# CHAPTER xcix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Cattewater and Poole. A.D. 1915.

[29th July 1915.]

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 1915.

[*Price* 2*s.* 3*d.*]

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# The SCHEDULE of Orders.

1. CATTEWATER.—Consolidation of the Cattewater Harbour Orders of 1874 1876 and 1885 &c.
2. POOLE.—Reconstitution of Harbour Commissioners &c.

## CATTEWATER HARBOUR.

A.D. 1915.

Cattewater.

*For the management and maintenance of the harbour of Cattewater in the county of Devon and for repealing the Cattewater Harbour Orders* 1874 1876 *and* 1885 *and for conferring further powers on the Cattewater Commissioners.*

*Preliminary.*

Short title.

1. This Order may be cited as the Cattewater Harbour Order 1915.

Commencement of Order.

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

Interpretation.

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

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

"The Order of 1874" means the Cattewater Harbour Order 1874;

"The Order of 1876" means the Cattewater Harbour Order 1876 as amended and varied by the Pier and Harbour Orders Confirmation Act 1880;

"The Order of 1885" means the Cattewater Harbour Order 1885;

"The pier" means the pier or breakwater at Mountbatten in the parish of Plymstock in the county of Devon;

"The works" means the pier and other works of the Commissioners;

"The harbour" means the harbour of Cattewater as defined by this Order;

"The harbour undertaking" means and includes the harbour and the conveniences connected therewith and the right to levy rates and tolls and all other rights conferred on or vested in the Commissioners by this Order and the entire undertaking of the Commissioners in connexion with the harbour;

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

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "packet boat" or "Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a

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vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

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

(3) The expression "person" or "persons" shall unless the contrary intention is apparent include any body of persons corporate or incorporate.

*Undertakers.*

Undertakers.

4. The body of Commissioners not exceeding seventeen in number and their successors incorporated by the Order of 1874 by the name of "the Cattewater Commissioners" as a body corporate with perpetual succession and a common seal shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Commissioners."

Incorporation of Commissioners Clauses Act 1847.

5. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the qualification of Commissioners the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers and other like class of electors and except as expressly varied by this Order.

Repeal of Orders of 1874 1876 and 1885.

6. From and after the commencement of this Order the Order of 1874 the Order of 1876 (as amended and varied by the Pier and Harbour Orders Confirmation Act 1880) and the Order of 1885 are hereby repealed without prejudice to anything duly done or suffered thereunder or any right privilege obligation or liability acquired accrued or incurred thereunder.

*Appointment and Election of Commissioners.*

Appointment of several Commissioners.

7. The Commissioners existing at the commencement of this Order shall subject to the provisions of this Order retain office until their tenure thereof respectively shall cease by effluxion of time in accordance with the provisions in that behalf of the Order of 1874 or by death resignation or otherwise whichever shall first happen and the appointment of the Commissioners shall henceforth be regulated as follows (that is to say):—

(1) The Board of Trade may if they think fit from time to time appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the Board:

(2) The Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral may if they think fit from time to time appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the Admiralty:

(3) The Secretary of State for the War Department may if he thinks fit from time to time appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the War Department:

(4) The Corporation of the Trinity House may if they think fit from time to time appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the Trinity House:

(5) His Grace the Most Noble Herbrand Duke of Bedford as tenant for life in possession of the manor of Plymstock under the trusts of the will of the Most Noble Francis Duke of Bedford deceased or other the person who for the time being shall under the trusts of such will be tenant for life in possession of such manor and shall have attained the age of twenty-one years and in default of any such person Sir Walter Roper Lawrence Baronet and the Right Honourable Victor Alexander Frederick Villiers Russell as trustees of such will their heirs and assigns lords of the said manor of Plymstock may appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the Duke of Bedford or the said trustees:

(6) The Right Honourable Edmund Robert Earl of Morley his heirs and assigns lords of the honour and manor of Plympton may appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the Earl of Morley:

(7) The assigns of the Right Honourable Clarence Edward Baron Graves owners of lands on the shores of the harbour may appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the said assigns:

