CHAPTER cxlvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Brixham Gillingham and Lowestoft. A.D. 1912.

[7th August 1912.]

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

Confirmation of 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.

Short title.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1912.

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The SCHEDULE of Orders.

1. BRIXHAM.—Extension of pier &c.

2. GILLINGHAM.—Construction of pier &c.

3. LOWESTOFT.—Widening of the Lowestoft (South) Pier &c.

BRIXHAM HARBOUR.

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Order to authorise the Brixham Urban District Council to construct additional works to extend the harbour limits to amend the Acts and Orders relating to the harbour and for other purposes.

Short title and construction.

1.—(1) This Order may be cited as the Brixham Harbour Order 1912.

(2) The Brixham Harbour and Market Act 1799 (in this Order called "the Act of 1799") the Brixham Harbour and Market Act 1837 (in this Order called "the Act of 1837") the Brixham Harbour Order 1875 (in this Order called "the Order of 1875") the Brixham Harbour Order 1877 (in this Order called "the Order of 1877") the Brixham Harbour and Market Act 1896 (in this Order called "the Act of 1896") and the Brixham Harbour Order 1906 (in this Order called "the Order of 1906") as those Acts and Orders are varied and amended by this Order and this Order may for all purposes be cited together as the Brixham Harbour Acts and Orders 1799 to 1912.

Commencement of Order.

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

Definitions.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:—

"The Council" means the Brixham Urban District Council;

"The district" means the urban district of Brixham;

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

"The harbour" means the harbour of Brixham within the limits described in section 5 of this Order;

"The breakwater" means and includes as well the existing pier or breakwater as the works authorised by this Order;

"The works" means as well the existing piers and quay at Brixham as the works authorised by this Order;

"The former Acts and Orders" means the Brixham Harbour Acts and Orders 1799 to 1906;

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"The harbour revenue" means and includes all rates tolls dues rents receipts and other revenue received by the Council in respect of the harbour and the works under the authority and provisions of the former Acts and Orders and this Order;

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

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

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

Undertakers.

Undertakers

4. The Council shall be the Undertakers for carrying this Order into execution.

Limits.

Limits.

5.—(1) The limits within which the Council shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works and the area below high-water mark inclosed by (*a*) an imaginary line drawn from Shoalstone Point in the parish and urban district of Brixham extending in a west-north-westerly direction for a distance of 6500 feet or thereabouts until it intersects the imaginary line next described (*b*) an imaginary line drawn from the centre of Old Quarry in the parish of Churston Ferrers in the rural district of Totnes in a north-easterly direction for a distance of 3000 feet or thereabouts until it intersects the imaginary line first described and (*c*) the land line of the coast from the centre of Old Quarry aforesaid to the said Shoalstone Point.

(2) A map or plan showing the limits of the harbour having been signed in triplicate by an assistant secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited at the office of the clerk of the peace for the county of Devon and another copy thereof shall be deposited at the office of the Council.

(3) In case of any discrepancy between the limits delineated on the said map or plan and the limits described in subsection (1) of this section the said map or plan shall be deemed to be correct and shall prevail.

(4) Section 22 (Limits of the harbour) of the Act of 1837 is hereby repealed.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

6. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and so much of those Acts 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 those Acts shall mean this Order.

Lands may be acquired by agreement.

7. The Council may by agreement purchase or take on lease acquire and hold for the purposes of the harbour and of this Order any additional lands which the Council may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Council from any proceedings for nuisance caused or permitted by them upon land acquired by them under the power conferred by this section.

Power to grant easements &c. by agreement.

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

Power to retain and sell lands.

9. The Council may subject to the provisions of the Lands Clauses Consolidation Act 1845 sell dispose of or let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Council think fit.

Works and Powers.

Power to construct works.

10. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works the Council may on the lands and in the lines

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and according to the levels shown on the said plans and sections and within the limits shown on those plans make and maintain the following works:—

A pier or breakwater wholly of solid construction commencing at the termination of the existing pier or breakwater and extending seawards in a north-westerly direction for a distance of one thousand feet or thereabouts from the point of commencement and there terminating.

Power to deviate.

11. In constructing the works authorised by this Order the Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent.

Power to improve works.

12.—(1) Subject to the provisions of this Order the Council may from time to time with the consent of the Board of Trade improve alter and extend the works and may in connexion with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties patent slips buoys moorings lights beacons roads sewers drains watercourses tanks mains pipes wires engines weighing machines and other works buildings electric light power or other apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramway sidings and turn-tables on and along the works and land connected therewith and may take down or remove portions of the existing works.

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

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

Power to dredge.

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

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

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the harbour revenue.

Penalty for injuring works.

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

Powers to cease in certain events.

15.—(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 the construction thereof 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 the construction thereof or otherwise in relation thereto shall cease except as to so much of the 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 commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works authorised by this Order 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.

Power to provide and construct warehouses &c.

16. The Council may subject to the provisions of this Order purchase or take on lease any houses warehouses offices sheds weighing machines cranes patent slips moorings and other works buildings and conveniences which may be found necessary or desirable in connexion with the harbour for the accommodation of vessels and traffic landed at or embarked from the same and the convenient working thereof.

