pier Order 1924 and the Blackpool (South Shore) Pier Order 1891 and this Order may be cited together as the Blackpool (South Shore) Pier Orders 1891 and 1924.

Commencement of Order.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed.

Undertakers.

3. The Blackpool (South Shore) Pier and Pavilion Company Limited shall be the undertakers for carrying this Order into execution and are in this Order referred to as "the Company."

Alteration of rate for promenaders.

4. The following rate shall be substituted for the corresponding rate contained in the first part of the Schedule to the Blackpool (South Shore) Pier Order 1891 :—

For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except of embarking or disembarking for each and every time any sum not exceeding threepence.

Annual accounts to be sent to Ministry of Transport.

5.—(1) The Company shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts and balance sheet.

(2) The Company shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provision.

(3) The accounts of the Company referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the twentieth day of October in each year.

A.D. 1924.

Blackpool Order.

(4) Section 25 (Annual account to be sent to the Board of Trade) of the Blackpool (South Shore) Pier Order 1891 is hereby repealed.

Costs of Order.

6. 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.

HELENSBURGH HARBOUR.

Helensburgh Harbour.

Provisional Order to alter and amend the rates and charges leviable at Helensburgh Harbour and for other purposes.

Short and collective titles and construction.

1.—(1) This Order may be cited as the Helensburgh Harbour Order 1924.

(2) The Act passed in the ninth year of the reign of Her late Majesty Queen Victoria chapter 16 entitled "An Act for improving and maintaining the port and harbour of Helensburgh in the county of Dumbarton" (in this Order referred to as "the Act of 1846") and the Helensburgh Harbour Order 1896 (in this Order referred to as "the Order of 1896") and this Order may be cited together as the Helensburgh Harbour Act and Orders 1846 to 1924.

(3) The Act of 1846 as amended by the Order of 1896 and the Order of 1896 as amended by this Order and this Order shall be read and construed together except so far as such construction would be inconsistent with or contrary to the purposes thereof.

(4) For the purposes of the aforesaid Act and Orders so read together and except as the context may otherwise require the expressions "the Commissioners" and "this Order" in the Order of 1896 mean "the Town Council" and "this Order" respectively.

Commencement of Order.

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.—(1) In this Order—

"The Town Council" means the provost magistrates and councillors of the burgh of Helensburgh;

"The former Act and Order" means the Act of 1846 and the Order of 1896;

Helensburgh Harbour.

"The harbour" means the harbour of Helensburgh and the pier quays and other works connected therewith within the limits described in section 18 of the Order of 1896.

(2) Section 110 (Not to extend to ships of war &c.) of the Act of 1846 is hereby repealed and in the application to this Order of the Harbours Docks and Piers Clauses Act 1847 the expressions "packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that noth'ng in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Repeal of existing rates and substitution of other rates.

4.—(1) The schedule to the Order of 1896 is hereby cancelled and repealed and from and after the commencement of this Order the Town Council may subject to the provisions of the former Act and Order as amended by this Order demand recover and receive for the use of the harbour and the works and conveniences connected therewith and in respect of vessels boats vehicles persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule and all the provisions of the former Act and Order relating to the schedule to the Order of 1896 including the provisions as to levying rates and the security over rates for borrowed money shall subject to the provisions of this Order be read and have effect as if the schedule to this Order had formed the schedule to the Order of 1896.

(2) Section 21 (Rates for use of warehouses) of the Order of 1896 is hereby repealed and the Town Council may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Town Council or in respect of any services rendered by them in connection with the harbour.

(3) All dues rates and moneys leviable and becoming due before the commencement of this Order may be levied recovered and received in like manner as if this Order had not been made.

Increase of borrowing powers.

5. In addition to the sum not exceeding nine thousand pounds authorised to be borrowed under section 31 (Power to borrow money) of the Order of 1896 the Town Council may borrow a further sum not exceeding two thousand five hundred pounds and all the provisions of the Order of 1896 shall in so

A.D. 1924.

Helensburgh Harbour.

far as applicable apply to any moneys borrowed by the Town Council under this Order except and provided that the provisions which relate to the repayment of borrowed money by way either of instalments or of a sinking fund shall for the purpose of such application be read and have effect as if twenty years had been named therein instead of fifty years.

Application of money borrowed.

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

Costs of Order.

7. The 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 town council out of money borrowed or out of the rates leviable by them under this Order.

The SCHEDULE referred to in the foregoing Order.

PART I.

RATES ON VESSELS.

For each steamboat touching at the piers quays or jetties or landing or embarking one or more passengers at or within the limits of the harbour any sum not exceeding five shillings per trip but such charge shall not exceed for the same steamboat for any twelve months (or any part thereof) commencing on the fifteenth day of May the following sums videlicet:—

For each steamboat making one voyage daily fifteen pounds;

For each steamboat making one and not exceeding two voyages daily twenty pounds;

For each steamboat exceeding two voyages daily thirty-five pounds.

A voyage to include touching at the piers quays or jetties passing on and returning and landing passengers or goods.

Steamboats touching at the piers quays or jetties daily for the space of one month to be entitled to the advantage of the limitations above specified.

For sailing rowing and other boats touching at the said piers quays or jetties or landing or embarking goods or passengers at the harbour any sum not exceeding the rates following videlicet:—

Under two tons burden twopence per trip or ten shillings for any twelve months (or any part thereof) commencing on the fifteenth day of May;

Two and under ten tons burden sixpence per trip or twenty shillings for any twelve months (or any part thereof) commencing on the fifteenth day of May;

Ten and under twenty tons burden one shilling per trip or thirty shillings for any twelve months (or any part thereof) commencing on the fifteenth day of May;

Twenty tons burden and upwards one penny per ton per trip;

Motor boats sixpence per trip or ten shillings for any twelve months (or any part thereof) commencing on the fifteenth day of May.

In the event of any steam or other boat or vessel not paying composition dues as aforesaid remaining in the limits of the harbour more than twenty-four hours the foregoing rates shall be payable for each twenty-four hours or part thereof after the first twenty-four hours.

GENERAL NOTE.

All composition dues payable in advance.

PART II.

RATES ON GOODS &c.

