CHAPTER cxciii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Ayr Bridlington Felixstowe and Penryn. [30th July 1900.]

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

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

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Orders in schedule.

1. The several 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.

Special provisions as to houses of labouring class.

60 & 61 Vict. c. 38.

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers If any

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undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them The expression "house" means any house or part of a house occupied as a separate dwelling.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1900.

THE SCHEDULE OF ORDERS.

1. Ayr.—Construction of pier.
2. Bridlington.—Construction of pier.
3. Felixstowe.—Construction of pier.
4. Penryn.—Improvement of harbour.

SCHEDULE.

AYR PROMENADE PIER.

Provisional Order for the construction and maintenance of a pier and works at Ayr in the county of Ayr. *Ayr.*

Short title commencement and interpretation.

1.—(1.) This Order may be cited as the Ayr Promenade Pier Order 1900.

(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."

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

The expression "the Company" means the Ayr Promenade Pier and Pavilion Company Limited; and

The expression "the council" means the magistrates and council of the Royal Burgh of Ayr.

The Undertakers.

Undertakers.

2. The Ayr Promenade Pier and Pavilion Company Limited shall be the undertakers for carrying this Order into execution.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

3. 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) shall be incorporated with this Order.

Power to take lands by agreement and lands for extraordinary purposes.

4.—(1.) For the purposes of the works authorised by this Order the Company may by agreement enter upon and take for a freehold feuhold leasehold or other interest and use such of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purpose of those works or any right over or affecting those lands.

(2.) The Company may purchase and hold for extraordinary purposes any lands not exceeding in the whole one acre.

(3.) This section or anything contained therein shall not exempt the Company from any proceedings for nuisance caused or permitted by them on lands taken by them under the powers conferred by this Order.

Owners may grant servitudes.

5. 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 Company any servitude right or privilege (not being a servitude right or privilege of water in which other than parties to the agreement 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 feu-duties or grounds annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

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Limits and Works.

Limits.

6. The limits within which the Company shall have authority and within which the powers of the piermaster may be exercised and which shall be deemed the limits to which this Order extends shall comprise the pier and works authorised by this Order and an area below low-water mark lying within four hundred feet on either side or in front of the pier.

Power to construct works.

7. When the Company have obtained in manner provided by this Order the approval of the council to the plans sections and elevations of their proposed works they may 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 require before the completion of the works in order to prevent injury to navigation on the lands and in the lines and situation and according to the levels on the deposited plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on the plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.

Description of works.

8. The works authorised by this Order comprise :—

A promenade pier (in this Order referred to as "the pier") on the eastern shore of the Firth of Clyde fronting the promenade in the parish and burgh of Ayr commencing at a point one hundred and fifty yards or thereabouts from the junction of Charlotte Street with the promenade and extending thence into the Firth of Clyde for a distance of two hundred and fifty yards or thereabouts in a westerly direction and there terminating with a crosshead.

The pier will be solid for a distance of fifteen feet or thereabouts from its commencement and will be constructed as an open work for the rest of its length.

The works will be situate in the parish of Ayr in the county of Ayr or on the foreshore or bed of the Firth of Clyde ex adverso thereof.

Powers of eviation.

9.—(1.) The Company in constructing the works may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.

(2.) Before giving their consent to any deviation under this section the Board of Trade shall give the council an opportunity of making representations with regard to the matter.

Penalty for obstructing works.

10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Approval by council of plans of pier.

11.—(1.) The plans elevations and sections shown in the working drawings of the works authorised by this Order submitted to the Board of Trade must be approved by the council and for that purpose the Company shall submit these plans elevations and sections to the council but this provision shall not prevent

the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit.

(2.) The Company shall construct the works authorised by this Order in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter those works otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the council may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company.

(3.) The approval of the council under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to and determined by a single arbiter appointed by the Board of Trade.

Powers to cease in certain events.

12.—(1.) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade 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 Board of Trade 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 fact stated in that certificate.

(4.) Before giving any special direction under this section the Board of Trade shall give the council an opportunity of making representations with regard to the matter.

Power to provide landing stages &c.

13. The Company may in connection with the works authorised by this Order construct and provide all proper jetties landing stages landing places mooring buoys beacon lights lamps lamp-posts sheds turnstiles gates sewers drains and other similar works and conveniences.

Power to erect pavilions &c.

14. The Company may construct upon the pier pavilions suitable for theatrical performances or assembly rooms concert rooms aquaria shops saloons and bazaars kiosks and reading refreshment and other rooms and swimming and other baths lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they think fit and they may furnish stock and equip them.

Consent of Board of Trade to works below high-water mark.

15. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

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Company to comply with certain requirements of Ayr Town Council.

Supplemental Provisions as to Management.

16.—(1.) The Company shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable requirements as may be made by the council for the purposes of securing so far as may be the uninterrupted use by the public of the promenade of Ayr and the approaches thereto and of any part of the area within the limits to which the provisions of this Order extend (other than the actual pier and works authorised to be made by this Order) whether for the purpose of promenading bathing boating recreation or otherwise.

(2.) If any question arises whether any requirement of the council is reasonable or can properly be made under this section that question shall be referred to and determined by a single arbiter mutually agreed upon or in default of agreement appointed by the Board of Trade.

Restrictions on use of pier.

17. The Company shall not permit the pier to be used for the accommodation of any vessels other than small yachts and rowing boats and shall not ship or unship or permit to be shipped or unshipped at the pier or within the limits to which this Order extends any sheep cattle or goods except the personal luggage of passengers embarking on or landing from small yachts or rowing boats.

Vessels not to be moored alongside pier without consent.

18. A vessel or boat shall not be moored or anchor alongside the pier or within the limits to which this Order extends without the consent of the Company or their piermaster.

Byelaws.

19.—(1.) The Company may make byelaws for all or any of the following matters (that is to say) :—

For regulating collecting and levying of the rates and charges authorised by this Order ;

For regulating the vessels and boats and the landing or embarking of luggage within the limits to which this Order extends ;

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon ;

For preventing injury to and protecting buildings and property thereon or attached thereto ;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein ; and

For regulating the sale of refreshments on the pier and in the buildings.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4.) For the purpose of giving the council an opportunity of making representations to the Board of Trade with respect to any proposed byelaw the Company shall send a copy of any such proposed byelaw to the council before it is submitted to the Board of Trade.

Rates.

Power to levy rates.

20. When in addition to the certificate to be granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been

obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and recover for the use of the pier and in respect of the persons and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule.

Power to close pier on special occasions.

21.—(1.) The Company may on any occasions which they deem special 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 those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

(2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall 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.

Power to vary exemptions from rates and to enter into compositions &c.

22. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Pass tickets for use of pier.

23.—(1.) The Company may grant to passengers and promenaders and others for the use of the pier either exclusive 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 may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.

(3.) If any person 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 lease rates.

24.—(1.) The Company may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings thereon separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit or may with the consent of the Council lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order.