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

17. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the works authorised by this Order shall be constructed only in accordance with the terms of such consent.

Power to purchase dredgers &c.

18. The Council may provide purchase take on lease hire and use such steam or other dredgers eroders engines tugs lighters or

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other vessels machinery diving bells tools plant or other materials as they may think necessary for effecting the purposes of the former Acts and Orders or this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account.

Rates &c.

Rates and provisions of Brixham Harbour Acts and Orders 1799 to 1906 to extend to works authorised by this Order.

19. Subject to the provisions of this Order the works authorised by this Order shall for the purposes of the rates and charges which may be demanded and received by the Council and for all other purposes be part of the harbour and undertaking of the Council under the former Acts and Orders and the powers and provisions of the former Acts and Orders as amended or varied by this Order shall extend and apply to the works authorised by this Order.

Amendment of Part I. of schedule to Order of 1877.

20. Part I. (Rates on Ships) of the schedule to the Order of 1877 shall be read and construed as if "the first of April" were substituted therein for "the first of September."

Master of fishing vessel to report take of fish.

21.—(1) The master or owner of any vessel with a take or cargo of fish (not being exclusively fish which is intended to be sold in the harbour market or elsewhere) if he intends to land unship or tranship the said take or cargo of fish shall on the arrival of the vessel within the limits of the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Rates for use of piers for walking for exercise &c. and rates for fish.

22.—(1) The Council may after the commencement of this Order and without any further certificate under the twenty-fifth section of the Harbours Clauses Act 1847 or otherwise demand recover and receive in addition to the rates which under the Order of 1875 the Order of 1877 and the Order of 1906 they are now authorised to levy the following rates (that is to say):—

(*a*) For every person who shall use the breakwater for the purpose of walking for exercise pleasure or any other purpose except of embarking from the breakwater on board of or landing on the breakwater from any ship vessel packet or passage boat for each and every time any sum not exceeding twopence:

(*b*) For fish (other than cured fish) landed unshipped or transshipped in the harbour or any place within the limits of the harbour and not sold in the harbour market or elsewhere viz.:—

Pilchards per 448 lbs.—fourpence;

Pilchards (for less quantities) per 120—one farthing;

Mackerel per 120—twopence;

Herrings per 120—one halfpenny;

All other sorts of fresh fish per cwt.—twopence.

(2) From and after the commencement of this Order the Order of 1875 shall be read as if the rates by subsection 1 of this section authorised had been authorised by that Order to the intent that such rates shall be a security for all moneys borrowed under the Order of 1875.

(3) Section 5 (Power to vary exemptions from rates and to enter into compositions &c.) of the Order of 1906 shall apply to the rates by subsection 1 of this section authorised.

Rates for use of warehouses &c.

23. The Council may demand and receive such rates rents or other consideration as they may think reasonable for the use of any warehouses sheds buildings weighing machines cranes patent slips moorings works lighters and conveniences belonging to or leased by the Council for the use of which rates are not specially fixed in the former Acts and Orders.

Harbour-master may prevent sailing of vessels.

24. The harbour-master may prevent the removal or sailing from within the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish to which the provisions of the section of this Order of which the marginal note is "Master of fishing vessel to report take of fish" apply until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

Contracts with railway companies &c.

25. The Council may from time to time in connexion with and for the purposes of their undertaking enter into and carry into effect contracts with railway and other companies shipowners owners of boats and vessels and other persons with reference to the construction of lifts railways tramways and other works in connexion therewith and to the berthing and mooring of ships boats and vessels including coal and other hulks within the harbour for such time and upon such terms as the Council may think proper and to the receiving forwarding and conveyance of passengers and traffic including the user by any

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such company or person of the harbour and works Provided that no undue preference be given to any company or person by or under any such contract.

Finance.

Power to borrow.

26.—(1) The Council may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

(*a*) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole thirty thousand pounds;

(*b*) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the harbour undertaking; and

(*c*) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the harbour revenue as so much of the district fund and general district rate as arises from and is leviable upon rateable property in the area mentioned in section 11 of the Act of 1896 and described in the schedule to that Act subject to any mortgages or charges thereon existing at the commencement of this Order.

Periods for repayment of money borrowed.

27. All moneys borrowed by the Council under the last preceding section of this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within forty years from the date of borrowing the same;

(*b*) As to the money borrowed for the purposes (*b*) mentioned in the last preceding section within such period from the date of borrowing the same as the Board of Trade may prescribe; and

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

Application of financial provisions of Act of 1896.

28. The following provisions of the Act of 1896 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order namely:—

Section 12 (As to mortgages granted by District Council) except subsection (1) of that section;

Section 13 (Money may be raised under Local Loans Act 1875);

Section 18 (Regulations of Public Health Act 1875 not to apply to borrowing powers);

Section 19 (Priority of principal moneys secured by existing mortgages);

Section 20 (Protection of lender from inquiry);

Section 21 (Liabilities of harbour undertaking and general liabilities of district to be separate); and

Section 24 (Annual return to Local Government Board with respect to sinking fund).

Power to re-borrow.