Articles of Export or Import.	Weight or Measure.	Rate. £	s.	d.
Ale porter and beer	per 54 gallons	0	1	0
Ale porter and beer bottled	per gross	0	1	0
Alum	per cwt.	0	0	1¾
Aerated waters all kinds	per ton	0	1	8
Animals live viz.:—				
Asses and mules	each	0	0	6
Bulls cows and oxen	each	0	0	6
Calves	each	0	0	3
Horses	each	0	1	0
Ponies	each	0	0	6
Sheep and lambs	per score	0	0	6
Swine and pigs	each	0	0	3
Bacon or hams	per ton	0	3	4
Butter	per cwt.	0	0	3
Boxes empty	each	0	0	1
Bricks	per 1,000	0	0	6
Carriages with springs under 5 cwt.	each	0	1	0
Carriages with springs 5 cwt. and under 7½ cwt.	each	0	2	0
Carriages with springs 7½ cwt. and under 10 cwt.	each	0	3	0

A.D. 1924.

Helensburgh Harbour.

Articles of Export or Import.	Weight or Measure.	Rate. £	s.	d.
Carriages with springs 10 cwt. and above (But not to apply to carriages carrying passengers to or from steamers)	each	0	5	0
Cement	per ton	0	1	0
Coals	per ton	0	0	3
Corn viz.:—				
Barley bere or bigg	per ton	0	0	6
Beans	per ton	0	0	6
Flour	per ton	0	0	6
Indian corn	per ton	0	0	6
Oatmeal	per ton	0	0	6
Oats	per ton	0	0	6
Peas	per ton	0	0	6
Wheat	per ton	0	1	0
Dung	per ton	0	0	4
Eggs	per cwt.	0	0	3
Fish:—				
Herrings fresh	per 37½ gallons	0	0	2
Herrings cured	per 26⅔ gallons	0	0	2
Herrings in barrels imported or exported	per 26⅔ gallons	0	0	2
Not otherwise specified:—				
Fresh	per ton	0	1	0
Dried	per ton	0	1	0
Pickled or salted	per ton	0	0	9
Fruit of all kinds	per cwt.	0	0	3
Furniture household	per cwt.	0	0	1
Glass of all descriptions	per cwt.	0	0	2
Lime	per ton	0	0	6
Machinery	per cwt.	0	0	2
Manures manufactured and not otherwise enumerated	per ton	0	0	6
Paper of all kinds	per cwt.	0	0	2
Pipes drain	per 1,000	0	0	6
Potatoes	per ton	0	0	6
Preserved provisions all kinds	per cwt.	0	0	2
Salt in bulk	per ton	0	0	6
Salt rock	per ton	0	0	6
Salt in barrel including dues of barrel	per ton	0	0	6
Sand	per ton	0	0	2
Slates of all kinds	per 1,000	0	0	6
Soap hard and soft	per cwt.	0	0	1
Spirits of all kinds	per 54 gallons	0	1	4
Stones:—				
Causeway granite and whin	per ton	0	0	3
Freestone building	per ton	0	0	3
Grindstones	each	0	0	2

Articles of Export or Import.	Weight or Measure.	Rate.	£	s.	d.
Stones—*continued.*					
Kerb pavement and building	per ton		0	0	4
Marble	per ton		0	1	0
Rubble chips and road metal	per ton		0	0	2
All other descriptions	per ton		0	0	6
Sugar of all kinds	per ton		0	0	8
Tiles roofing	per 1,000		0	0	6
Vegetables	per ton		0	0	6
Wine	per 54 gallons		0	1	6
Wine bottled	per gross		0	1	0
Wood	per ton		0	0	6

For all articles not specified in this part of the schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weight measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single packet shall be one penny.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from dues.

Part III.

Rates for use of Cranes Weighing Machines and Sheds.

1. *Cranes.*

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

A.D. 1924

2. *Weighing Machines.*

		£	s.	d.
Helensburgh Harbour.	For goods weighed for each ton or part of a ton - -	0	0	2

3. *Sheds.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any shed or on the pier for a longer time than six hours the sum of fourpence and the sum of twopence for each 40 cubic feet or ton for each six hours during which such goods shall remain after the first six hours.				
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day - - - - - -	per packet	0	0	2

PART IV.

RATES FOR CARRIAGES AND OTHER VEHICLES.

For vehicles passing through gates of the quays for each time of so passing (excepting in returning after having paid for passing through the gates) sums not exceeding the following rates videlicet :—

For each four-wheeled carriage - - -	0	1	0
For each two-wheeled carriage - - -	0	0	6
For each lorry - - - - - -	0	0	6
For each motor car or motor char-a-banc -	0	2	0
For each motor cycle - - - -	0	1	0
For each cart laden or unladen - - -	0	0	3
For each two-wheeled barrow - - - -	0	0	2
For each one-wheeled barrow - - - -	0	0	1

But no charge to be made for the persons driving such vehicles or the animals drawing the same.

PART V.

RATES FOR LICENSED PORTERS.

Licensed porters with the liberty of using one barrow or hurley three pounds per annum.

If more than one barrow or hurley then to pay for each additional barrow or hurley two pounds per annum.

For every one-wheeled barrow or hurley not belonging to a licensed porter for going down and returning on quay with or without a load one penny.

For every two-wheeled barrow or hurley going down and returning on quay twopence.

For each four-wheeled carriage going down and returning or landed from or to be shipped on board any vessel or steamer one shilling. *Helensburgh Harbour.*

PART VI.

RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

For each person of the age of five years or upwards passing through the gate of the quay in either direction for each time of passing a sum not exceeding twopence.

	£	s.	d.
For every trunk portmanteau box parcel or other package within the description of luggage not exceeding 28 lbs. - - - - - -	0	0	1
Over 28 lbs. and not exceeding 112 lbs. - -	0	0	2
Over 112 lbs. and not exceeding 2 cwt. - -	0	0	4
And for every cwt. beyond - - - -	0	0	2
For every bicycle tricycle or other such machine -	0	0	2
For every perambulator bath or sedan chair taken on the pier including the attendant for each and every time any sum not exceeding - - -	0	0	1

The master and every member of the crew of any vessel within the limits of the harbour shall be entitled to pass into or out from and to use any of the piers quays or jetties belonging to the Town Council free of charge for the purpose of landing from or embarking on board his vessel.

MONTROSE HARBOUR.