(2.) Where the rates or other charges are leased under this section the lessee (during the continuance of and to the extent of his lease) shall have and may exercise all or any of the powers conferred upon the Company by this Order

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(including powers of levying or recovering rates and other charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

Certain fishing vessels under stress of weather exempt from rates.

25. Fishing vessels belonging to the countries with which for the time being treaties exist exempting from dues and charges those vessels when forced by stress of weather to seek shelter within the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works authorised by this Order and not breaking bulk when making use thereof be exempt from rates leviable under this Order.

Lifeboat crews exempt from rates.

26. 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 persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment.

Board of Trade may reduce rates.

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

Finance.

Power to borrow money.

28. The Company may borrow and reborrow on mortgage at interest on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order.

Application of money borrowed.

29. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which the capital is properly applicable and not otherwise.

Payment of arrears of interest and principal may be enforced by appointment of a judicial factor.

30. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a judicial factor under this Order.

Appointment of judicial factor.

31.—(1.) An application for the appointment of a judicial factor under this Order shall be made to the Sheriff and on any such application the Sheriff may by order appoint some person as a judicial factor to receive the whole or a sufficient

part of the rates authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates are fully paid and on that appointment being made the rates shall be paid to and received by the judicial factor.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the judicial factor as aforesaid shall cease and after payment of the costs the judicial factor shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

Amount to authorise application for judicial factor.

32. The amount to authorise the appointment of a judicial factor shall be one-tenth of the amount of money authorised to be borrowed by this Order.

Application of revenue.

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

(1.) In paying the expenses of and incidental to the collection and recovery of the rates charges or other revenue received ;

(2.) In paying year by year the expenses properly chargeable to revenue of the maintenance repair and management of the works authorised by this Order and of defraying the rent and other necessary expenses of the Company in relation thereto and of carrying into effect any powers given by this Order ;

(3.) In paying year by year according to priority the interest on money borrowed under this Order and if so arranged in making payments towards a sinking fund for the purpose of discharging money borrowed under this Order ;

(4.) The surplus revenue (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Annual account to be sent to Board of Trade.

34.—(1.) The Company within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall send a copy thereof to the Board of Trade and section sixteen of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life-saving Apparatus.

Provision of accommodation for lifeboat &c. if required.

35.—(1.) Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on or near the pier and build on that site proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2.) If the Company 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.

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Life-saving apparatus may be attached to pier.

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

Life-buoys to be kept.

37. The Company shall at all times keep at the outer extremity of the pier sufficient lifebuoys and lifelines in good order and fit and ready for use.

Lights.

As to lights during construction of works.

38.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

As to lights after completion of works.

39.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier and works or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Commissioners of Northern Lighthouses and the Company shall apply to those Commissioners for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision against danger to navigation.

40.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

Recovery of penalties.

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

Ayr.

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

42. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order 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.

Works to be deemed within the burgh of Ayr.

43.—(1.) The works authorised by this Order shall in respect of all matters crimes and offences arising or committed thereon or within the limits of cognisance of any magistrate be deemed and taken to be within or as forming part of the burgh of Ayr in the county of Ayr and within the jurisdiction of any magistrate acting within the said burgh.

(2.) The works authorised by this Order shall be deemed to be within the burgh of Ayr.

Saving rights under Crown Lands Act 1866.

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

Saving rights of the Crown.

45. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any rights of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving for Ayr Harbour Trustees.

46. Nothing contained in this Order shall in any way prejudice or affect the rights and privileges of the Ayr Harbour Trustees under the Ayr Harbour Acts 1855 to 1893.

Costs of Order.

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

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Ayr.

The SCHEDULE referred to in the foregoing Order.

I.—Rates on Vessels being Rowing Boats or small Yachts not exceeding fifteen tons burden using the Pier.

	s.	*d.*
For every such vessel per ton - - - - - -	0	4

II.—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 boats or vessels using the pier in accordance with this Order for each time any sum not exceeding -	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - - - -	0	2
For every bath or sedan chair including driver or carriers taken on the pier for each time any sum not exceeding - - -	0	4
For every perambulator including driver taken on the pier for each time any sum not exceeding - - - - -	0	3
For every master or member of the crew of any vessel or boat using the pier in accordance with this Order for the purpose of going to or returning from his own vessel or boat an annual sum not exceeding	10	0
Or if the annual sum is not paid for each time - -	0	1

III.—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	2
Over 28 lbs. and not exceeding 84 lbs. - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	7
Over 196 lbs. and not exceeding 2 cwts. - - -	0	8
If amounting to or exceeding 2 cwt. for every cwt. - -	0	4
And for every 28 lbs. weight in addition - - - -	0	1
For every bicycle or tricycle for each and every time - -	0	3

BRIDLINGTON PIER.

A.D. 1900.

Bridlington.

Provisional Order for the Construction Maintenance and Regulation of a Pier and Works at Bridlington in the East Riding of the County of York.

Preliminary.

Short title commencement and interpretation.

1.—(1.) This Order may be cited as the Bridlington Pier Order 1900.

(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."

(3.) In this Order unless the context otherwise requires :—

The expression "the Company" means the Bridlington Pier and Pavilion Company Limited ; and

The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Bridlington.

The expression "the Bridlington Piers and Harbour Act 1837" means the Act of 1 Vict. c. cx. intituled "An Act for improving the piers and "harbour of Bridlington in the East Riding of the County of York and "for rendering the same more safe and commodious as a harbour of "refuge."

The expression "the Bridlington Piers and Harbour Commissioners" means the Commissioners under the Bridlington Piers and Harbours Act 1837.

The Undertakers.

Undertakers.

2. The Bridlington Pier and Pavilion Company Limited shall be the Undertakers for carrying this Order into execution.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

3. 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 purposes of that incorporation the term "special Act" in the said Acts shall mean this Order.

Power to take lands.

4.—(1.) For the purposes of the works authorised by this Order the Company may by agreement enter upon and take either for a freehold leasehold or other interest and use such of the lands shown on the plan deposited for the purposes of this Order as they think requisite for the purposes of such works or any easement or right over or affecting those lands.

(2.) The Company may purchase and hold for extraordinary purposes any lands not exceeding in the whole one acre.

Power to take easements by agreement.

5. 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 Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors

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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 and rent charges 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.

Nuisance not authorised.

6. This Order or anything contained therein shall not exempt the Company from any proceedings for nuisance caused or permitted by them on lands taken by them under the power conferred by this Order.

Works &c.

Limits.

7. The limits within which the Company shall have authority and which shall be deemed the limits to which the provisions of this Order extend shall comprise the works authorised by this Order and the area below high-water mark lying within one hundred yards from any part of those works but the authority given by this Order shall not extend so as to enable the Company to prevent boatmen from launching their boats from the beach and landing on the beach.

Power to construct works.

8. When the Company have obtained in manner provided by this Order the approval of the Corporation to the plans sections and elevations of their proposed works they may 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 require before the completion of the works in order to prevent injury to navigation on the lands and in the lines and situation and according to the levels shown on the deposited plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on the plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.