29.—(1) The Council shall have power—

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

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

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

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

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

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

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

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

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

(5) Section 26 (Re-borrowing) of the Order of 1875 and section 17 (Power to re-borrow) of the Act of 1896 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

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Mode of repayment of borrowed money.

30. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that the Council shall not be bound to pay any instalment of principal or to make the first payment to the sinking fund in respect of moneys borrowed for the purpose (*a*) mentioned in the section of this Order the marginal note whereof is "Power to borrow" until the 1st April 1915 or the completion of the works authorised by this Order whichever may be the earlier date.

Sinking fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Application of money borrowed.

32. All moneys borrowed under this Order shall be applied by the Council only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

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

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

Grants of moneys to undertakers.

34. The Council may accept and shall apply free grants of money towards the cost and erection of the works authorised by this Order and the costs of this Order and the Council may also accept from any company public body or person any sum or sums of money by way of gift or free grant and apply the same towards such cost and outlay.

Confirming borrowing under Act of 1896 &c.

35.—(1) The sum of six thousand pounds borrowed by the Council on the seventeenth day of November one thousand nine hundred and nine in purported exercise of the powers of section 11 (District Council may exercise borrowing powers of commissioners with collateral charge on general district rate) of the Act of 1896 shall for all purposes be deemed to have been authorised by and borrowed under the Act of 1896 and the provisions of section 9 (Amendment of Order of 1875 and Act of 1896 as to repayment of moneys borrowed under Order of 1875) of the Order of 1906 shall apply to the said borrowing except that the said sum shall be repaid

within fifty years from the fourteenth day of December one thousand nine hundred and nine instead of within fifty years from the eighth day of June one thousand eight hundred and ninety seven.

(2) The Council shall not borrow any further moneys under the Order of 1875 or the Act of 1896.

Application of harbour revenue.

36. The harbour revenue shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1) In payment of the interest as it accrues due on any moneys borrowed under the Order of 1875 and the Act of 1896 and for the time being outstanding:

(2) In payment of the costs and expenses of the maintenance repair management and regulation of the harbour and the works:

(3) In payment of the instalments of principal from time to time becoming due in respect of moneys borrowed under the Order of 1875 and the Act of 1896 and for the time being outstanding and repayable by instalments and in providing a sinking fund for the repayment of moneys borrowed under the Order of 1875 and the Act of 1896 and repayable by means of a sinking fund:

(4) In payment of the interest as it accrues due on any moneys borrowed under this Order and for the time being outstanding:

(5) In payment of the instalments of principal from time to time becoming due in respect of moneys borrowed under this Order and for the time being outstanding and repayable by instalments and in providing a sinking fund for the repayment of moneys borrowed under this Order and repayable by means of a sinking fund:

(6) In repaying to the district fund or general district rate mentioned in the section of this Order the marginal note whereof is "Power to borrow" any moneys which under the provisions of the former Acts and Orders or this Order are or may hereafter become due thereto from the harbour undertaking:

(7) In the general improvement of the harbour and the works.

Byelaws.

Byelaws.

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

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(2) No byelaw shall 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) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Life-saving Apparatus.

Provision for life-saving apparatus.

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

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

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

Life-saving apparatus may be attached to pier.

39. 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 without payment attach or cause to be attached to any part of the breakwater 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 breakwater.

Lifebuoys to be kept.

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

Lights.

Lights during construction of works.

41.—(1) Before commencing the works authorised by this Order the Council 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 from time to time 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 requirements as to lights during the construction of the works.

(2) The Council 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 or comply with any directions so given.

Lights after completion of works.

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

(2) The Council 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 or comply with any such directions.

As to buoys and lights in case of decay of works.

43.—(1) In case of injury to or destruction or decay of the breakwater or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the said Corporation of Trinity House and shall apply to the said Corporation for directions as to the means to be taken.

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

Miscellaneous.

Appointment of officers to enforce bye-laws and regulations.

44. The Council may appoint officers for securing the observance of the byelaws made by the Council in respect of the harbour undertaking under the former Acts and Orders and this Order and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables unless so sworn and unless in uniform or provided with a warrant.

Power to advertise.

45. The Council may advertise the tides harbours tolls depth of harbour and boat services connected with the harbour undertaking.

Recovery of penalties.

46. All penalties recovered by the Council under the former Acts and Orders in respect of which no other provision is made by those Acts and Orders and all penalties under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and shall be paid to the treasurer for the time being of the Council and be by him carried to the credit of the harbour revenue.

Officers exempt from rates.

47. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour and the works without payment.

Application of 10 & 11 Vict. c. 27.

48. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be the special Act.

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Brixham.
Crown rights.

49. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving rights of Duchy of Cornwall.

50. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Works to be in parish and urban district of Brixham.

51. The works shall be deemed to be for all purposes within the parish and urban district of Brixham in the county of Devon.

Costs of Order.

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

GILLINGHAM PIER.

Gillingham. ***Order for authorising the construction and maintenance of a pier and other works at Gillingham in the County of Kent and for other purposes in connexion therewith.***

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Gillingham Pier Order 1912.

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

Definitions.