Provisional Order for increasing certain dues and rates leviable by and for extending the borrowing powers of the Trustees of the Harbour of Montrose and for other purposes. *Montrose Harbour.*

1. This Order may be cited as the Montrose Harbour Order 1924 and shall be read with the Montrose Harbour Acts and Orders 1837 to 1899 as amended and varied by this Order which Acts and Orders may be cited together as the Montrose Harbour Acts and Orders 1837 to 1924. Short and collective titles.

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." Commencement of Order.

A.D. 1924.

Montrose Harbour.

Interpretation.

3. In the application to this Order of the Harbours Docks and Piers Clauses Act 1847 the expressions "packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Increase of dues and rates.

4.—(1) As from the commencement of this Order the provisions of the Montrose Harbour Acts and Orders 1837 to 1899 shall be read and have effect as if the dues prescribed by section 39 (Separate account to be kept of light dues) and Schedule (C) of the Montrose Harbour Order 1878 and the rates prescribed by section 5 (Rates on vessels) section 6 (Rates on goods and fish) and Schedules (A) and (B) of the Montrose Harbour Order 1894 were in each case increased by sixty-six and two-thirds per centum:

Provided that if any due or rate levied in pursuance of this Order includes a fraction of a farthing the fraction if less than half a farthing shall not be charged and if the fraction amounts to half a farthing but is less than a farthing it shall be charged as a farthing.

(2) Section 14 (Power to vary rates) of the Montrose Harbour Order 1894 is hereby repealed.

Power to vary exemptions and compound for rates.

5. The Trustees may confer vary or extinguish exemptions from and compound with any person with respect to the payment of dues or rates authorised by the Montrose Harbour Acts and Orders 1837 to 1924 but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Section 12 (Power to vary exemptions from rates) of the Montrose Harbour Order 1894 is hereby repealed.

Revision of dues or rates.

6.—(1) If at any time it is represented in writing to the Minister of Transport—

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister of Transport a proper person for the purpose; or

(*b*) by the Trustees;

that under the circumstances then existing all or any of the dues or rates authorised by or in pursuance of this Order in

respect of the undertaking of the Trustees should be revised the said Minister may if he thinks fit after inquiry in pursuance of any such representation make an order revising all or any of such dues or rates as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the said Minister made in pursuance of this section Provided that the revised maximum dues or rates as authorised by any such order shall not be less than the dues or rates authorised by the Montrose Harbour Acts and Orders 1837 to 1899 or be more than the statutory maximum dues or rates authorised by this Order.

(2) No application shall be made under this section for a general revision of dues or rates for the time being authorised under this Order within twelve months after the date of an order made by the Minister of Transport for a general revision thereof and no application shall be made for a revision of any particular dues or rates within twelve months after the date of an order made by the said Minister for a general revision or of any previous application for a revision of the particular dues or rates in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or one of the secretaries of the Board."

(4) An application made to the Minister of Transport under this section shall be accompanied by such information and particulars certified in such manner as the said Minister may require and the said Minister and any person duly authorised pursuant to section 2 of the Board of Trade Arbitrations &c. Act 1874 as applied by this section to hold an inquiry for the purposes of this section may call for such documents and accounts as he shall think fit and such person may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose any such person may administer oaths.

Additional borrowing powers.

7.—(1) The Trustees may borrow under this Order—

(*a*) for the purposes of the harbour undertaking and this Order such sums as may be required for those purposes not exceeding in the aggregate three thousand five hundred pounds;

(*b*) with the consent of the Minister of Transport such further sums as may from time to time be required for the purposes aforesaid; and

(*c*) for paying the costs charges and expenses of this Order the sum requisite for that purpose.

A.D. 1924.

Montrose Harbour.

(2) The power to borrow under this Order shall be in addition to any power to borrow under the Montrose Harbour Acts and Orders 1837 to 1899.

(3) Any money borrowed under this Order shall be borrowed on the security of the rates and other revenue and property (other than light dues) payable or belonging to the Trustees under the Montrose Harbour Acts and Orders 1837 to 1924.

(4) Any sum borrowed under this Order shall be applied to the purposes of the Montrose Harbour Acts and Orders 1837 to 1924 to which capital is properly applicable and not otherwise.

(5) Sections 28 and 31 to 33 of the Montrose Harbour Order 1878 shall apply with respect to money authorised to be borrowed under this Order as if the expressions therein "this Order" and "the Harbour Acts" meant respectively this Order and the Montrose Harbour Acts and Orders 1837 to 1899.

Sinking fund.

8. Provision shall be made by the Trustees for the repayment of any money borrowed under this Order by means of a sinking fund formed in accordance with such directions as to the payments to be made to the fund the investment and application of the fund and otherwise in relation thereto as may be given by the Minister of Transport.

Periods for repayment of borrowed money.

9. All moneys borrowed by the Trustees under this Order shall be repaid within the respective periods following that is to say :—

(*a*) As to moneys borrowed under paragraph (*a*) of subsection (1) of the section of this Order whereof the marginal note is "Additional borrowing powers" within twenty years from the date or dates of borrowing the same;

(*b*) As to moneys borrowed under paragraph (*b*) of the said subsection within such period from the date or dates of the borrowing of the same as the Minister of Transport may prescribe;

(*c*) As to moneys borrowed under paragraph (*c*) of the said subsection within five years from the commencement of this Order.

Return as to sinking fund &c. to be made to Ministry of Transport.

10.—(1) The clerk to the Trustees shall within twenty-one days after the thirty-first day of May in each year if during the twelve months next preceding the said thirty-first day of May any sum is required to be paid as an instalment or annual payment or to be appropriated or paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Minister of Transport may require such return to be made transmit to the Ministry of Transport a return in such form as may be prescribed by that

Minister and if required by that Minister verified by statutory declaration of the clerk to the Trustees showing for the year next preceding the making of such returns or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

(2) The clerk to the Trustees in the event of any wilful default by him in making the return under this section shall for each offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Ministry of Transport and shall be recoverable by that Ministry by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by that Ministry out of the High Court.

(3) If it appears to the Minister of Transport by the return under this section or otherwise that the Trustees have failed to pay any instalment or annual payment or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund under this Order (whether such instalment or annual payment or sum is required by this Order or by the Minister of Transport in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the Minister of Transport may by order direct that the sum mentioned in that order not exceeding double the amount in respect of which the default has been made shall be paid or applied as in that order mentioned and that order shall be enforceable by writ of mandamus to be obtained by the Ministry of Transport out of the High Court.

Costs of Order.

11. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto (as taxed by the proper officer) shall be paid by the Trustees.

A.D. 1924.

PENARTH PIER.

Penarth Pier.

Provisional Order for the transfer of the undertaking of the Penarth Promenade and Landing Pier Company Limited to the Urban District Council of Penarth and for other purposes in connection therewith.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Penarth Pier Order 1924.

(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."

Definitions.

2.—(1) In this Order unless the context otherwise requires—

"The Council" means the urban district council of Penarth;

"The district" means the urban district of Penarth;

"The clerk" means the clerk of the Council;

"The district fund" and "the district rate" mean the district fund and general district rate of the district;

"The company" means the Penarth Promenade and Landing Pier Company Limited;

"The purchase agreement" means the agreement dated the twenty-second day of October nineteen hundred and twenty-three and made between the company of the one part and the Council of the other part a copy of which is set forth in the First Schedule to this Order;

"The Order of 1892" means the Penarth Promenade and Landing Pier Order 1892;

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

"The pier" means and includes the existing pier under the Order of 1892 and the works authorised by this Order and all plant buildings and conveniences connected therewith respectively within the limits prescribed by this Order or as the case may be any part thereof;

"The works" means the works authorised by this Order or as the case may be any part thereof;

"The pier undertaking" means and includes the pier and the undertaking and all property and all rights conferred on transferred to or vested in the Council by and under this Order for the purposes thereof;

"The pier revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the pier undertaking under the authority of this Order;

"The date of transfer" means the date upon which the sale and purchase of the pier undertaking are completed in accordance with the purchase agreement;

"Statutory securities" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

3. The Council shall be the undertakers for carrying this Order into execution.

Transfer.

Transfer of pier and undertaking of company.

4.—(1) The purchase agreement is hereby confirmed and made binding on the parties thereto respectively and the same may and shall be carried into effect accordingly.

(2) Subject to the provisions of this Order and of the purchase agreement the pier and the undertaking of the company shall as from the date of transfer be vested in and may be maintained by the Council.

Saving rights of action.

5. Subject to the provisions of this Order nothing in this Order contained shall be held to prejudice or affect any right or cause of action or suit or any remedy which the company have against any person or which any person has against the company

A.D. 1924. but all such rights causes and remedies may be enforced or prosecuted by or against the company as if this Order had not been made.

Penarth Pier.

Documents &c. to be transferred.

6. All documents books maps plans writings papers and effects belonging to or vested in the company evidencing the title of the company to the pier and the undertaking of the company or any part thereof or which may be necessary or convenient for the proper carrying on and working of the pier undertaking by the Council and not needed by the company in order to carry on or wind up their business shall be transferred to and belong to the Council.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

7. 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 and for the purpose of that incorporation the term "the special Act" in those Acts shall mean this Order.

Lands may be acquired by agreement.

8. The Council may by agreement purchase or take on lease for the purposes of the pier and of this Order any additional lands which the Council may deem requisite or convenient not exceeding two acres and any easements rights and interests in over or affecting such lands.

Power to grant easements &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

10. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any rents reserved on the sale exchange lease or

other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

A.D. 1924.

Penarth Pier.

Limits and Works.

Limits.

11. The limits within which the Council shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and the area below high-water mark within a distance of fifty yards from any part of the pier-head which limits are in this Order termed " the limits of the pier."

Power to construct works.

12—(1) Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works in order to prevent injury to navigation the Council may on the lands and in the lines and situation and according to the levels shown on the plan and sections make and maintain the following works with all necessary and convenient works accesses and conveniences connected therewith (that is to say) :—

Work No. 1.—A widening alteration extension or improvement of the existing pier on the northern side thereof commencing on the shoreward side of the sea wall at a point 4 yards or thereabouts measured in a northerly direction from the north-western corner of the existing pier and terminating at a point on the northern side of the existing pier 50 yards or thereabouts measured in a seaward or easterly direction from the point of commencement of the existing pier;

Work No. 2.—A widening alteration extension or improvement of the existing pier on the southern side thereof commencing on the shoreward side of the sea wall at a point 4 yards or thereabouts measured in a southerly direction from the south-western corner of the existing pier and terminating at a point on the southern side of the existing pier 50 yards or thereabouts measured in a seaward or easterly direction from the point of commencement of the existing pier.

(2) The works shall be constructed upon piers or pillars and shall be of open work construction and timber deck throughout.

Power to deviate

13. In constructing the works the Council may deviate laterally within the limits of deviation marked on the deposited plan and may deviate vertically to any extent from the levels shown on the deposited sections Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

A.D. 1924.

Penarth Pier.

Maintenance of Pier &c.

Maintenance and improvement of pier.

14.—(1) Subject to the provisions of this Order the Council may maintain improve and strengthen the pier and in connection therewith may from time to time construct erect maintain alter and improve all necessary jetties landing-places approaches steps warehouses offices sheds and other buildings cranes weighing machines machinery moorings buoys and other works apparatus and conveniences.

(2) Any electric and other apparatus and machinery constructed erected or maintained under this Order shall be so constructed erected maintained and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

(3) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1922 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.

Penalty for injuring works.

15. Every person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences within the limits of the pier shall for every offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Council any expenses incurred by them in making good such damage.

Power to cease in certain cases.

16.—(1) If within two years from the commencement of this Order the works are not substantially commenced the powers given by this Order for executing these works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Minister of Transport.

(2) If the works after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing these works or otherwise in relation thereto shall cease except as to so much of these works as has then been completed unless those powers are by the special direction of the Minister of Transport continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Ministry of Transport to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

(4) The works shall be completed within five years from the commencement of this Order.

Penarth Pier.

Works below high-water mark to be subject to approval of Board of Trade.

17. Subject to the provisions of this Order any work to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such work being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade Any alteration or extension of any such work shall be subject to the like approval If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

18. If at any time the Board of Trade deem it expedient to order a survey and examination of a work constructed by the Council under this Order or in over through or across tidal lands or a tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

19. If a work constructed by the Council on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and be recoverable as a Crown debt summarily.

Power to dredge.

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

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid under the powers contained in subsection (1) of this section shall be the property of the Council who may from time to time sell or otherwise dispose of the same or remove or deposit the same as they may think fit Provided that no sand mud or other materials shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) The powers conferred by this section shall not be exercised and any material dredged up shall not be deposited so

A.D. 1924.