Description of works.

9. The works authorised by this Order (in this Order referred to as "the pier") comprise the following :

A pier jetty and landing place from the north shore at Bridlington commencing at a point on the Beaconsfield Wall at Bridlington immediately opposite the Beaconsfield Estate and one hundred and forty-three yards or thereabouts south of the centre of the bridge carrying that wall over Trinity Cut and extending thence seaward in an east by south-easterly direction for a distance of two hundred and forty-three yards or thereabouts and there terminating.

The said works will be situate in the parish of Bridlington in the East Riding of the county of York or on the foreshore and bed of the sea adjacent thereto.

The pier will be constructed throughout its entire length as an open work.

Powers of deviation.

10.—(1.) The Company in constructing the works may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.

(2.) The Board of Trade before giving their consent to any deviation under this section shall give the Corporation an opportunity of making representations to the Board with regard to the matter.

11. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

12.—(1.) If within two years from the commencement of this Order the works authorised by this Order and shown on the deposited plan and sections are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

Powers to cease in certain events.

(2.) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade 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 Board of Trade 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 that certificate.

13.—(1.) The plans elevations and sections shown in the working drawings of the pier to be submitted to the Board of Trade must be approved by the Corporation and for that purpose the Company shall submit these plans elevations and sections to the Corporation but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit.

Approval by Corporation of plans of pier.

(2.) The Company shall construct the pier in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter the pier otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the Corporation may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company.

(3.) The approval of the Corporation under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to arbitration under this Order.

(4.) The working drawings submitted to the Corporation under this section shall be deemed to have been approved by the Corporation so far as they correspond with plans elevations or sections approved by the Corporation before the commencement of this Order.

14. The Company may provide and maintain in connexion with the works all proper landing stages landing places toll houses toll gates or bars turntables cranes hydraulic lifts buoys moorings and other works and conveniences.

Power to provide landing stages &c.

15. The Company may construct and maintain upon the pier pavilions assembly rooms concert rooms aquaria shops saloons and bazaars kiosks and

Power to erect pavilions &c.

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reading refreshment and other rooms and swimming and other baths lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may think fit and they may furnish stock and equip them and may let the same by the year or on lease for such period not exceeding seven years and upon such terms and conditions as they think fit.

Approval of plans of buildings.

16. The construction of any buildings or erections on the pier (other than buildings or erections shown on plans approved by the Corporation before the commencement of this Order) shall be subject to the approval of the Corporation but that approval shall not be unreasonably withheld and if any question arises whether it is unreasonably withheld that question shall be referred to arbitration under this Order.

Steam engines diving bells lighters, &c.

17. The Company may provide such steam engines steam vessels tugs piling engines diving bells ballast lighters rubbish lighters moorings dredging machines and other machinery vessels and things as they think necessary for effecting any of the purposes of this Order and may demand and receive such sums for the use of the same as they think reasonable.

Power to dredge &c.

18.—(1.) The Company in connexion with the works authorised by this Order and within the limits to which this Order extends may with the consent of the Board of Trade dredge scour deepen alter and improve the entrances and channels to the works and the approaches works and conveniences connected therewith.

(2.) Before giving their consent to any operation under this section the Board of Trade shall give the Corporation an opportunity of making representations with regard to the matter.

Consent of Board of Trade to works below high-water mark.

19. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

Supplemental Provisions as to Management.

Company to comply with certain requirements of Corporation.

20.—(1.) The Company shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable requirements as may be made by the Corporation for the purpose of securing so far as may be the uninterrupted use by the public of Beaconsfield Wall or road and of the beach or area within the limits to which the provisions of this Order extend (other than the actual pier and works authorised to be made by this Order) whether for the purpose of promenading bathing boating recreation or otherwise.

(2.) If any question arises whether any requirement of the Corporation is reasonable or can properly be made under this section that question shall be referred to arbitration under this Order.

Restrictions on use of pier &c.

21. This Order shall not entitle any person with any vessel or boat to ship or unship at the pier or at any place within the limits to which this Order extends except at places (if any) provided for the purpose any sheep cattle or merchandise or anything which in the opinion of the Company may in any manner interfere with the use of the pier or passengers' landing places for recreation or for the embarking or landing of passengers or their luggage and personal effects and the

Company shall not except with the consent of the Corporation permit anything to be landed or shipped at the pier except passengers' luggage.

22. A vessel or boat shall not break bulk within the limits to which this Order extends without the consent of the Company or their piermaster. Vessels not to break bulk within limits without consent.

23. A vessel or boat shall not be moored or anchor alongside any part of the pier without the consent of the Company or their piermaster. Vessels not to be moored alongside pier without consent &c.

24. The Company shall have the appointment of meters and weighers within the limits to which this Order extends. Meters and weighers.

25.—(1.) The Company may make byelaws for all or any of the following matters (that is to say):— Byelaws.

For regulating the collection and levying of the rates tolls and charges authorised by this Order;

For regulating the vessels boats goods and traffic within the limits to which this Order extends;

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon;

For preventing injury to and protecting the buildings and property thereon or attached thereto;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein; and

For regulating the sale of refreshments on the pier and in the buildings.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4.) For the purpose of giving the Corporation an opportunity of making representations to the Board of Trade with respect to any proposed byelaw the Company shall send a copy of any such proposed byelaw to the Corporation before it is submitted to the Board of Trade.

26. The Company shall not without the consent of the Corporation place or permit to be placed on the outsides of the pier or at the entrance thereto any advertisement other than advertisements relating to entertainments on the pier steamboat sailings or other matters connected with the business of the Company. Restriction on the placing of advertisements.

Rates.

27. When in addition to the certificate to be granted under section twenty-six of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and recover for the use of the pier any sums not exceeding the several rates specified in the schedule to this Order. Power to levy rates.

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Rates may be levied though works not completed.

28. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford increased accommodation for the persons walking on the pier or for the landing and embarking or shipping of passengers and goods by means of those works the Company may notwithstanding section twenty-five of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded.

Payment of rates on vessels using the pier to the Bridlington Piers and Harbour Commissioners.

29.—(1.) The Company shall levy on vessels using the pier the tonnage rates authorised by this Order in respect of those vessels and subject to the maximums mentioned in Part III. of the schedule to this Order the rates so levied shall not be less than the corresponding tonnage rates for the time being levied by the Bridlington Piers and Harbour Commissioners under the Bridlington Piers and Harbour Act 1837.

(2.) Within twenty-one days after the termination of every half-year ending the Thirtieth day of June and the Thirty-first day of December in every year the Company shall account for and pay over to the Bridlington Piers and Harbour Commissioners the amount received by the Company in respect of the said tonnage rates during the half-year.

Power to close pier on special occasions &c.

30.—(1.) The Company may on any occasions which they deem special 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 those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

(2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall 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.

Power to vary exemptions from rates and to enter into compositions &c.

31. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Pass tickets for use of pier.