2.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:—

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

"The Conservators" means the Conservators of the River Medway incorporated by the Medway Conservancy Act 1881;

"The Order of 1869" means the Gillingham Pier Order 1869;

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

"The existing pier" means the pier wharf and landing stage and the works buildings approaches and conveniences connected therewith belonging to the Corporation under the Order of 1869;

"The pier" means and includes the existing pier and the works authorised by this Order;

"The works" means the works authorised by this Order;

"The pier undertaking" means and includes the pier and the right to levy rates tolls and other charges and all other rights of the Corporation under the Order of 1869 and under this Order and the entire undertaking of the Corporation in connexion with the pier;

"The pier revenue" means the revenue of the pier undertaking.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

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

Undertakers.

Undertakers.

3. The Corporation shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

4. 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 and except also section 127 of the lands Clauses Consolidation Act 1845) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

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Gillingham.

Acquisition of Lands.

Lands may be acquired by agreement.

5. The Corporation may by agreement purchase or take on lease for the purposes of the pier undertaking and of this Order any additional lands which the Corporation may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to grant easements &c. by agreement.

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

Limits.

Limits.

7.—(1) The limits within which the Corporation shall have authority and within which the powers of the piermaster may be exercised shall comprise the pier and the area below high-water mark within a distance of seven yards from any part of the pier which limits are in this order termed "the limits of this Order" Provided always that the Corporation may make a byelaw under the section of this Order the marginal note whereof is "Byelaws" giving the piermaster power to regulate the traffic in any part of the River Medway which lies within ninety feet from any part of the works.

(2) The limits within which the power to levy rates under the Order of 1869 and this Order may be exercised shall comprise the pier and are in this Order called "the rating limits."

Works and Powers.

Power to construct works.

8. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Admiralty and the Conservators may require before the completion of the works the Corporation may on the lands and in the lines and according to the levels shown on the said plans and sections and within the limits shown on those plans make and maintain the following works:—

A pier or jetty and landing stage and the approaches thereto commencing at a point on the right bank of the River Medway about 10 feet east of the causeway known as Commodore Hard and extending in a direction approximately north-north-east

for a distance of 800 feet and terminating in the bed of the River Medway Provided always that the piles are to be driven to a sufficient depth to render the structure secure in the event of the channel being dredged to a depth of 24 feet up to a line 90 feet from the pier head and that there is to be no deviation beyond the aforesaid limit of 800 feet notwithstanding any limit of deviation that may be shown on the deposited plans to the contrary.

The works will be constructed as open works throughout except so far as they are otherwise shown upon the said plans or sections.

Power to deviate.

9. In constructing the works the Corporation may with the previous consent in writing of the Admiralty and of the Conservators deviate laterally to any extent within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Penalty for injuring works.

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

Powers to cease in certain events.

11.—(1) If within two years from the commencement of this Order the works are not substantially commenced the powers given by this Order for executing the 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 after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing the works or otherwise in relation thereto shall cease except as to so much of the 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 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.

Consent of Admiralty and Conservators to works below high-water mark.

12. No part of the works below high-water mark shall be commenced without the consent in writing of the Admiralty and of the Conservators having been previously obtained and those works shall be executed only in accordance with the terms of such consent.

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Gillingham.

Power to dredge.

13.—(1) The Corporation may with the previous consent of the Admiralty and of the Conservators deepen dredge scour and excavate any portion of the foreshore and bed of the sea or river to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same Provided always that the consent of the Conservators shall not be unreasonably withheld.

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

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the pier revenue.

Power to purchase dredgers &c.

14. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of the Order of 1869 or this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.

Improvement and maintenance of pier.

15.—(1) Subject to the provisions of this Order the Corporation may with the consent of the Admiralty and of the Conservators maintain and improve the pier and in connexion therewith may from time to time construct erect maintain alter and improve all necessary embankments walls locks docks gates sluices piers quays wharves jetties landing-places railways tramways cattle-pens warehouses refreshment or other buildings and rooms roads approaches offices sheds coal-tips staiths bridges cranes weighing machines engines electric and other apparatus and machinery moorings hawsers buoys lights water-pipes and other works and conveniences.

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

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

Power to provide pavilions &c.

16. The Corporation may erect construct and maintain upon the pier or upon any lands acquired by them under the powers of this Order pavilions and assembly rooms concert rooms reading and refreshment rooms kiosks shops shelters automatic machines and urinals and open or covered swimming and other baths with all necessary conveniences and appliances and may make such reasonable charges as they may think fit for the use thereof or for admission thereto in addition to the authorised charges for passengers and promenaders using the pier.

For protection of Conservators of River Medway.

17.—(1) The Corporation before commencing any works authorised by this Order shall deposit with the Conservators plans and sections showing the proposed works and shall at the cost of the Corporation obtain the licence of the Conservators in writing to the construction thereof and the Conservators may annex such conditions to the granting of such licence as to them shall seem right and until such licence shall have been obtained it shall not be lawful for the Corporation to commence any of the said works.

(2) No works shall be constructed other than those authorised by the licence and all works shall be constructed and maintained under and subject to the reasonable rules regulations and restrictions of the harbour-master or engineer for the time being of the Conservators and all reasonable costs charges and expenses which the Conservators may incur in connexion with the grant of any licence shall be paid to the Conservators by the Corporation on demand.