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(8) The heirs and assigns of the Right Honourable Frederic Baron Blachford owners of lands at Hooe and St. Ann's otherwise Turnchapel may appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the said heirs and assigns:

(9) The town council of the borough of Plymouth shall have power to appoint two persons to be Commissioners under this Order and whenever a vacancy shall be caused by death resignation or otherwise in the office of either of the two Commissioners appointed by the said council the said council may appoint another person to fill the vacancy and so from time to time:

(10) The local marine board of the port of Plymouth may appoint one person to be a Commissioner under this Order whenever a vacancy shall be caused by death resignation or otherwise in the office of the Commissioner appointed by the said board:

(11) The persons being owners and lessees for the time being of quays yards storehouses and lands having frontage on the harbour shall have power to elect six persons to be Commissioners under this Order in the manner herein-after provided and whenever a vacancy shall be caused by death resignation or otherwise in the office of any of the six Commissioners appointed by the said persons they shall at the next annual election elect another person to fill the vacancy.

**Determination of appointment of Commissioners.**

8. The appointment of any Commissioner under this Order may at any time be determined by the authority body or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested and each such appointment shall be operative for not more than three years but at the end of the term of such appointment an outgoing Commissioner shall be eligible for re-appointment.

**Provisions as to election of Commissioners by landowners &c.**

9. With respect to the election of Commissioners by the persons being owners and lessees of quays yards storehouses and lands having frontage on the harbour the following provisions shall take effect:—

(1) The assessor and returning officer of the Commissioners shall be appointed by the Commissioners and shall preside as such at the meetings for the election of Commissioners and shall examine and decide finally on all claims to vote at such meetings so long as the Commissioners shall not revoke

his appointment and appoint any other assessor and returning officer in his place:

(2) Annual meetings of the persons being such owners and lessees as aforesaid for the election of Commissioners shall be held at such place as the Commissioners shall from time to time appoint on such day within ten days next before the first day of October in each year as the Commissioners shall annually appoint the place and time of the meeting being advertised by the clerk of the Commissioners five days at least before the day of meeting in some local newspaper circulating in the district:

(3) At each annual election each person being such owner or lessee as aforesaid shall be entitled to the following number of votes according to his frontage to the harbour that is to say an owner or lessee of fifty feet frontage or less one vote of more than fifty feet and not exceeding three hundred feet frontage two votes of more than three hundred feet and not exceeding six hundred feet frontage three votes of more than six hundred feet and not exceeding one thousand feet frontage four votes of more than one thousand feet frontage five votes for each Commissioner Provided that where the same person is both owner and occupier he shall be entitled to vote in each capacity and that the occupying lessee shall alone be entitled to vote to the exclusion of any lessee intermediate between owner and occupier Provided also that no owner having power in his own right to appoint a Commissioner shall be entitled to attend or to vote in the election of a Commissioner under this clause:

(4) The election of Commissioners at each annual meeting shall be made by the majority of votes of owners and lessees:

(5) Each Commissioner who shall in future be elected under this clause shall go out of office at the third annual meeting after his election except that a Commissioner elected to fill a vacancy caused otherwise than by effluxion of time shall go out of office at the end of the term for which the Commissioner in whose office such vacancy has occurred was elected:

(6) A casual vacancy in the office of a Commissioner arising by death or resignation or otherwise than by effluxion of time may if the Commissioners think fit be filled up by the appointment by the Commissioners of another person as a Commissioner with power to act as such only until the annual election then next ensuing:

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(7) Every Commissioner going out of office shall be eligible for re-election :

(8) All expenses of elections under this clause shall be paid by the Commissioners.

**Place of meetings and public offices.**

10. Notwithstanding anything contained in the Commissioners Clauses Act 1847 to the contrary the Commissioners may hold their annual monthly special or any other meetings at any time or in any place within the borough of Plymouth in the county of Devon or on their lands as they may from time to time think fit and may have their public offices within the borough of Plymouth or on their lands.