32.—(1.) The Company may grant to passengers and promenaders or others for the use of the pier (either exclusive 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 may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is

granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.

(3.) If any person 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 demand rates &c. for use of buildings &c.

33. The Company may demand and receive such rates or other considerations as they think reasonable for the use of any buildings weighing machines buoys cranes works and conveniences belonging to or provided by them or in respect of any services rendered by them for which rates are not otherwise specified or authorised in this Order.

Payment of rates not to confer right to use buildings.

34. The payment of rates payable under this Order for the use of the pier shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them unless the Company otherwise determine.

Power to lease rates.

35.—(1.) The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings on the pier separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

(2.) Where the rates or other charges are leased under this section 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 (including powers of levying and recovering rates and charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

Part V. of 24 & 25 Vict. c. 47 to apply.

36. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order.

Certain fishing vessels under stress of weather exempt from rates.

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

Lifeboat crews exempt from rates.

38. 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 or along and on and from the pier without payment.

Board of Trade may reduce rates.

39. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the

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Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amounts as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Finance.

Power to borrow money.

40. The Company may borrow and re-borrow on mortgage at interest on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order.

Application of money borrowed.

41. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise.

Payment of arrears of interest and principal may be enforced by appointment of a receiver.

42. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver under this Order.

Appointment of a receiver.

43.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the East Riding of the county of York and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rates authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs (including the charges of receiving the rates) are fully paid and on that appointment being made the rates shall be paid to and received by the receiver.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver as aforesaid shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

Amount to authorise application for receiver.

44. The amount of arrears of principal to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money authorised to be borrowed by this Order.

Application of rates &c. received.

45. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise:—

(1.) In paying the expense properly chargeable to revenue of the maintenance repair management and regulation of the pier and of carrying into effect the powers given by this Order.

(2.) In paying year by year the interest accruing on money borrowed under this Order.

(3.) The surplus revenue (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Annual account to be sent to the Board of Trade.

46.—(1.) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the Twenty-fifth day of March in each year) shall send a copy thereof to the Board of Trade and to the Corporation and section sixteen of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life-saving Apparatus.

Provision of accommodation for lifeboat &c. if required.

47.—(1.) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2.) If the Company 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.

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

Life-buoys &c. to be kept.

49. The Company shall at all times keep at the outer extremity of the pier and on each side of the pier at intervals of not less than thirty yards life-buoys and lifelines in good order and fit and ready for use.

Lights.

As to lights during the construction of works.

50.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any direction given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

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As to lights after completion of works.

51.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Company shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision against danger to navigation.

52.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

Recovery of penalties.

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

Arbitration.

54. Any question which under this Order is to be referred to arbitration shall be referred to and determined by a single arbitrator appointed by the Board of Trade.

Works to be deemed within the parish of Bridlington.

55. The pier shall in respect of all matters crimes or offences arising or committed thereon requiring the cognisance of any justices of the peace be deemed and taken to be within or as forming part of the parish of Bridlington in the County of York and within the jurisdiction of any justices acting within and for the petty sessional division of which that parish forms part and shall for rating and other purposes be deemed to be within the borough and parish of Bridlington.

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

56. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order 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.

Saving rights under Crown Lands Act 1866.

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

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58. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any rights of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty. Saving rights of the Crown.

59. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company. Costs of Order.

The SCHEDULE to which the foregoing Order refers.

I.—Rates for use of Pier.

	s.	*d.*
For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - -	10	0
Or where the annual sum is not paid for each time - -	0	1
For every other person using the pier for the purpose of landing from or embarking on board of any ship vessel or boat of any kind whatever for each time any sum not exceeding - - - -	0	4
Save as above and save as hereinafter mentioned for every person using the pier for each time any sum not exceeding—		
if the person is of the age of twelve or upwards - - -	0	2
if the person is under that age - - - - -	0	1
For every person using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. - - - - - - - -	0	6
For every bath or sedan chair (including driver or carriers) taken on the pier for each time any sum not exceeding - - - -	0	4
For every perambulator (including driver and occupants) taken on the pier for each time any sum not exceeding - - - -	0	2

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II.—Rates on Passengers' Luggage landed 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. in weight	0	2
Over 28 lbs. and not exceeding 56 lbs.	0	3
Over 56 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwts.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition or part thereof	0	1

III.—Tonnage Rates on Vessels using the Pier.

		s.	d.
For every vessel under the burden of 15 tons register	per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons register	per ton register	0	6
For every vessel of the burden of 50 tons and under 100 tons register	per ton register	0	8
For every vessel of the burden of 100 tons and under 150 tons register	per ton register	0	10
For every vessel of the burden of 150 tons register and upwards	per ton register	1	0
For every lighter for each trip	per ton	0	2

IV.—Rates for Supplying Water.

Sea water per 3 gallons not exceeding		0	2

FELIXSTOWE PIER.

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Felixstowe.

Provisional Order for the Construction Maintenance and Regulation of a Pier and Works at Felixstowe in the County of Suffolk.

Preliminary.

Undertakers.

1. The Coast Development Company Limited shall be the undertakers for carrying this Order into execution.

Interpretation.

In this Order unless the context otherwise requires—

The expression "the Company" means the Coast Development Company Limited.

The expression "the Council" means the Felixstowe and Walton Urban District Council.

The expression "the Conservancy Board" means the Harwich Harbour Conservancy Board.

Acquisition of Land.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are incorporated with this Order and for the purposes of that incorporation the term "special Act" in the said Acts shall mean this Order.

Power to take lands.

3. For the purpose of the works authorised by this Order the Company may by agreement enter upon take and use such of the lands shown on the plan deposited for the purposes of this Order as they think requisite for the purpose of those works or any easement or right over or affecting those lands.

Power to take easements by agreement.

4. 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 Company 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 and rent-charges 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.

Nuisance not authorised.

5. This Order or anything contained therein shall not exempt the Company from any proceedings on account of any nuisance caused or permitted by them upon any land acquired by them under this Order.

Limits and Works.

Limits.

6. The limits within which the Company shall have authority and which shall be deemed the limits to which this Order extends shall comprise the works authorised by this Order and the area below high-water mark lying within one hundred and fifty yards from any part of those works which is itself one hundred

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and fifty yards below high-water mark and the area below high-water mark lying within fifty yards from any other part of those works.

Power to construct works.

7. When the Company have obtained in manner provided by this Order the approval of the Conservancy Board and the council to the plans sections and elevations of their proposed works they may 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 (in this Order referred to respectively as "the deposited plan and sections") as the Board of Trade require before the completion of the works in order to prevent injury to navigation on the lands and in the lines and situation and according to the levels shown on the deposited plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on the deposited plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.

Description of works.

8. The works authorised by this Order (in this Order referred to as "the pier") comprise :—

A pier and approaches thereto commencing at a point on the sea front near to the Old Battery and at a distance of two hundred and fifty yards or thereabouts from the Felixstowe Town Hall measured in a south-westerly direction and extending thence seaward in an east-south-easterly direction for one thousand one hundred yards or thereabouts and there terminating.