(3) Nothing contained in this Order shall take away prejudice diminish or alter any of the estates rights interests privileges liberties powers or authorities vested in or enjoyed or exerciseable by the Conservators under the Medway Conservancy Act 1881 or otherwise.

(4) Nothing contained in this section shall authorise the Conservators or their harbour-master to make any demands rules regulations or restrictions which involve any alterations in deposited plans and sections of the works authorised by this Order without the consent in writing of the Admiralty.

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Rates.

Power to levy rates.

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

(2) Subject to the provisions of this Order the pier shall for the purposes of rates and for all other purposes be deemed to be part of the pier wharf and landing-place referred to in the Order of 1869 and the powers and the provisions of that Order as amended by this Order shall extend and apply to the pier.

(3) Parts I. and II. of the schedule to the Order of 1869 are hereby repealed and from and after the commencement of this Order the Corporation may subject and according to the provisions of the Order of 1869 as amended by this Order and of this Order demand receive and recover for the use of the pier by persons and vessels using the same any sums not exceeding the rates mentioned in the First Schedule to this Order annexed.

(4) So much of Part III. of the schedule to the Order of 1869 as prescribes the rate for "bricks" and for "fir pine and other descriptions not enumerated" and for "firewood wood or burnwood" is hereby repealed and from and after the commencement of this Order the Corporation may subject and according to the provisions of the Order of 1869 as amended by this Order and of this Order demand receive and recover for the use of the pier in respect of the goods described in Part III. of the schedule to the Order of 1869 and in the Second Schedule to this Order annexed any sums not exceeding the rates mentioned in Part III. of the schedule to the Order of 1869 as amended by this Order and in the Second Schedule to this Order annexed.

(5) Notwithstanding the repeals in subsections 3 and 4 of this section contained all rates and moneys due before the commencement of this Order may be received and recovered in like manner as if this Order had not been made.

Rates for warehouses &c.

19. The Corporation may (so far as the rates specified in the schedule to the Order of 1869 and the schedules to this Order do not extend) demand receive and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards and conveniences belonging to or provided by the Corporation or in respect of any services rendered by them in connexion with the pier undertaking.

Power to vary exemptions and compound for rates.

20. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by the Order of 1869 or this Order but so that no preference be in any case given to any person over any

other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of the Order of 1869 or this Order.

Revision of rates.

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

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Corporation on the average of the then three last preceding years after payment of all expenses and outgoings (including all interest payable on moneys borrowed under this Order and all instalments of money borrowed under this Order and repayable by instalments and all contributions to any sinking fund created under this Order) exceeds the amount sufficient for the purposes of this Order that Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any times raise the rates to any amount not exceeding the rates specified in the schedules to this Order annexed.

Power of Leasing.

Power to lease rates and other charges.

22.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Admiralty lease to any company corporation or person (*a*) the pier undertaking or (*b*) the rates and other charges authorised to be taken by the Order of 1869 or this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by the Order of 1869 or this Order which the Corporation have or might exercise and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under the Order of 1869 and this Order in respect of the pier undertaking.

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

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

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

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of the Order of 1869 and of this Order as to the keeping and delivery of accounts in respect of the pier undertaking shall apply to and be binding upon as well the lessees as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to lease pavilions &c.

23. The Corporation may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Powers of Management.

Power to close pier on special occasions.

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

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

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

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

Pass tickets for use of pier.

25.—(1) The Corporation may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding

one year as they may think fit or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2) The Corporation may prescribe the conditions on which pass tickets or family tickets or books of tickets are issued and the persons by whom those tickets may be issued.

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

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

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

Power to contribute to entertainments.

26. The Corporation may from time to time out of the pier revenue provide and pay for or contribute towards the payment of bands of music concerts or other entertainments on the pier or in the pavilions or other buildings thereon and subscribe towards the funds of any regatta or fête held in the immediate vicinity of the pier.

Finance.

Power to borrow.

27.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

(*a*) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole eight thousand pounds;

(*b*) With the consent of the Board of Trade such further sum or sums as may from time time be required for any of the purposes of the pier undertaking; and

(*c*) Such sum as may be required for the payment of the taxed costs charges and expenses of this Order.

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

Periods for repayment of money borrowed.

28. All moneys borrowed by the Corporation under the section of this Order (the marginal note whereof is "Power to borrow") shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to the money borrowed for the purpose (*a*) mentioned in the last preceding section of this Order within thirty years from the commencement of this Order;

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(*b*) As to the money borrowed for the purpose (*b*) mentioned in the last preceding section within such period not exceeding thirty years from the date of borrowing the same as the Board of Trade may prescribe;

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

Provisions of Public Health Act as to mortgages to apply.

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

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

Protection of lenders.

30. A person lending money to the Corporation shall not be concerned to enquire as to the observance by the Corporation of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent.

Mode of payment off of moneys borrowed.

31. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments after the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

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

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

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

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

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

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

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

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

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

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

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

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

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient without any further payments thereto to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent in writing of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent in writing of the Local Government Board may determine.