**Order of proceedings at annual election of Commissioners by owners and lessees.**

11. The poll or voting at annual meetings for the election of Commissioners by the owners and lessees of quays yards storehouses and lands having frontage on the harbour shall commence at eleven of the clock in the forenoon of the day fixed for the election and shall finally close at four of the clock in the afternoon of the same day and such elections and the poll or voting and the elections generally shall subject to the provisions herein-after mentioned be conducted in such manner and form as the assessor and returning officer for the time being shall decide :—

(1) The number of votes to which each person being such owner or lessee as aforesaid shall be entitled shall be calculated according to the extent of frontage enjoyed by such owner or lessee at the date of the last preceding revision of the register herein-after mentioned :

(2) The interposition of a road or retaining wall between the harbour and the property in respect of which the right to vote is claimed shall not deprive an owner or lessee of such property of his right to vote :

(3) Owners and lessees shall give their votes personally unless such owners or lessees shall be a corporation or body of persons unincorporate in which case such corporation or body of persons may give its vote or votes by proxy :

(4) The instrument appointing a proxy shall be in writing and where the appointer is a corporation under its common seal and where the appointer is a body of persons unincorporate under the hands of the persons having the direction or management of the undertaking or business carried on by such body of persons and every such instrument shall be attested by a witness and shall be in such form as shall be approved by the Commissioners :

(5) No member of a corporation or of any body of persons unincorporate (other than a partnership firm consisting of not

more than six persons) shall be entitled to vote individually as owner or lessee in respect of property belonging to such corporation or body of persons:

(6) Partners in a firm consisting of not more than six persons may vote as owners or lessees in respect of frontage the property of or occupied by such owners or lessees as if that property were equally divided among the partners:

(7) No owner or lessee nor any proxy for such owner or lessee shall be entitled to have a voting paper delivered to him as such (except at the first election of Commissioners after the commencement of this Order) unless the name of such owner or lessee is on the register herein-after mentioned:

(8) The Commissioners shall cause a register to be made and kept in which shall be entered the names addresses and qualifications of the owners and lessees claiming and entitled to vote and the names or descriptions addresses and qualifications of the appointers of proxies and the names and addresses of proxies duly appointed:

(9) Any such register made before the commencement of this Order shall be deemed to be a register or part of the register under this Order:

(10) A claim by an owner or lessee or proxy to be entered on the register shall be in writing and shall state his name and address and a description of the interest or estate in the property giving the qualification and in case of a proxy the claim shall be accompanied by the appointment of the proxy or an attested copy thereof:

(11) A person entitled to vote either as owner or lessee may object to the keeping of any name on the register and such objection shall be stated in writing signed by the person objecting:

(12) Claims and objections shall be sent to the clerk to the Commissioners at any time on or before the thirty-first day of July preceding each annual election:

(13) A person making an objection shall also give written notice thereof to the persons objected to by delivering the same by post or otherwise at the address of that person:

(14) The Commissioners shall between the thirty-first day of May and the thirtieth day of June publish a notice of the time within which claims and objections are to be made as aforesaid and shall cause a copy of such notice to be inserted in some local newspaper circulating in the district:

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(15) In the event of any such claims or objections being made as aforesaid which the Commissioners shall not accept and which the claimant or objector shall not withdraw within ten days after the thirty-first day of July preceding each annual election the Commissioners shall forthwith report accordingly to the Board of Trade who shall thereupon appoint three persons to be revisers of the register and the revisers or in case of the death or neglect or failure to act of any of them then the others or other of them shall proceed to revise the register by entering therein the names of the persons who have claimed and proved to their satisfaction to be entitled to vote as owners or lessees or proxies respectively and other particulars with respect to owners and lessees and proxies and by expunging from the register the names of owners or lessees or proxies who are proved to their satisfaction to be deceased or to have ceased to be entitled to vote:

(16) For the purpose of enabling the revisers to determine the validity of claims and objections they may examine such persons and ask for such evidence from the persons making the same as they shall think fit and any person may tender himself to be examined:

(17) Not later than the thirty-first day of August the revision of the register shall be closed and the revised register shall be signed by the chairman of the Commissioners or in the event of an appointment of revisers then by the revisers or the acting revisers or reviser as the case may be and that register shall continue in force until the next revision of the register:

(18) The register shall be open to the inspection of candidates and other persons interested in any election as owners or lessees or proxies or in any questions at which such owner or lessee or proxy claims to vote subject to such rules as the Commissioners may prescribe for the prevention of loss injury or disorder:

(19) At the first election of Commissioners after the commencement of this Order an owner or lessee or proxy shall be entitled to have a voting paper delivered to him if not less than fourteen days before the date appointed for such election he sends a claim in writing to the Commissioners containing such particulars as are herein-before required to be contained in claims to be entered on the register of owners and lessees and proxies:

(20) Any person entitled to vote may nominate for election as a Commissioner himself or any other person or persons so qualified not exceeding the number of persons to be elected :

(21) Every such nomination shall be in writing and shall state the names and residences and calling of the person or persons nominated and shall be signed by the person nominating and be delivered as such to the Commissioners not less than seven clear days before the date of the election :

(22) Any person nominated may withdraw from his candidature by giving a notice to that effect signed by him to the returning officer :

(23) If the number of persons nominated and not withdrawn is the same or less than the number of persons to be elected such persons if duly qualified shall be deemed and shall be certified by the returning officer under his hand to be elected :

(24) If the number nominated and not withdrawn exceeds the number to be elected the returning officer shall cause voting papers to be prepared and filled up by such duly qualified voter who shall present himself for that purpose on the date of the election and shall insert therein the names and residences and calling and quality of each of the persons nominated and not withdrawn in alphabetical order but it shall not be necessary to insert more than once the name of any person nominated :

(25) Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote and shall sign such voting paper :

(26) Any person voting as a proxy shall in like manner write his own initials and sign his own name and state also in writing the name of the body of persons for whom he is proxy :

(27) Any voter unable to write shall affix his mark at the foot of the voting paper in the presence of the returning officer who shall attest and write the name of the voter against the mark as well as the initials of such voter against the name of every candidate for whom the voter intends to vote :

(28) No voting paper shall be received or admitted for the election of any person not duly nominated at the time and in the manner aforesaid.

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*Acquisition of Lands.*

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**Incorporation of Lands Clauses Acts.**

12. 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.**

13. For the purposes of the work authorised by this Order the Commissioners may purchase by agreement and use all or such parts of the lands shown on the plans deposited with reference to the Order of 1874 as they may think requisite for the purposes of that work.

**Lands for extraordinary purposes.**

14. The Commissioners may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole five acres but nothing in this section shall exempt the Commissioners from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

**Power to take easements &c. by agreement.**

15. 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 this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantor 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.

**Power to retain and sell lands.**

16. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they may think fit or may sell let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

*Limits of Harbour.*

Limits of harbour.

17. The limits within which the Commissioners shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works and the area included within the lines drawn as follows (that is to say) an imaginary straight line drawn from a point on the seashore fifty-three yards or thereabouts immediately to the west of the south-western corner of the westernmost house of the coastguard station at Mount Batten to the westernmost extremity of the rock on which the Cobbler Buoy was formerly placed thence another imaginary straight line drawn to the Fisher's Nose in the borough of Plymouth thence an imaginary line drawn along the line of high-water mark of the shore of Cattewater to the point of high-water mark on the south side of the western pier of Sutton Pool thence a straight line drawn from the last-mentioned point touching the south side of such west pier and proceeding eastward till it meets the eastern pier of Sutton Pool and thence a line drawn along high-water mark of the shore of Cattewater to Laira Bridge thence along the southern side of the said bridge then along the line of high-water mark of the shore of the Cattewater including Pomphlett Lake up to but not beyond Pomphlett Mill at the head of the said lake and including Hooe Lake up to but not beyond Radford Mill Dam at the head of the said lake and thence passing on along high-water mark to the point on the seashore first mentioned.