The works will be situate in the parish of Felixstowe in the county of Suffolk or on the foreshore or in the sea and bed thereof adjacent thereto.

The pier itself shall be constructed as an open work.

Powers of deviation.

9. The Company in constructing the works may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.

Penalty for obstructing works.

10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Approval by Council and Conservancy Board of plans of pier.

11.—(1.) The plans elevations and sections shown in the working drawings of the pier to be submitted to the Board of Trade must be approved by the Conservancy Board and the council and for that purpose the Company shall submit those plans elevations and sections to the Conservancy Board and the council but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit.

(2.) The Company shall construct the pier in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter the pier otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the Conservancy Board or the council

may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company.

(3.) The approval of the Conservancy Board and the council under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to arbitration under this Order.

Powers to cease in certain events.

12.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order and shown on the deposited plan and sections are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

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

(3.) In either of the above cases a certificate from the Board of Trade 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 that certificate.

Improvement of pier and accommodation works.

13.—(1.) Subject to the provisions of this Order the Company may maintain and with the consent of the Board of Trade and the Conservancy Board may alter and improve the pier and in connexion with the pier may construct erect maintain alter and improve landing-places landing-stages slips wharves waiting-rooms sheds toll-houses gates embankments sewers drains watercourses roads approaches works and conveniences and may lay down and maintain rails and tramways on or along the pier and may construct provide lay down and maintain mooring-posts buoys weighing machines cranes hawsers and other appliances and works for the use of vessels frequenting the pier.

(2.) A line of rails or tramway constructed under this Order shall not be used for the public conveyance of passengers until it has been inspected and certified by the Board of Trade to be fit for that use.

(3.) The consent of the Conservancy Board under this section shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld that question shall be referred to arbitration under this Order.

Motive power.

14. The carriages used on the line of rails or tramways may be moved by animal power or with the consent of the Board of Trade and subject to such regulations as may be made by that Board by electric power or any mechanical or other motive power and the Company may erect construct lay down and maintain upon the pier and upon lands for the time being belonging to the Company generating stations dynamos conductors posts works and conveniences for the generation of electrical energy and may generate and use that energy for their own purposes in connexion with the pier including the lighting thereof.

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For protection of the Postmaster-General.

15. In the event of electricity being used for any purpose under the previous section the following provisions shall have effect :—

(1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the use of electricity by the Company under this Order the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.)—(*a.*) Before any electric line is laid down or any act or work for the purpose of the use of electricity under this Order is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done

a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

Power to erect baths pavilions &c.

16. The Company may construct and maintain upon the pier swimming and other baths with all necessary or proper pipes and apparatus and pavilions assembly rooms concert rooms aquaria shops saloons and bazaars kiosks reading refreshment and other rooms lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may think fit and they may furnish stock and equip them and may let the same by the year or on lease for such period not exceeding seven years and upon such terms and conditions as they think fit.

Power to dredge &c.

17.—(1.) The Company in connexion with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen alter and improve the entrances and channels to the pier and the approaches works and conveniences connected therewith but the powers of the Company under this section shall not be exercised except with the consent of the Conservancy Board and in a manner approved by them.

(2.) The consent or approval of the Conservancy Board under this provision shall not be unreasonably withheld and if any question arises whether that consent or approval is unreasonably withheld that question shall be referred to arbitration under this Order.

Consent of Board of Trade to works below high-water mark.

18. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

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Supplemental Provisions as to Management.

Restrictions on use of pier &c.

19. This Order shall not entitle any person with any vessel or boat to ship or unship at the pier or landing stages authorised to be made under this Order or at any place within the limits to which this Order extends any sheep cattle or merchandise or goods without the consent of the Company.

Restriction as to landing of certain materials.

20. No ballast bricks lime cement minerals stone ore coals grain slates or timber (whether home or foreign grown) deals or logs or any consignment exceeding five tons in weight of any one commodity shall without the consent in writing of the Felixstowe Dock and Railway Company or their successors be shipped or landed at the pier except such as the Company may require for the construction and maintenance of the pier or for the use of the servants tenants and contractors of the Company on the pier.

Vessels not to break bulk within limits without consent.

21. A vessel or boat shall not break bulk within the limits to which this Order extends without the consent of the Company or their pier master.

Vessels not to be moored alongside pier without consent &c.

22. A vessel or boat shall not be moored or anchor alongside the pier or within the limits to which this Order extends without the consent of the Company or their pier master.

Meters and weighers.

23. The Company shall have the appointment of meters and weighers within the limits to which this Order extends.

Byelaws.

24.—(1.) The Company may make byelaws for all or any of the following matters (that is to say):—

For regulating the collection and levying of the rates and charges authorised by this Order;

For regulating the vessels boats goods and traffic within the limits to which this Order extends;

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon;

For preventing injury to and protecting the buildings and property thereon or attached thereto;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein; and

For regulating the sale of refreshments on the pier and in the buildings.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section or under the enactments incorporated with this Order shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

Rates.

Power to levy rates.

25. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and

recover for the use of the pier and in respect of the persons animals goods matters and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule.

Rates may be levied though works not completed.

26. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of those works the Company may notwithstanding Section 25 of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded.

Power to close pier on special occasions &c.

27.—(1.) The Company may on any occasions which they deem special 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 those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

(2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall 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.

Power to vary exemptions from rates and to enter into compositions &c.

28. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Pass tickets for use of pier.

29.—(1.) The Company may grant to passengers and promenaders or others for the use of the works authorised by this Order either exclusive 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 may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.

(3.) If any person 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.

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Power to demand rates &c. for use of buildings &c.

30. The Company may (so far as the rates specified in the Schedule to this Order do not extend) demand and receive such rates or other considerations as they think reasonable for the use of any buildings buoys works and conveniences belonging to or provided by them or in respect of any services rendered by them in connexion with the pier.

Payment of rates not to confer right to use buildings.

31. The payment of rates payable under this Order for the use of the pier shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part thereof unless the Company otherwise determine.

Power to lease rates.

32.—(1.) The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings on the pier separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

(2.) Where the rates or other charges are leased under this section 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 (including powers of levying and recovering rates and other charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

Part V. of 24 & 25 Vict. c. 47. to apply.

33. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order.

Certain fishing vessels under stress of weather exempt from rates.

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

Lifeboat crews exempt from rates.

35. 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 or along and on and from the pier without payment.

Board of Trade may reduce rates.

36. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amount as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be

reduced accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Finance.

Power to borrow money.

37. The Company may borrow and reborrow on mortgage at interest on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order.

Application of money borrowed.

38. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise.

Payment of arrears of interest and principal may be enforced by appointment of a receiver.

39. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver under this Order.

Appointment of a receiver.

40.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the peace of the County of Suffolk and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rates authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates are fully paid and on that appointment being made the rates shall be paid to and received by the receiver.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver as aforesaid shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

Amount to authorise application for receiver.