Penarth Pier.

as to interfere with or cause damage to the docks of the Great Western Railway Company at Penarth and Cardiff or the access thereto.

(4) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of this Order the removal or sale of any sand mud or other materials by the Council or their licensees otherwise than to the extent hereinbefore mentioned.

(5) All money arising from any sale or other disposition of sand mud and other material under this section after payment of the expenses connected therewith shall be applied in the same manner as the pier revenue is to be applied under this Order.

Power to purchase dredgers &c.

21. The Council 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 pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.

Power to provide pavilions &c

22. The Council may erect construct and maintain upon the pier and upon any lands acquired by or leased to them under the powers of this Order and may furnish stock and equip fishing platforms pavilions concert rooms reading and refreshment rooms kiosks shops shelters and other buildings and rooms and swimming and other baths with all necessary conveniences and appliances and may make such reasonable charges as they may think fit for the use thereof or for admission thereto as the case may be in addition to the authorised charges for passengers and promenaders using the pier.

Rates.

Power to levy rates.

23.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) As from the date of transfer the Council may subject and according to the provisions of this Order demand recover and receive for the use of the pier and the conveniences connected therewith and in respect of the vessels boats persons animals fish goods matters and things mentioned in the Second Schedule to this Order any sums not exceeding the rates specified in that schedule.

Penarth Pier.

Power to vary exemptions and compound for rates.

24. The Council 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 under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for warehouses &c.

25. The Council may (so far as the rates specified in the Second Schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connection with the pier or the pier undertaking.

Certain fishing vessels under stress of weather exempt from rates.

26. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties 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.

Lifeboat crew exempt from tolls.

27. 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 also 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 without payment.

Exempting officers of the Crown from toll.

28.—(1) Without prejudice to any existing right of His Majesty nothing in this Order shall be deemed to authorise any tolls to be demanded or taken under this Order from any person when on duty in the service of the Crown or from any police officer acting in execution of his duty The expression "the Crown" includes any Government Department.

(2) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every offence be liable on summary conviction to a fine not exceeding ten pounds.

Restrictions on moorings.

29.—(1) No vessel or boat shall anchor or be moored within the limits of the pier without the consent of the Council or their pier master.

(2) No vessel or boat of any kind shall be moored to or alongside the pier without the consent of the pier master except steam vessels or pleasure boats embarking or disembarking passengers

A.D. 1924.

Penarth Pier.

and their luggage which shall have the right to moor to or alongside the pier but only in such position and in such order as the pier master may direct.

Goods not to be landed without consent.

30. No merchandise or goods (passengers' personal luggage excepted) shall be landed on or at the pier or lands acquired by the Council otherwise than with the consent of the Council.

Pass tickets for use of pier.

31.—(1) The Council may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Council may think fit 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 but 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 Council may prescribe the conditions on which pass tickets or family tickets or books of tickets are issued and the persons by whom those 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 family ticket or book of tickets 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.

Power to charge higher rates for evening entertainments.

32.—(1) Notwithstanding anything contained in this Order the Council may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. 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 p.m. and ten p.m.) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding sixpence exclusive of and in addition to any charge which may be made for admission to the pavilion building or room in which the concert or entertainment takes place.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. 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 Council 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 reserve 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.

33.—(1) The Council may on any special occasion but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Council may think fit.

(2) On all such occasions the Council shall reserve a sufficient passage along the pier from the landing steps to 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 rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rates 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) The Council shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Payment of rates not to confer right to use buildings.

34. 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 Council otherwise determine.

Power to contribute to entertainments.

35. The Council may from time to time out of the revenue derived by them from any entertainments or performances given on the pier and out of the pier revenue but subject to the provisions of the section of this Order of which the marginal note is "Application of pier revenue" provide and pay for or contribute towards the payment of bands of music concerts

A.D. 1924.

Penarth Pier.

sports or other entertainments of any kind whatsoever on the pier or in the pavilions or other buildings thereon and subscribe towards the funds of any regatta or fête held in the immediate vicinity of the pier.

Power to advertise pier.

36. The Council may from time to time out of the pier revenue pay or contribute towards the cost of advertising by means of handbooks leaflets posters advertisements in newspapers or otherwise the pier and any performances fêtes or other attractions thereon or given in connection therewith.

Ministry of Transport may reduce rates.

37.—(1) The rates to be received by the Council shall be adjusted by them in such a manner that as far as possible the pier revenue shall be sufficient and not more than sufficient for the purposes of the pier.

(2) If at any time it appears to the Minister of Transport from the annual accounts to be sent to him under this Order that the clear annual income derived from the rates leviable by the Council on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Minister may if in his discretion he thinks fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the Second Schedule to this Order.

Notice to be given of application to lease.

38. Before making application to the Ministry of Transport for their consent to any lease or to the assignment of any lease under the next succeeding section of this Order the Council shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Minister of Transport in order that all persons interested may have an opportunity of making objections to the proposed lease or assignment.

Power to lease undertaking or rates.

39.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Minister of Transport lease to any company corporation or person (*a*) the pier undertaking or (*b*) the rates and other charges authorised to be taken by this Order.

(2) As from the date 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 Council by this Order which the Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Order.

Penarth Pier.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport.

(4) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Ministry of Transport and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

(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 Council 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 and delivery of accounts shall apply to and be binding upon as well the lessees as the Council and all moneys received by the Council 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 lease pavilions &c.

40. In addition to any general power in this Order contained the Council may let for hire or lease for any term not exceeding seven years any fishing platforms 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 think fit.

Finance.

Power to borrow.

41.—(1) The Council 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 of Transport six per centum per annum—

(*a*) for carrying the purchase agreement into effect the sum of five thousand pounds;
(*b*) for the construction of the works the sum of three thousand four hundred and fifty pounds;
(*c*) for strengthening and reconstruction of the existing landing stage and for subsidiary works the sum of twelve thousand three hundred pounds;
(*d*) with the consent of the Minister of Transport such further sum or sums as may from time to time be required for any of the purposes of this Order; and
(*e*) such sum as may be required for the payment of the costs charges and expenses of this Order.

A.D. 1924.

Penarth Pier.

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the district fund and the general district rate as the pier revenue.

Periods for repayment of money borrowed.