(12) For the purposes of this section "statutory security" means and includes any investment in which trustees are for the time being by statute authorised to invest trust money and any mortgage bond debenture or stock of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

Return as to sinking fund &c. to be made to Board of Trade.

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

the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

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

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

Power to re-borrow.

34.—(1) The Corporation shall have power—

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

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

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

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

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

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

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

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

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

Application of money borrowed.

35. All moneys borrowed under this Order shall be applied by the Corporation only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

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

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

Contingency fund.

37.—(1) Subject to the provisions of this Order with reference to the application of the pier revenue the Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) one-fifth of the aggregate capital sums for the time being expended by the Corporation in connexion with the pier undertaking to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier undertaking set apart out of the revenue such a sum as they may think fit.

(2) Every sum set apart under this section shall be invested in securities in which trustees are authorised to invest money other than securities of the Corporation and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Corporation on the pier undertaking or is required for any of the purposes mentioned in this section.

Application of pier revenue.

38. The pier revenue shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1) In payment of all expenses connected with the management and maintenance of the pier including therein the payment of a contribution towards a band of music playing on the

pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier:

(2) In payment of interest as it accrues due in respect of moneys borrowed under this Order:

(3) In payment of the instalments as they become due of the principal and moneys so borrowed:

(4) In providing a sinking fund for the repayment of any moneys borrowed under this Order and not repayable by instalments:

(5) In creating and maintaining if the Corporation think fit a contingency fund in manner specified in the last preceding section of this Order:

(6) In repaying to the borough fund or borough rate all moneys and interest which have been paid thereout for the purposes of the pier undertaking whether in respect of moneys borrowed or otherwise:

(7) In the general improvement of the pier undertaking:

(8) Sections 9 11 and 12 of the Order of 1869 are hereby repealed.

Deficiency of pier revenue to be charged on borough fund.

39. All charges on the pier revenue which that revenue may be insufficient to meet shall be charged on and paid out of the borough fund and borough rate and the Corporation shall include in each rate the amount (if any) which it is estimated may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has occurred during any previous period.

Annual accounts to be sent to Board of Trade. 25 & 26 Vict. c. 19.

40.—(1) The Corporation shall keep a separate account of all receipts payments credits and liabilities on capital and revenue accounts respectively in relation to the pier undertaking and shall within one month after sending to the clerk of the peace a copy of their annual account in abstract send a copy of the same account to the Board of Trade and the 16th section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the end of the 31st day of March in every year.

(3) The Corporation shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

(4) Section 13 of the Order of 1869 is hereby repealed.

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Byelaws.

Byelaws.

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

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Admiralty and that allowance and confirmation shall be sufficient for all purposes Provided that no byelaw relating to the navigation or user of the River Medway shall come into operation until it has received the allowance and confirmation of as well the Conservators as the Admiralty.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order or as from the commencement of this Order with the Order of 1869 Provided however that any byelaws in force at such commencement shall continue in force and have effect until the same shall be revoked by the Corporation.

Lights.

As to lights during construction of works.

42.—(1) Before commencing the works the Corporation shall apply to the Admiralty 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 from time to time given as to the like matters by the Admiralty and the Conservators 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 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 direction.

As to lights after completion of works.

43.—(1) After the completion or permanent discontinuance or abandonment of the works the Corporation shall exhibit at the outer extremity of the pier or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond with the concurrence of the Admiralty and of the Conservators and shall apply to that Corporation 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 observe or comply with any such direction.

Provision against danger to navigation.

44.—(1) In case of injury to or destruction or decay of the works 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 shall from time to time be directed by the Corporation of Trinity House Deptford Strond with the concurrence of the Admiralty and of the Conservators and shall apply to that Corporation for directions as to the means to be taken.

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

Miscellaneous.

Appointment of officers to enforce bye-laws and regulations.

45. The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Council in respect of the pier undertaking under this Order or under the Order of 1869 and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until sworn in and unless in uniform or provided with a warrant.

Recovery of penalties. 10 & 11 Vict. c. 27.

46.—(1) All penalties under the Order of 1869 or this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847 and for all the purposes of that Act the Order of 1869 and this Order shall be deemed the special Acts.

(2) All penalties recovered under the Order of 1869 or this Order by the Corporation shall be paid to the treasurer for the time being of the Corporation and be by him carried to the credit of the borough fund.

Exclusion of sections 16 to 19 of 10 & 11 Vict. c. 27.

47. Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Exemption and savings for Government departments.

48. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order and the Order of 1869 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 department specially named in those sections.

Exemption and savings for Conservators.

49. Officers of the Conservators being in the execution of their duty shall at all times have free access to the pier with their vessels without payment and also free ingress passage and regress to over and from the pier by land without payment.

Saving rights of Crown.

50. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein mentioned authorises the Corporation to take use or in any

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manner interfere with any portion of the shore or bed of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent the said Commissioners and Board are hereby respectively authorised to give.

Protection of War Department.