41. The amount to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money authorised to be borrowed by this Order.

Application of rates &c. received.

42. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

(1.) In paying the expenses properly chargeable to revenue of the maintenance repair and management of the pier and of carrying into effect any powers given by this Order.

(2.) In payment year by year of the interest accruing on money borrowed under this Order.

(3.) The surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Annual account to be sent to Board of Trade.

43.—(1.) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall

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send a copy thereof to the Board of Trade and Section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

25 & 26 Vict. c. 19.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life Saving Apparatus.

Provision of accommodation for lifeboat &c. if required.

44.—(1.) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near to the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2.) If the Company 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.

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

Life-buoys to be kept.

46. The Company shall at all times keep at the outer extremity of the pier life-buoys and life-lines in good order and fit and ready for use.

Lights.

As to lights during construction of works.

47.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

48.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Company shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision against danger to navigation.

49.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

Arbitration.

50. Where any question is to be referred to arbitration under this Order that question shall be referred to and determined by a single arbitrator appointed by the Board of Trade.

Recovery of penalties.

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

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

52. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order 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.

Saving rights under Crown Lands Act 1866.

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

Saving rights of the Crown.

54. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any rights of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

Costs of Order.

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

Short title.

56. This Order may be cited as the Felixstowe Pier Order 1900.

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The SCHEDULE to which the foregoing Order refers.

I.—Rates for Use of Pier.

	s.	d.
For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - -	10	0
Or if the annual sum is not paid for each time - - -	0	1
For every other person using the pier for the purpose of landing from or embarking on board of any ship vessel or boat of any kind whatever for each time any sum not exceeding - -	0	4
Save as above and save as herein-after mentioned for every person using the pier for each time any sum not exceeding - -	0	2
For every person using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. - - - -	0	6
For every bath or sedan chair (including driver or carriers) taken on the pier for each time any sum not exceeding - - -	0	4
For every perambulator (including driver) taken on the pier for each time any sum not exceeding - - - - -	0	2

II.—Rates on Passengers' Luggage Landed Shipped or Transhipped at the Pier.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger—

	s.	d.
Not exceeding 28 lbs. in weight - - - -	0	2
Over 28 lbs. and not exceeding 56 lbs. - - -	0	3
Over 56 lbs. and not exceeding 84 lbs. - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	7
Over 196 lbs. and not exceeding 2 cwts. - - -	0	8
And for every 20 lbs. weight in addition or part thereof -	0	1

III.—Rates on Goods Shipped Transhipped or Unshipped at the Pier.

	s.	d.
Ale beer and porter in cask per 54 gallons - - - -	0	6
Ale beer or porter bottled per 35 gallons - - -	0	4
Ael beer or porter bottled per dozen quarts - - - -	0	2
Ale beer or porter bottled per dozen pints - - -	0	1
Anchors per cwt. - - - - - - -	0	3
Anchor stock per foot run - - - - -	0	3

	s.	d.
Ballast per ton	1	6
Bark per ton	1	6
Beef or pork per cwt.	0	3
Biscuits or bread per cwt.	0	3
Blubber per 252 gallons	3	0
Bones and bone dust per ton	1	0
Bottles per gross	0	9
Bricks per 1000	1	0
Butter and lard per cwt.	0	2
Bicycles and tricycles each	0	3
Cables iron or hempen per ton	3	0
Canvas per 40 yards	0	1
Carriages chaises and other four-wheeled carriages each	3	6
Gigs carts and other two-wheeled carriages each	2	0
Hand carts each	1	0
Casks (empty) not being returned packages each	0	3
Cattle—		
Bulls cows and oxen each	1	0
Calves each	0	9
Horses each	1	0
Mules ponies or donkeys each	1	0
Pigs each	0	3
Sheep each	0	3
Chalk per ton	1	0
Cheese per cwt.	0	4
Chimney pots each	0	2
Clay per ton	1	0
Cloth haberdashery &c. per cwt.	0	6
Coals per ton	0	6
Copper per ton	3	0
Cordage per cwt.	0	3
Corks per cwt.	0	6
Crystal per ton	5	0
Dogs each	0	6
Drugs (in casks hampers or boxes) per cubic foot	0	2
Earthenware (in crates) per cubic foot	0	1
Eggs per cwt.	0	2
Fish (not sold by auction) turbot brill halibut soles cod and ling per cwt.	0	3
Fish (not sold by auction) herrings (fresh) per 1000	0	3
Fish (not sold by auction) herrings (salt) per cwt.	0	3
Fish (not sold by auction) oysters crabs and lobster per half-cwt.	0	2
Fish (not sold by auction) (dried and salted) per cwt.	0	3
Fish (not sold by auction) (fresh) not enumerated per cwt.	0	2
Fish of all kinds (sold by auction) 1*l.* per cent. upon the gross amount realised by the sale.		
Flax per ton	2	0
Flour and meal per 4 bushels	0	3

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	s.	d.
Flour and meal per cwt.	0	4
Furniture (household) per 5 cubic feet	0	4
Fruit per bushel	0	4
Fuel (manufactured) per ton	0	6
Glass per cwt.	0	3
Grains and seeds per cwt.	0	2
Groceries not enumerated per cwt.	0	6
Guano per ton	1	0
Gunpowder per cwt.	0	6
Hams bacon or tongues per cwt.	0	4
Hardware per ton	2	6
Hares and rabbits per dozen	0	4
Hay per ton	1	6
Hemp per ton	2	0
Hides—		
Ox cow or horse (wet or dry) each	0	1
Ice per ton	1	0
Iron—		
Bar bolt rod and shots per ton	1	6
Pig and old per ton	1	0
Manufactured per ton	2	6
Pots each	0	1
Kelp per ton	2	0
Lead per ton	2	0
Leather tanned and dressed per cwt.	0	3
Lime per 23 bushels	1	4
Limestone per ton	0	6
Machinery per ton	2	6
Manure (not enumerated) per ton	0	4
Masts and spars 10 inches in diameter and upwards each	2	0
Masts and spars under 10 inches in diameter each	1	6
Meat (fresh) per cwt.	0	2
Milk per three gallons	0	0½
Musical instruments per cubic foot	0	1
Mussels or other bait for fish per ton	1	0
Nets per 5 cubic feet	0	4
Oakum per cwt.	0	2
Oils per ton	2	0
Oil cake per ton	1	6
Oranges and lemons per cwt.	0	6
Ores per ton	1	0
Paint per cwt.	0	2
Peat per ton	0	6
Perambulators each	0	3
Pitch and tar per cwt.	0	2
Potatoes per cwt.	0	2
Poultry and game per dozen	0	4
Rags and old rope per ton	2	0