*Works and Powers.*

Power to maintain and construct works.

18. Subject to the provisions of this Order and subject also to such alterations if any in the plan and sections deposited with reference to the Order of 1874 as the Board of Trade may require before completion of the work the Commissioners may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the said deposited plan and sections make and maintain—

A road wholly in the parish of Plymstock eight hundred yards or thereabouts in length commencing at the termination of the approach or carriage road leading to the pier and terminating at a point twenty yards or thereabouts in a south-easterly direction from Cliff Cottage in the village of Turnchapel in the road leading from the village of Turnchapel to Fort Stamford in the same parish.

Power to maintain and improve works.

19.—(1) Subject to the provisions of this Order the Commissioners may maintain and with the consent in writing of the Board of Trade from time to time restore reconstruct alter improve enlarge and extend the works and may in connexion with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights

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beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and lands connected therewith and may provide motive power for tramways.

(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 or other apparatus constructed provided and 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.

Nothing in this Order shall extend to or authorise an interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

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

20. Subject to the provisions of this Order any part of the work authorised by this Order to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such work being commenced have been approved by the Admiralty.

Any alteration or extension of any such work shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Admiralty may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

**Power to deviate.**

21. In constructing the work authorised by this Order the Commissioners may with the consent in writing of the Admiralty deviate laterally to any extent within the limits of deviation marked on the plan deposited with reference to the Order of 1874 and may with the like consent deviate vertically to any extent.

**Penalty for obstructing works.**

22. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the work authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the

lines of that work shall for every such offence be liable to a penalty not exceeding five pounds.

**Powers to cease in certain events.**

23.—(1) If within three years from the commencement of this Order the work authorised by this Order is not substantially commenced the powers given by this Order for executing that work or otherwise in relation thereto shall cease unless the time for the commencement of the work be extended by the special direction of the Board of Trade.

(2) If the work authorised by this Order after having been substantially commenced is virtually suspended for twelve consecutive months the powers by this Order given for executing that work or otherwise in relation thereto shall cease except as to so much of that work as has been 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 work has not been substantially commenced or that it has been virtually suspended for twelve consecutive calendar months shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

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

(5) If any work constructed by the Commissioners under the Order of 1874 the Order of 1876 the Order of 1885 or this Order on in over through or across tidal land or tidal water shall be abandoned or suffered to fall into decay the Admiralty may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of the said expense shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

**Power to erect buildings.**

24. The Commissioners may construct and maintain on the pier or on the lands belonging to them or acquired under this Order and may furnish and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions saloons waiting refreshment and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences and they may also construct maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming baths.

**Commissioners may take over bucys &c. from Admiralty.**

25. The Commissioners may at any time by agreement with the Admiralty purchase and take over all buoys moorings wharves and other appliances within the harbour now belonging to or under the control of the Admiralty and shall thenceforth maintain and have the

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control of the same buoys moorings wharves and other appliances subject and according to the terms of such agreement and the provisions of the Harbours Clauses Act 1847.

Power to dredge.

26.—(1) The Commissioners may deepen dredge scour and excavate any portion of the foreshore and bed of the harbour and the approaches thereto to the extent necessary to secure sufficient waterway and approach to any part of the harbour for vessels using the same The Commissioners shall not exercise the powers conferred by this subsection without the consent in writing of the Admiralty having first been obtained and except with the approval of and to the satisfaction of the Admiralty.

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

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

Power to purchase dredgers &c.

27. The Commissioners may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Power to remove obstruction and siltage in Cattewater Harbour.