42. The Council shall pay off all moneys borrowed by them under this Order within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say) :—

As to the money borrowed for the purposes (*a*) (*b*) and (*c*) mentioned in the section of this Order of which the marginal note is "Power to borrow" within thirty years from the date of transfer;

As to the money borrowed with the consent of the Minister of Transport within such period as that Minister may prescribe;

As to the money borrowed for the purpose (*e*) mentioned in the last preceding section within five years from the commencement of this Order.

Application of money borrowed.

43. All moneys borrowed by the Council under this Order shall be applied only for the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable and not otherwise.

Proceeds of sale of surplus lands to be treated as capital.

44. The proceeds of sale of any surplus lands of the Council 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 Council and shall be applied in discharge of moneys borrowed by the Council 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 the sinking fund except to such extent and upon such terms as may be approved by the Minister of Health.

Appointment of a receiver.

45.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "Commissioners" shall mean the Council and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Penarth Pier.

Section 234 of Public Health Act 1875 not to apply.

46. The powers of borrowing money given by this Order shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Order shall not be reckoned.

Mode of raising money.

47. The Council may raise all or any moneys which they are authorised to borrow under this Order by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Order relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

48. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order (that is to say) :—

Section 236. (Form of mortgage);
Section 237. (Register of mortgages);
Section 238. (Transfer of mortgages);
Section 239. (Receiver may be appointed in certain cases.)

Mode of payment off of money borrowed.

49. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repayable by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

50.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum (or such higher rate as the Minister of Health may approve) will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called "an accumulating sinking fund."

A.D. 1924.

Penarth Pier.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister of of Health that any such increase is necessary the Council shall increase the payments to such extent as the said Minister may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such an extent as that Minister approves.

(10) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Minister discontinue the annual payments to such sinking fund until that Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister of Health may determine.

Protection of lender from necessity of inquiry.

51. A person lending money to the Council under this Order shall not be bound to inquire as to the observance by the Council of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

52. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered in their register.

Deficiency of revenue to be charged on district fund.

53. All charges on the pier revenue which that revenue may be insufficient to meet shall be charged on and paid out of the district fund and the general district rate and the Council shall include in each rate the amount (if any) which according to their estimate may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has actually occurred during any previous period.

A.D. 1924.

Penarth Pier.

Power to re-borrow.

54—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to Ministry of Health as to sinking fund.

55.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Minister of Health may require such a return to be made transmit to the Ministry of Health a return in such form as may be prescribed by that Minister and if required by that Minister verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as that Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description

of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and furnishing such further information (if any) as the Minister of Health may require and in the event of his failing to make such return the clerk shall for each such offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(2) If it appears to the Minister of Health by the return under this section or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund under this Order (whether such instalment or annual payment or sum is required by this Order or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised by this Order the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

Annual account to be sent to Ministry of Transport.

56.—(1) The Council shall within two months after the date to which their annual accounts and balance sheets are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Council and all or any such accounts.

(2) The Council shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provision.

(3) The accounts of the Council referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

Contingency fund.

57.—(1) Subject to the provisions of this Order with reference to the application of the pier revenue the Council may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) two-fifths of the aggregate

A.D. 1924.

Penarth Pier.

capital sums for the time being expended by the Council on the pier and in order to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier set apart out of the pier revenue such a sum as they may think fit.

(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches two-fifths of the aggregate capital sums for the time being expended by the Council on the pier or is required for any of the purposes mentioned in this section.

Application of pier revenue.

58. The pier revenue including the interest on the contingency fund when that fund amounts to the maximum hereinbefore prescribed shall be applied for the purposes and in the order following and not otherwise (that is to say) :—

(1) In payment if the Council determine to pay them out of revenue of the costs of and connected with the preparation and making of this Order;

(2) In payment of all expenses connected with the management and maintenance of the pier;

(3) In paying year by year the interest for the time being due in respect of moneys borrowed under this Order;

(4) In paying the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order;

(5) In payment so far as the Council think fit so to do of any expenses incurred in advertising the pier and any performances fêtes or other attractions thereon or in connection therewith the payment of or contribution towards a band or bands of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier;

(6) In creating and maintaining if they think fit a contingency fund in manner specified in the section of this Order of which the marginal note is " Contingency fund ";

(7) In repaying to the district fund all moneys and interest paid thereout for the purposes of the pier whether in respect of money borrowed or otherwise;

(8) In the general improvement of the pier;

(9) And the balance shall subject to the provisions of this Order be carried to the district fund.

Penarth Pier.

Byelaws.

Byelaws.

59.—(1) The byelaws which may from time to time be made by the Council in exercise of the power 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.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Life-saving Apparatus.

Provision for life-saving apparatus.

60.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of that Board a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Council 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.

Life-saving apparatus may be attached to pier.

61. 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 in course either of using or of exercising the apparatus for saving life fire rockets over the pier.

Lifebuoys to be kept.

62. The Council shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights on works during construction.

63. The Council shall at or near the works below high-water mark during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

A.D. 1924.

Penarth Pier.

Permanent lights on works.

64. The Council shall at the outer extremity of their works below high-water exhibit and keep burning 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.

If the Council fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

65.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing as 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) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit to apply for or refuse or neglect to observe any such directions.

Miscellaneous.

Meters and weighers.

66. The Council shall have the appointment of meters and weighers within the limits of the pier.

Appointment of officers to enforce byelaws and regulations.

67. The Council may appoint officers for securing the observance of the byelaws and regulations made by the Council under this Order in respect of the pier and may from time to time procure such officers to be sworn in 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.

Application of Act 10 & 11 Vict. c. 27.

68. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act but sections 12 and 13 of that Act shall not be incorporated with this Order.

Officers exempt from rates.

69. Officers of the Ministry of Transport and Board of Trade 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.

Recovery of penalties.

70. All penalties recovered under this Order shall except in case of penalties recovered against the Council be paid to the treasurer for the time being of the Council and be by him carried to the credit of the pier revenue.

Council to be a local lighthouse authority.

71. The Council shall within the limits of the pier be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Extension of 10 & 11 Vict. c. 27 (ss. 28 and 99) to all Government Departments.

72. Sections 28 and 99 of the Harbours Clauses Act 1847 shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections.

Penarth Pier.

Crown rights.

73. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

As to minerals.

74. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and his lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Council authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near a railway shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one half the depth of such workings below the surface level of such lands and in the said application of those provisions the term "company" shall mean the Council and the term "railway" shall mean the said lands and works and the "special Act" shall mean this Order.