	s.	d.
Sails per cwt.	0	3
Salt per ton	1	0
Sand per ton	0	4
Shrimp baskets each	0	2
Skins—		
Calf goat sheep lamb or dog per dozen	0	6
Slates per 24 cubic feet	0	3
Spirits per 54 gallons	1	0
Spirits per gallon	0	$0\frac{1}{4}$
Steel per ton	3	0
Stones per 16 cubic feet	1	6
Sugar per cwt.	0	3
Tallow soap and candles per cwt.	0	3
Tea per 56 lbs.	1	0
Tiles per 1000	1	0
Tin and zinc per ton	3	0
Tobacco per cwt.	0	3
Turnips per ton	0	6
Turpentine and varnish per cwt.	0	2
Turtle each	2	6
Vegetables (not enumerated) per cwt.	0	1
Vinegar per 54 gallons	0	6
Vitriol per 36 gallons	0	1
Water per 54 gallons	0	3
Wine per 54 gallons	1	0
Wine (bottled) per gallon	0	1
Wood—		
Per 50 feet	1	0
Firewood and laths and lathwood per 216 cubic feet	1	6
Spars and oars per 120	2	6
Trenails and wedges per 1000	2	6
Pipe staves and others in proportion per 120	2	6
Lignum vitæ and fustic logwood mahogany and rosewood per ton	2	0
Wool per cwt.	0	2
Yarn per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods per cubic foot	0	1
Heavy goods per ton	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 rate shall be charged.

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Felixstowe.

IV.—For the use of Cranes Weighing Machines and Sheds.

1.—*Rates of Cranage.*

	s.	d.
All goods or packages not exceeding 1 ton - - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - - -	0	6
Exceeding 2 tons and not exceeding 3 tons - - - -	0	8
Exceeding 3 tons and not exceeding 4 tons - - -	0	10
Exceeding 4 tons and not exceeding 5 tons - - - -	1	0
Exceeding 5 tons and not exceeding 6 tons - - -	1	2
Exceeding 6 tons and not exceeding 7 tons - - - -	1	4
Exceeding 7 tons and not exceeding 8 tons - - -	1	6
Exceeding 8 tons and not exceeding 9 tons - - - -	1	10
Exceeding 9 tons and not exceeding 10 tons - - -	2	4
Exceeding 10 tons - - - - - - - - -	3	6

2.—*Weighing Machines.*

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

3.—*Shed Dues.*

For each ton of goods which shall remain in the sheds or on the other works of the pier for a longer time than 24 hours the sum of 3*d.* and the further sum of three halfpence per ton for each day or part of a day during which such goods shall remain after the first 48 hours.

For every portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day per package - -	0	2

It shall be at the option of the Company to ascertain the amount of rates payable on goods either by weight or by measurement forty cubic feet being held equal to one ton.

PENRYN HARBOUR IMPROVEMENT.

A.D. 1900.

Provisional Order for the Construction of Further Works in Penryn Harbour and for conferring further Powers upon the Mayor Aldermen and Burgesses of the Borough of Penryn in the County of Cornwall in relation to that Harbour. *Penryn.*

Preliminary.

Short title. 1.—(1.) This Order may be cited as the Penryn Harbour Improvement Order 1900.

(2.) This Order shall be construed as one with the Penryn Harbour Order 1870 (in this Order called "the Order of 1870") and this Order and the Order of 1870 may together be cited as the Penryn Harbour Orders 1870 and 1900.

Undertakers.

Undertakers. 2. The Mayor Aldermen and Burgesses of the borough of Penryn acting by the council of the said borough shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Corporation."

Limits Works and Management.

Limits. 3.—(1.) The limits within which the Corporation shall have authority and which shall be deemed to be the limits to which the Order of 1870 and this Order extend shall include the works authorised by this Order as well as the area within the limits to which the Order of 1870 extends.

(2.) The area within the limits to which the Order of 1870 and this Order extend is in this Order referred to as "the harbour."

Power to construct works. 4. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Corporation may on the lands and in the lines and situations and according to the levels and within the limits of deviation shown on the deposited plan and section so far as the same are shown thereon make and maintain the works authorised by this Order with all necessary works accesses and conveniences.

Description of works. 5. The works authorised by this Order comprise a wharf wall and embankment commencing at a point two hundred and forty-nine feet six inches measured in an east-south-easterly direction from the north-easterly corner of the partly erected wharf belonging or reputed to belong to Messrs. Diplock and Company on the southern side of that part of the Penryn River called or known as Penryn Harbour thence proceeding in an east-south-easterly direction for a distance of nine hundred and thirty feet or thereabouts from the point of commencement and thence proceeding in a south-south-westerly direction for a distance of four

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Penryn.

hundred and ten feet or thereabouts and terminating at a point one hundred and ninety feet or thereabouts measured in a north-easterly direction from the south-westerly corner of the enclosure number fifty-nine on the $\frac{1}{2500}$ Ordnance map (Cornwall LXXI. 7 1892).

The said wharf wall or embankment will be solid.

The said works will be wholly situate in the parish of Budock in the county of Cornwall.

Power to deviate.

6. The Corporation may with the consent in writing of the Board of Trade in the execution of the works authorised by this Order deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.

Penalty for obstructing works.

7. If any person wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

8.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order are not substantially commenced the powers by this Order given for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

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

(3.) In either of the above cases a certificate from the Board of Trade 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 fact stated in that certificate.

Subsidiary works.

9. The Corporation may make provide and maintain in connexion with the works authorised by this Order all or any of the following subsidiary works namely any necessary or convenient roads approaches slips quays shipping and landing places sea walls jetties stages sheds warehouses buildings cranes lamps lamp-posts buoys moorings machinery sewers drains groynes and other similar works appliances and conveniences.

Power to dredge &c. harbour and channels thereof.

10. The Corporation may blast dredge scour widen straighten deepen alter and improve the harbour and appropriate any rock mud sand or other material so dug and excavated and generally use the same for the construction and maintenance of the works authorised by this Order or for the purposes of the harbour.

Consent of Board of Trade to works below high-water mark.

11. Any works below high water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in the manner approved by that Board.

Power to provide warehouses &c.

12. In addition to the subsidiary works authorised by this Order the Corporation may construct provide and maintain warehouses and other buildings in connexion with the harbour.

Power to lease warehouses &c.

13. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Corporation may from time to time lease or grant the exclusive use or occupation of any warehouses buildings wharves yards cranes machines or other conveniences provided by them for the purposes of their harbour undertaking to any person for such period (not exceeding seven years) and at such rents and on such terms and conditions as they think fit.

Corporation may provide for lighting harbour.

14.—(1.) The Corporation may provide for lighting the harbour and the works and buildings connected therewith by gas or electricity or other illuminating power and for that purpose may enter into agreements for such lighting.

(2.) All works provided by the Corporation for lighting the harbour and the works and buildings connected therewith by electricity shall be so constructed and used as to prevent any interference with telegraphic communication by means of any telegraphs for the time being used or intended to be used by the Postmaster-General.

(3.) The position and character of any lights used by the Corporation in or in connexion with the harbour shall be approved by the Corporation of Trinity House Deptford Strond and the Corporation shall not use any such lights unless so approved.

Rates.

Rates.