28. The Commissioners may by notice in writing signed by their clerk require any person or persons corporation body or authority whether local or urban creating permitting suffering or authorising any obstruction or drainage discharge or deposit of any refuse sewage matter or thing which may obstruct or silt up or be likely to obstruct or silt up the harbour or waters under the jurisdiction of the Commissioners or any part thereof to remove any such obstruction refuse sewage matter or thing and in case of neglect or failure to remove the

same within one calendar month after such notice the Commissioners may either by dredging or otherwise at their option remove the same at the expense of the person or persons corporation body or authority so creating permitting suffering or authorising such obstruction drainage discharge or deposit who shall thereupon become liable to pay to the Commissioners on demand the costs of such dredging or removal and on non-payment thereof such costs may be recovered from the person or persons corporation body or authority liable to pay as if the same were a penalty leviable and recoverable under the provisions of the Harbours Clauses Act 1847 Provided that such costs shall not be recoverable from the mayor aldermen and burgesses of the borough of Plymouth on account of the removal of any obstruction drainage discharge or deposit in respect of which the Commissioners would not have any right or remedy against the said mayor aldermen and burgesses if this Order had not been made and the rights or powers of the said mayor aldermen and burgesses shall not be prejudiced or affected by anything in this Order contained.

*Rates.*

Power to levy rates.

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

(2) From and after the commencement of this Order the Commissioners may within the harbour and subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to vary exemptions and compound for rates.

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

Rates for warehouses &c.

31. The Commissioners may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Commissioners or in respect of any services rendered by them in connexion with the harbour.

Harbour-master may prevent sailing of vessels.

32. 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.

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Certain fishing vessels under stress of weather exempt from rates.

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

Exemption of lifeboat crew.

34. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Commissioners.

Power to close pier on special occasions.

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

(2) On all such occasions the Commissioners 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 schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Commissioners 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 and family tickets.

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

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

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

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

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

**Board of Trade may reduce rates.**

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

(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 Commissioners on the average of the three then last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the 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 time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

*Powers of Sale and Leasing.*

**Power to sell.**

38.—(1) At any time after the works have been completed the Commissioners may with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell their 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 Commissioners by this Order or which the Commissioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

(2) The Commissioners shall within one month after the date of any conveyance made under this section deposit a certified copy thereof

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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.**

39.—(1) The Commissioners 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 entire harbour undertaking or (B) the rates and other charges authorised to be taken by this Order.

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

(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 Commissioners from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Commissioners and all moneys received by the Commissioners under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

**Power to lease pavilions &c.**

40. In addition to any general power in this Order contained the Commissioners may let for hire or lease for any term not exceeding fourteen years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the harbour undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may think fit.

*Finance.*

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**Power to borrow.**

41. The Commissioners may from time to time borrow at interest not exceeding five pounds per centum per annum such money as may be required for the purposes of this Order not exceeding together with any sums previously borrowed and not repaid the sum of fifty thousand pounds on the security of the rates dues and tolls for the time being authorised Provided that the Commissioners shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

**Application of money borrowed.**

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

**Priority of mortgages.**

43. All mortgages made by the Commissioners for sums not exceeding in the aggregate the sum of forty thousand pounds authorised to be borrowed by the Order of 1874 and the Order of 1876 shall during the continuance of such mortgages and notwithstanding the repeal of those Orders have priority over all mortgages made under the increased borrowing power conferred upon the Commissioners by this Order.

**Protection of lenders.**

44. Any person advancing money to the Commissioners shall not be bound to require any further or other evidence of the power of the Commissioners to borrow the money advanced by such person than such as is afforded—

(*a*) By a certificate signed by the clerk to the Commissioners and two of the Commissioners that the Commissioners are not exceeding the powers of borrowing conferred on them by this Order; and

(*b*) By an inspection of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Undertakers.

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

45. The proceeds of sale of any surplus lands of the Commissioners 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 Commissioners and shall be applied in discharge of moneys borrowed by the Commissioners 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 Board of Trade.

**Re-borrowing.**

46. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be

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re-borrowed if required for the purposes of this Order and so from time to time.

Appointment of a receiver.

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

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

(3) In the application of sections 86 and 87 of the Commissioners Clauses Act 1847 to this Order the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under the Order of 1874 the Order of 1876 the Order of 1885 or this Order and the holder of any such security.

Contingency fund.