Pier to be deemed within parish of Penarth.

75. The pier shall for all purposes be deemed to form part of the parish and urban district of Penarth in the county of Glamorgan.

Repeal of Order of 1892.

76. As from the date of transfer the Order of 1892 shall be and thereafter is hereby repealed.

Costs of Order.

77. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the pier revenue or out of the district fund or out of money borrowed for the purposes of the promotion of this Order.

A.D. 1924. The SCHEDULES referred to in the foregoing Order.

Penarth Pier.

FIRST SCHEDULE.

MEMORANDUM OF AGREEMENT made this twenty-second day of October one thousand nine hundred and twenty-three between the Penarth Promenade and Landing Pier Limited whose registered office is situate at 108 Bute Street in the city of Cardiff (hereinafter called "the Vendors") of the one part and Penarth Urban District Council (hereinafter called "the Purchasers") of the other part.

WHEREAS under and by virtue of the Penarth Pier and Promenade Order 1892 the Vendors are the Undertakers within the meaning of the General Pier and Harbour Act 1861 for the purpose of carrying the said Order into execution and have exercised or may exercise the powers and privileges conferred by the said Order and are subject to the duties and liabilities thereby imposed:

And whereas in pursuance of the said Order the Vendors have constructed the pier pavilion premises hereinafter more particularly referred to and hold the same under an agreement for a lease dated the nineteenth December one thousand eight hundred and ninety-one between the Right Honourable Robert George Lord Windsor of the one part and Herbert Francis Edwards of the other part for ninety-nine years from the twentieth day of May one thousand eight hundred and ninety-two at the annual rent of twenty-five pounds payable half-yearly which agreement for lease was assigned to the Vendors by indenture made the sixteenth day of February one thousand eight hundred and ninety-four between the said Herbert Francis Edwards and the company:

And whereas by an indenture made on the tenth May one thousand nine hundred and seventeen between the Vendors of the one part and Alfred William Newton of High Street Cheltenham of the other part for the consideration therein mentioned the Vendors leased the said pavilion to the said Alfred William Newton for seven several periods each beginning on Easter Monday in each of the years one thousand nine hundred and seventeen to one thousand nine hundred and twenty-three both inclusive and ending on the Saturday of the week commencing on the last of such years whichever is the longer at the rent of one hundred and fifty pounds for each period:

And whereas by the terms of the said indenture the said Alfred William Newton had the option of taking and the

Vendors thereby covenanted to grant a further lease of the said pavilion on the same terms for seven similar periods in the seven years from one thousand nine hundred and twenty-four to one thousand nine hundred and thirty both inclusive :

And whereas the said Alfred William Newton on the twenty-eighth September one thousand nine hundred and twenty-two exercised his option to have such further lease at the increased rent of twenty-five pounds for each of the said further periods :

And whereas the Purchasers are desirous of purchasing the undertaking and property of the Vendors as hereinafter mentioned and the powers and privileges conferred by the said Order but subject nevertheless to the conditions and upon the terms hereinafter contained :

Now it is hereby agreed as follows :—

1. Subject to the Vendors obtaining any necessary consent and subject to the Purchasers obtaining a Provisional Order confirmed by Parliament authorising the Purchasers to acquire the said undertaking with all necessary powers and authorities incidentally required the Vendors shall sell free from incumbrances and the Purchasers shall purchase the undertaking of the Vendors which expression shall be deemed to include the said pier pavilion and all other premises comprised and demised by the said agreement for lease of nineteenth December one thousand eight hundred and ninety-one (subject as to the said pavilion to the said lease thereof dated tenth May one thousand nine hundred and seventeen and the extension thereof) and all powers and privileges conferred by the said Order and buildings and works erected thereunder and all goods and chattels goodwill things in action other than book debts agreements and other assets of which the Vendors are possessed or entitled to upon the day fixed by clause 4 hereof for completion of the purchase (hereinafter called " the day of transfer ").

2. The consideration for the said sale shall be the sum of five thousand pounds payable by the purchasers to the Vendors on the completion of the sale at the Office of Messrs. Ingledew and Sons 4 Mount Stuart Square Cardiff the Vendors' solicitors.

3. The Vendors shall deliver to the Purchasers or to their cle k within seven days from the date hereof an abstract of their title together with an abstract of the said lease of the tenth May one thousand nine hundred and seventeen and of the extension thereof and the Purchasers shall deliver their requisitions on title within twenty-one days from the delivery of such abstract.

4. The sale and purchase hereby agreed to be made shall be completed within six weeks next following the confirmation

A.D. 1924.

Penarth Pier.

by Parliament of the said Provisional Order and all rent rates taxes and other outgoings shall be paid by the Vendors up to the date of the completion of the purchase.

5. On the day of transfer the aforesaid consideration of five thousand pounds shall be paid and the Vendors shall execute and do all such assurances and things as shall be reasonably required by the Purchasers for vesting in them and giving to them possession of the undertaking and property hereby agreed to be sold.

6. From the date of this agreement until the date of transfer the Vendors shall carry on the undertaking in the same manner as heretofore so as to maintain the same as a going concern Provided that the Vendors shall not after the date of this agreement raise any capital or borrow any money or make or incur any expenditure or liability on capital account or (otherwise than in the ordinary course of business) make or incur any expenditure or liability on revenue account without the consent of the Purchasers in writing under the hand of their clerk.

7. The Vendors shall not be responsible for any damage caused to the pier or the buildings thereon after the date of this agreement by fire tempest or other inevitable accident and no claim shall be made against the Vendors for any deterioration thereof or damage thereto without the wilful default of the Vendors Provided that if any substantial damage shall be caused to the pier pavilion or buildings prior to the date of transfer the Vendors shall forthwith make good the same or in default the Purchasers may by notice in writing to the Vendors rescind this agreement and thereupon this agreement shall become null and void The Vendors shall as from the date of this agreement and until the date of completion hold any subsisting policy or policies of insurance against fire and other risks or their interest therein and also any other policies of insurance relating to the undertaking and premises hereby agreed to be sold in trust for the Purchasers subject to the consent of the office which issued the same and shall keep up or renew any policy or policies which may expire during the said period All premiums thereon to be apportioned as at the date hereof and any moneys received from such insurances to be applied by the Vendors towards the repair of the said pier.