51. Nothing in this Order contained affects the rights of His Majesty's Principal Secretary of State for the War Department under an indenture of lease dated the 6th day of December 1904 and made between the Corporation of the one part and the said Secretary of State of the other part or authorises the Corporation to enter upon use or interfere with any land soil or water or with any pier landing stage or structure thereon or therein or with any interest or right in respect thereof vested in or exercised or exerciseable by the said Secretary of State or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised or exerciseable by the said Secretary of State without his previous consent signified in writing under his hand which consent the said Secretary of State is hereby authorised to give subject to such special conditions as he shall see fit to impose on the Corporation.

Saving for fishery.

52. Nothing contained in this Order shall take away lessen prejudice or alter any estate right interest power or privilege of the Court of Admiralty of the corporation of Rochester and notwithstanding the making and confirmation of this Order and the execution of the works thereunder all persons free of the Rochester Oyster and Floating Fisheries shall be entitled to trawl for floating fish and to dredge for and otherwise gather shell fish within those limits but nothing contained in this section shall authorise any person to moor vessels within those limits.

Saving in respect of departmental property.

53. Nothing herein contained shall be deemed or construed to extend to prejudice or affect any right of property or title belonging to or any of the rights privileges powers or authorities vested in or enjoyed by His Majesty or by any person or body in trust for His Majesty or by any department of His Majesty's Government or any officers of the same for the public service in the dockyard port of Chatham and Sheerness or in any foreshore bed soil or other premises or hereditaments which may at any time be vested in or be in the possession of the Crown or any department or office aforesaid nor any of the rights powers or privileges conferred on the Admiralty by the Medway Conservancy Act 1881.

54. Nothing in this Order or the Order of 1869 contained shall prejudice or affect the powers conferred by the Dockyard Ports Regulation Act 1865 or interfere with any regulations or rules from time to time made or to be made thereunder by Order in Council.

Provisions of Dockyard Ports Regulation Act 1865 to apply.

55. From and after the commencement of this Order the pier shall for all purposes be deemed to form part of the parish and borough of Gillingham in the administrative county of Kent.

Pier to be within parish and borough of Gillingham.

56. Sections 2 and 3 of the Order of 1869 are hereby repealed.

Repeal.

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

Costs of Order.

FIRST SCHEDULE.

I.—RATES ON VESSELS USING THE PIER.

	£	s.	d.
For every vessel not exceeding the burden of fifteen tons per ton	0	0	4
For every vessel exceeding the burden of fifteen tons and under fifty tons - - - per ton register	0	0	6
For every vessel of the burden of fifty tons and under one hundred tons - - - per ton register	0	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons - per ton register	0	0	10
For every vessel of the burden of one hundred and fifty tons and upwards - - - per ton register	0	1	0
All lighters for each trip - - - per ton	0	0	6
All boats entirely open landing or taking on board goods each	0	0	6

II.—RATES FOR USE OF PIER.

For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - - - -	0	0	4

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	£	s.	d.
For every person using the pier for the purpose or walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - - - - - -	0	0	2
For every bath or sedan chair including driver taken on the pier for each time any sum not exceeding - -	0	0	4
For every perambulator including driver taken on the pier for each time any sum not exceeding - - -	0	0	4
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	0	4
For every master of any vessel boat or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	0	10	0
Or if the annual sum is not paid for every time - -	0	0	1

III.—RATES ON PASSENGERS' LUGGAGE LANDED OR 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 not exceeding twenty-eight pounds - -	0	0	2
Over twenty-eight pounds and not exceeding eighty-four pounds - - - - - - -	0	0	4
Over eighty-four pounds and not exceeding one hundred and twelve pounds - - - - - -	0	0	5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds - - - -	0	0	6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds - - - -	0	0	7
Over one hundred and ninety-six pounds and not exceeding two hundredweight - - - - - -	0	0	8
If exceeding two hundredweight for every hundredweight -	0	0	4
And for every twenty-eight pounds weight in addition -	0	0	1

IV.—RATES ON CARRIAGES &c. LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER.

For every four-wheeled carriage - - - -	0	4	0
For every two-wheeled carriage - - - -	0	2	6
For every bicycle or tricycle for each and every time -	0	0	2
For every motor car - - - - - -	0	5	0

SECOND SCHEDULE.

Rates on goods shipped or unshipped received or delivered at the pier or the existing pier:—

	s.	d.
Bricks per 1000 - - - - - -	0	6
Wood viz.:—		
Fir pine and other descriptions not enumerated per ton of 40 cubic feet - - - - -	0	4¾
Firewood wood or burnwood per fathom of 216 cubic feet - - - - - - - -	0	3
General cargoes of groceries and provisions:—		
Not exceeding 10 tons per freight - - -	5	0
Exceeding 10 tons and not exceeding 90 tons -	10	0
For every ton in excess of 90 tons - - -	0	2

LOWESTOFT (SOUTH) PIER.

Order for authorising certain widenings and improvements of the Lowestoft (South) Pier and for other purposes.

Lowestoft (South).

Preliminary.

Short and collective titles.

1.—(1) This Order may be cited as the Lowestoft (South) Pier Order 1912.

(2) This Order and the Lowestoft (South) Pier Order 1900 may be cited together as the Lowestoft (South) Pier Orders 1900 and 1912.

Commencement of Order.