48. The Commissioners may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of two thousand pounds to meet any extraordinary damage which may happen or be caused to the works appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Commissioners) until required for any of the aforesaid purposes or may at their discretion effect an assurance or assurances against any such extraordinary claim or demand and pay the premiums out of such amount.

Application of harbour revenue.

49. The harbour revenue shall be applicable for the purposes and in the order following and not otherwise:—

(1) In payment of the costs of and connected with the preparation and making of this Order:

(2) In payment of the expenses properly chargeable to revenue of the maintenance repair and management of the harbour and all conveniences connected therewith:

(3) In payment year by year of the interest accruing on money borrowed under the Order of 1874 the Order of 1876 and this Order according to their respective priorities and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments:

(4) In forming so far as circumstances will admit a sinking fund in accordance with this Order for payment of principal moneys borrowed under the Order of 1874 the Order of 1876 or this Order:

(5) In making such payments if any as the Commissioners think fit into a contingency fund established under the provisions of this Order or in effecting such assurance as aforesaid:

(6) The surplus if any after providing for the purposes aforesaid shall be applied in paying the cost of expenses otherwise incurred in the improvement of the harbour or otherwise under this Order.

Sinking fund.

50. The Commissioners shall every year appropriate and set apart out of the surplus income if any after providing for the expenses mentioned in subsections (1) (2) and (3) of the preceding section such sum as will with the accumulations thereof by the way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed as to so much thereof as may have been borrowed under the Order of 1874 and the Order of 1876 within fifty years from the date of borrowing respectively and as to so much as may be borrowed under this Order within forty years from the date of borrowing respectively.

Appointment of auditor.

51.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall fix the payments to be made to him for salary and expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the harbour revenue.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and furnish him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

Annual account to be sent to Board of Trade.

52.—(1) The Commissioners shall within one month after sending to the clerk of the peace the copy of their annual account in abstract

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*Catteu ater.*

25 & 26 Vict. c. 19.

send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The Commissioners 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 section.

(3) The account shall be made up to the end of the thirty-first day of March in each year.

*Byelaws.*

Byelaws.

53.—(1) The byelaws which may from time to time be made by the Commissioners 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 Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) No byelaw relating to any part of the harbour below high-water mark or to any ship or vessel in the harbour or to any matter or thing in or upon or to be done or carried on in or upon the water in the harbour shall come into operation until (in addition to the allowance and confirmation of the Board of Trade) it has received the allowance and confirmation of the Admiralty.

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

(5) Notwithstanding the repeal of the Order of 1874 the Order of 1876 and the Order of 1885 all byelaws made by the Commissioners in pursuance of those Orders shall continue in force for one year from the commencement of this Order but shall then cease to have effect and be repealed.

*Life-saving Apparatus.*

Provision for life-saving apparatus.

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

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

(3) If the Commissioners 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 harbour.

55. 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 harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Lifebuoys to be kept.

56. The Commissioners shall at all times keep at convenient places on the harbour 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 after completion of works.

57.—(1) The Commissioners shall at the outer extremity of the harbour and in such other places as may be required exhibit and keep burning 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 Admiralty and shall apply to the Admiralty for such directions from time to time.

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

Provision against danger to navigation.

58.—(1) In case of injury to or destruction or decay of the harbour or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing (so far as may be) danger to navigation as may from time to time be directed by the Admiralty and shall apply to the Admiralty for directions as to the means to be taken.

(2) The Commissioners 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 direction given in reference to the means to be taken.

*Miscellaneous.*

Exclusion of part of Harbours Clauses Act 1847.

59. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act but sections 6 to 13 of that Act shall not be incorporated with this Order.

Meters and weighers.

60. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

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Appointment of officers to enforce byelaws.

61. The Commissioners may appoint officers for securing the observance of the byelaws and regulations made by the Commissioners under this Order and under the said Orders hereby repealed in respect of the harbour 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.

Recovery of penalties.

62. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers exempt from rates.

63. 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 without payment.

Pilots to be subject to harbour-master.