8. This agreement shall be deemed to incorporate all the conditions of the statutory form of contract for sale of leaseholds issued by the Incorporated Law Society of Cardiff and district except condition numbered 17 so far as the said conditions are applicable to a sale by private treaty and are not inconsistent with this agreement.

9. The Purchasers shall forthwith take all steps necessary to apply for the consent of the Ministry of Transport and the before-mentioned Provisional Order and the confirmation thereof by Parliament and to obtain all powers necessary to enable them to carry out this agreement and such other powers if any as the Purchasers may think desirable Unless the said consent shall have been obtained and the said Provisional Order shall have been obtained and confirmed and the said powers acquired before the thirty-first day of December one thousand nine hundred and twenty-four or such further period as the parties hereto may agree to in writing this agreement shall be absolutely void.

In witness whereof the parties hereto have hereunto affixed their seals the day and year first before written.

The Common Seal of the Penarth Promenade and Landing Pier Limited was hereto affixed in the presence of—

JOHN CORY
RONALD FORREST } Directors.
R. LEYSHON
Secretary.

SEAL

The Seal of the Penarth Urban District Council was hereto affixed in the presence of—

J. W. MORRIS
Solicitor
Cardiff.

SEAL

SECOND SCHEDULE.

I.—RATES ON VESSELS USING THE PIER.

	£	s.	d.
For every vessel not exceeding the burden of 15 tons - - - - - - - - per ton	0	0	4
For every vessel exceeding 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
All lighters for each trip - - - - - -	0	0	6
All boats entirely open landing or taking on board goods - - - - - - - each	0	0	6

A.D. 1924.

Penarth Pier.

II.—RATES FOR GOODS ANIMALS &C. SHIPPED OR UNSHIPPED AT THE PIER.

		£	s.	d.
Light goods	per cubic foot	0	0	1
Heavy goods	per ton	0	2	0
(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.)				
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 every four-wheeled carriage		0	4	0
For every two-wheeled carriage		0	2	6
For every bicycle or tricycle for each and every time		0	0	3
For every motor car		0	5	0

III.—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 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 bathing any sum not exceeding	0	0	7
For every master of any vessel boat or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	1	0	0

IV.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER.

	£	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

V.—Rates for use of Cranes Weighing Machines and Sheds.

1.—Rates of Craneage.		£	s.	d
All goods and packages - - - -	per ton	0	0	4

2.—Weighing Machines.				
For goods weighed for each ton or part of a ton -		0	0	2

3.—Shed Dues.

For each forty cubic feet of goods or for each ton of goods which shall remain in the sheds or other works of the pier for a longer time than forty-eight hours the sum of threepence and the sum of three-halfpence per forty cubic feet or per ton for each day during which such goods shall remain after the first forty-eight hours.				
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day - - - - - - - -	per package	0	0	2

VI.—Rates for supplying Water.

For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel - - - - - - - - - -		0	0	1½

WHITEHAVEN HARBOUR.

Provisional Order to increase certain of the maximum rates leviable by the Whitehaven Harbour Commissioners.

Whitehaven Harbour.

1. This Order may be cited as the Whitehaven Harbour Order 1924. Short title.

2.—(1) In this Order the expression "the Commissioners" means the Whitehaven Harbour Commissioners acting under the Whitehaven Town and Harbour Acts 1708 to 1887 and the expression "the harbour" means Whitehaven Harbour. Interpretation.

(2) In the application to the harbour of the Harbours Docks and Piers Clauses Act 1847 the expressions "packet boat or Post

A.D. 1924.

Whitehaven Harbour.

Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall exempt from regulation or control rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Increase of rates on vessels.

3. On and from the 15th day of February 1925 section 23 (New tonnage rates on vessels) and the schedule (A) referred to in that section and section 28 (Rates for lighting &c.) of the Whitehaven Harbour and Town Improvement Act 1876 and any statutory provisions consequential thereon or supplemental thereto shall be read and take effect as if the maximum rates which the Commissioners are by or in pursuance of the said sections and schedule respectively authorised to demand and take were in each case increased by an amount equal to fifty per centum thereof.

Increase of rates on coals.

4. On and from the 15th day of February 1925 section 40 (Rates) of the Whitehaven Town and Harbour (Incorporation) Act 1885 and the schedule referred to in that section and any statutory provisions consequential thereon or supplemental thereto shall be read and take effect as if the maximum rates which the Commissioners are under or in pursuance of the said section and schedule respectively authorised to demand and take in respect of coals imported or brought coastwise into the harbour and exported or sent coastwise from the harbour were in each case increased by an amount equal to one hundred per centum thereof.

Revision of rates.

5.—(1) If at any time it is represented in writing to the Minister of Transport (hereinafter in this section referred to as "the Minister"):

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister a proper person for the purpose; or

(*b*) by the Commissioners;

that under the circumstances then existing all or any of the maximum rates authorised by this Order should be revised the Minister may if he thinks fit after inquiry in pursuance of any such representation make an order revising all or any of such rates as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section Provided that the revised

maximum rates as authorised by any such order shall not be less than the maximum rates authorised by the sections of and the schedules to the Acts mentioned in the two immediately preceding sections of this Order or be more than the maximum rates authorised by this Order.

(2) No application may be made under this section for a general revision of the rates for the time being authorised under this Order within twelve months after the date of an order made by the Minister for a general revision thereof and no application may be made for a revision of any particular rate within twelve months after the date of an order made by the Minister for a general revision of the said rates or of any previous application for a revision of the particular rate in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars certified in such manner as the Minister may require and the Minister and any person duly authorised pursuant to section 2 of the Board of Trade Arbitrations &c. Act 1874 as applied by this section to hold an inquiry for the purposes of this section may call for such documents and accounts as he shall think fit and such person may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose any such person may administer oaths.

Annual accounts to be sent to Ministry of Transport.

6.—(1) The Commissioners shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and any and all of such accounts.

(2) The Commissioners shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the 31st day of March in each year.

A.D. 1924.

Whitehaven Harbour.

Duration of Order.

7. This Order shall in so far as the maximum rates which the Commissioners may charge are hereby increased cease to have effect on the 15th day of February 1930.

Costs of Order.

8. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Commissioners.

Printed by Eyre and Spottiswoode, Ltd.,
for
William Richard Codling, Esq., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Imperial House, Kingsway, London, W.C. 2; 28, Abingdon Street, London, S.W. 1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.