15. Subject to the provisions of this Order the Corporation may demand and receive on any and every vessel entering within the harbour whether that vessel anchors or is moored within the harbour or not or is lying alongside any wharves or quays within the harbour or not a rate not exceeding the rate of twopence per ton register of the vessel and if the vessel remains in the harbour more than two months continuously then for every month or part of a month during which the vessel so remains after the first two months a further rate not exceeding the rate of one penny per ton register of the vessel Provided that—

(*a*) the rates leviable under this section in the case of vessels forced by stress of weather to seek shelter in the harbour and not breaking bulk while making use thereof shall not exceed one halfpenny per ton register of the vessel; and

(*b*) the rates leviable under this section shall in the case of unregistered vessels be calculated upon every ton of one half of the gross burden or dead weight capacity of the ship instead of the ton register; and

(*c*) rates under this section shall not be levied in respect of the same vessel more than four times in any one year ending on the thirty-first day of March.

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Revision of rates.

16.—(1.) The rates to be levied by the Corporation for the time being under this Order shall be adjusted by the Corporation within the maximum rates specified in this Order in such a manner that so far as possible the income of the harbour shall not for the time being be more than is sufficient for the purposes of the Order of 1870 and this Order.

(2.) If at any time it appears to the Board of Trade from the annual account sent to them that the clear annual income derived from the harbour 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 the Order of 1870 and this Order that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums specified in this Order as the maximum rates.

Certain fishing vessels under stress of weather exempt from rates.

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

Lifeboat crews exempt from rates.

18. 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 in or from the harbour.

Finance.

Power to borrow.

19.—(1.) The Corporation may borrow on mortgage at interest on the security of the rates authorised by this Order such sums of money as may be required for the purposes of this Order and the Order of 1870 not exceeding in the whole the sum of ten thousand pounds.

(2.) All sums borrowed by the Corporation under this Order shall be applied for the purposes of the Order of 1870 and this Order to which capital is properly applicable and not otherwise.

(3.) The Corporation may secure by mortgage under this section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by this Order and any money so secured shall be considered to be money borrowed under this Order.

(4.) Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order but in those sections as so applied the word "rates" shall mean the rates authorised by this Order.

(5.) A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of the money lent.

Repayment of money borrowed.

20.—(1.) Any sum borrowed by the Corporation under this Order shall be repaid within forty years from the date on which the sum is borrowed.

(2.) The Corporation shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

(3.) If any money borrowed under this Order is to be repaid by means of a sinking fund the Corporation shall in every year set apart for a sinking fund and accumulate in the way of compound interest (by investing the same in securities in which trustees are by law for the time being authorised to invest other than securities of the Corporation and securities transferable by delivery) such a sum as will with accumulations in the way of compound interest be sufficient to pay off the whole of the principal money borrowed within the period for which it is borrowed and the Corporation may apply any portion of the sinking fund in or towards paying off the money for the repayment of which it was created.

Annual return to be made to Board of Trade.

21.—(1.) The town clerk shall within two months after the expiration of each year during which any sum is required to be paid as an instalment or set apart for a sinking fund under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by that Board showing the amount which has been paid as an instalment or invested for the purpose of any such sinking fund during that year and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during that year and the total amount remaining invested at the end of that year.

(2.) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Board of Trade and shall be recoverable by that Board in a summary manner.

(3.) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart in accordance with the provisions of this Order any sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and such Order shall be enforceable by writ of mandamus to be obtained by the Board of Trade out of the High Court.

Power to reborrow.

22.—(1.) If the Corporation pay off any part of any money borrowed by them under this Order otherwise than by means of instalments or a sinking fund they may reborrow that money.

(2.) All moneys so reborrowed shall be repaid within the period fixed for the repayment of the money in lieu of which the reborrowing has been made and any amounts reborrowed shall be deemed to form the same loan as the moneys in lieu of which the reborrowing has been made and the obligations of the Corporation with respect to the repayment of that money shall not be in any way affected by the reborrowing.

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Application of income.

23. After the passing of the Act confirming this Order the Corporation shall apply the revenue received from rates or otherwise under the Order of 1870 and this Order for the purposes and in the order following and not otherwise (that is to say) :—

(1.) In paying all the costs charges and expenses of or incidental to applying for preparing and obtaining this Order or otherwise incurred in relation thereto except so far as the same are paid out of the moneys borrowed under this Order ;

(2.) In paying the expenses properly chargeable to revenue of the maintenance repair management and regulation of the harbour and of the works authorised by the Order of 1870 and this Order ;

(3.) In paying year by year the interest of any money borrowed under this Order ;

(4.) In paying the instalments as they become due in respect of the principal of any money borrowed under this Order or in providing in accordance with this Order a sinking fund for the discharge of that principal money ;

(5.) In paying the cost of constructing any subsidiary works so far as such cost has not been paid out of borrowed moneys ;

(6.) The surplus income (if any) may be applied in the further general improvement of the harbour and works.

Annual account to be sent to Board of Trade. 24 & 25 Vict. c. 19.

24.—(1.) The Corporation within one month after sending to the clerk of the peace a copy of their annual account in abstract shall send a copy of it to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to the account as if the Corporation were a Company within the meaning of that section.

(2.) The account shall be made up to the end of the financial year of the borough.

(3.) If the Corporation refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Byelaws.

Power to make byelaws.

25.—(1.) The Corporation may make byelaws to take effect within the harbour for the regulation licensing and control of vessels and boats and also for the regulation licensing and control of persons embarking disembarking plying for hire frequenting or resorting to or employed in the harbour and for regulating and fixing the fares to be charged by those licensed persons and may impose and recover a penalty not exceeding forty shillings in any case for the breach of non-observance of any byelaw.

(2.) A byelaw made under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3.) The Corporation shall not under this Order make or enforce byelaws for any purpose for which they have power under the Public Health Acts to make byelaws.

Penryn.

Life-saving Apparatus.

Site for lifeboat house.

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

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

Life-saving apparatus may be attached to pier.

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

Lifebuoys.

28.—(1.) The Corporation shall keep at such places in the harbour as may be directed by the Board of Trade lifebuoys and lines in good order and ready for use and shall apply for the directions of the Board under this section as soon as the works are completed.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such directions.

Lights.

As to lights during construction of works.

29.—(1.) Before commencing the works authorised by this Order the Corporation shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

30.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order or the Order of 1870 the Corporation shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Corporation shall apply to the said Corporation of Trinity House for such directions.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

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Provision against danger to navigation.

31.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or the Order of 1870 or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to the said Corporation of Trinity House for such directions.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

Recovery of penalties.

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

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

33. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with the Order of 1870 and this Order 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.

Exception from incorporation of certain sections of Harbours Docks and Piers Clauses Act 1847.

34. The sections of the Harbours Docks and Piers Clauses Act 1847 which are excepted from incorporation under section 17 of the Order of 1870 are not incorporated with this Order.

Repeal.

35. Sections 6 7 8 9 and 10 of the Order of 1870 are hereby repealed.

Costs of Order.

36. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Corporation.

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