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

Interpretation.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):—

"The Company" means the Coast Development Corporation Limited;

"The Order of 1900" means the Lowestoft (South) Pier Order 1900;

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

"The pier" means and includes the existing pier and works buildings and conveniences connected therewith belonging to the Company and the works authorised by this Order;

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"The works" means the works authorised by this Order;

"Pier undertaking" means and includes the pier undertaking of the Company authorised by the Order of 1900 and this Order and also the right to levy rates tolls and other charges and all other rights conferred on the Company by the Order of 1900 and this Order.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

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

Undertakers.

Undertakers.

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

Acquisition of Land &c.

Incorporation of Lands Clauses Acts.

5. 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 those Acts shall mean this Order.

Power to take lands by agreement.

6. For the purposes of the pier or the works the Company may purchase by agreement and use all or such part of the lands within the limits of deviation shown upon the plans deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Lands may be acquired by agreement.

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

Limits and Works.

Limits.

8. Section 6 of the Order of 1900 shall be repealed as from the commencement of this Order and the limits within which the Company shall have authority and within which the powers of the pier-master may be exercised (which limits shall be deemed to be the limits to which the provisions of the Order of 1900 and of this Order apply and

extend) shall comprise the pier and an area below high-water mark lying within one hundred and fifty yards from any part of the pier which limits are in this Order termed "the limits of the Company."

Power to construct works.

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

Work No. 1—A widening alteration extension or improvement of the existing pier on the northerly side thereof commencing at a point 16 yards or thereabouts and terminating at a point 116 yards or thereabouts each measured in a seaward direction from the commencement of the existing pier;

Work No. 2—A widening alteration extension or improvement of the existing pier on the southerly side thereof commencing at a point 16 yards or thereabouts and terminating at a point 116 yards or thereabouts each measured in a seaward direction from the commencement of the existing pier;

Work No. 3—A widening alteration extension or improvement of the existing pier on the northerly side thereof commencing at a point 11 yards or thereabouts and terminating at a point 45 yards or thereabouts each measured in a shoreward direction from the pier-head; and

Work No. 4—A widening alteration extension or improvement of the existing pier on the southerly side thereof commencing at a point 11 yards or thereabouts and terminating at a point 45 yards or thereabouts each measured in a shoreward direction from the pier-head.

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

Power to deviate.

10. In constructing the works the Company may with the consent in writing of the Board of Trade deviate laterally within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Works to be part of pier undertaking.

11. Subject to the provisions of this Order the works shall for the purposes of rates and for all other purposes be deemed to be part of the pier undertaking as if it had been authorised by the Order of 1900

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and the provisions of that Order so far as the same are applicable to the works and are not inconsistent with the provisions of this Order shall mutatis mutandis apply to the works.

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

12. No part of the works below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the works shall be constructed only in accordance with the terms of such consent.

Erection of pavilion &c.

13. The powers conferred by sections 12 and 13 of the Order of 1900 shall apply to and be exerciseable over and in respect of the works in the same manner as if the works had been authorised by and formed part of the pier mentioned in that Order.

For protection of telegraphic lines of Postmaster-General.

14. Any electric lighting apparatus or electric mains and works constructed or maintained under the Order of 1900 or this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Powers of Sale and Leasing.

Power to sell.

15.—(1) The Company may (if authorised so to do by their Memorandum and Articles of Association and subject to the powers and provisions thereof) with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Order which the Company have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under this Order.

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

Power to lease undertaking or rates.

16.—(1) The Company may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (*a*) the pier undertaking or (*b*) the rates and other charges authorised to be taken by the Order of 1900 and this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the

powers conferred upon the Company by the Order of 1900 and this Order which the Company have or might exercise under the Order of 1900 and this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under the Order of 1900 and this Order.

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

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

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

(6) Nothing in this section shall exempt the Company from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with the Order of 1900 or this Order and of the Order of 1900 as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under the Order of 1900 and this Order.

(7) Section 28 of the Order of 1900 is hereby repealed.

Power to lease pavilions &c.

17. Notwithstanding anything in section 13 of the Order of 1900 the Company may let for hire or lease for any term not exceeding fourteen years any pavilions rooms aquaria shops bazaars saloons kiosks baths sheds warehouses lavatories or other buildings and conveniences separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions as they think fit.

Miscellaneous.

Appointment of officers to enforce bye-laws and regulations.

18. The Company may appoint officers for securing the observance of the byelaws and regulations made by them under the Order of 1900 and this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Application of 10 & 11 Vict. c. 27.

19.—(1) For all the purposes of the Harbours Clauses Act 1847 this Order shall subject to the provisions of the Order of 1900 as applied to this Order be deemed the special Act.

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(2) Sections 84 and 85 of the Harbours Clauses Act 1847 are not incorporated with the Order of 1900 or this Order.

(3) Sections 16 to 19 inclusive and sections 25 and 26 of the Harbours Clauses Act 1847 are not incorporated with this Order.

Works to be in parish of Kirtley.

20. The pier shall be deemed to be for all purposes within the parish of Kirtley or Kirkley and borough of Lowestoft in the county of East Suffolk.

Costs of Order.

21. 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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