64. All pilots acting within the harbour shall as regards the berthing and mooring of ships be subject to and obey the directions of the Commissioners and their harbour-master Any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Plymouth which authority is by this Order required to act accordingly on any complaint referred to that authority by the Commissioners or their harbour-master.

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

65. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to this Order.

Saving for mayor &c. of borough of Plymouth.

66. Nothing in this Order contained shall prejudice or affect the rights powers or duties of the mayor aldermen and burgesses of the borough of Plymouth as existing prior to the commencement of this Order.

Reservation of jurisdiction of Trinity House.

67. Nothing in this Order contained shall prejudice or affect the rights powers or jurisdiction of the Corporation of Trinity House of Deptford Strond.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69 sec. 9 and right of transport.

68. Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section 9 of the Harbours Transfer Act 1862 but such powers may be exercised in like manner as if this Order had not been made and notwithstanding anything in this Order contained the Admiralty and all persons in their employ shall have free right of transport and passage across and within the harbour to and from any quarries or other works of any kind used by or under the jurisdiction of the Admiralty in like manner as if this Order had not been made.

Reservation of rights of Sutton Harbour.

69. Nothing in this Order contained shall operate to vary alter or limit the jurisdiction of the harbour-master as provided by the Sutton Harbour Act 1847 within one hundred yards of the entrance to Sutton Harbour.

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Provision respecting lighters employed at Oreston works.

70. It shall not be lawful for the Commissioners to remove or interfere with any moorings or buoys at present existing for the use of any lighters employed for the repair of the breakwater at Oreston and such lighters shall be exempted from all dues under this Order.

Saving rights under Dockyard Ports Regulation Act 1865.

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

Local lighthouse authority.

72. The Commissioners shall within the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Saving rights of Duchy of Cornwall.

73. 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.

Saving rights of Crown.

74. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners 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).

Works to be in parish of Plympton Saint Mary.

75. The pier shall be deemed to be for all purposes within the parish of Plymstock and the rural district of Plympton Saint Mary both in the county of Devon.

Costs of Order.

76. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in relation thereto (as taxed by the taxing officer of the House of Lords or of the House of Commons) shall be paid by the Commissioners.

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(3) *Shed Dues.* *s.* *d.*

For every ton of goods forty cubic feet or for every ton of twenty hundredweight which remains in the warehouse or sheds or other works of the Commissioners for not longer than forty-eight hours per ton - - - - 0 3

For each day during which the goods remain after the first forty-eight hours per ton - - - - - 0 2

For any portmanteau trunk parcel or other article of passengers' luggage for every day or part of day - - - 0 2

V.—RATES ON PASSENGERS AND OTHERS USING THE BREAKWATER.

For every passenger and other person who shall embark on or from the breakwater or the quays connected with the breakwater or use them for any other purpose - - 0 1

For every passenger's and other person's trunk box or other package within the description of luggage not carried by the passenger - - - - - - 0 1

VI.

For every ton of merchandise and other articles and things shipped or unshipped at or from any pier quay jetty or other property of the Commissioners or leased by them per ton - - - - - - - - 0 4

*Exemption.*

All vessels entering or leaving Sutton Harbour or the Great Western Docks at Plymouth and not anchoring in or using Cattewater Harbour for any longer time than three days immediately before entering or after leaving Sutton Harbour or the Great Western Docks and not using the moorings or works or conveniences of the Commissioners and not leaving Cattewater Harbour during such three days except to go into Sutton Harbour or the Great Western Docks and also all cargoes of such vessels unless shipped or unshipped in Cattewater Harbour shall be exempt from rates and duties under this Order.

## POOLE HARBOUR.

A.D. 1915.

*Poole.*

*Order for amending the Poole Harbour Act* 1895 *in regard to the constitution of the Poole Harbour Commissioners and for other purposes.*

Short titles and commencement of Order.

1.—(1) This Order may be cited as the Poole Harbour Order 1915 and the Poole Harbour Act 1756 the Poole Harbour Order 1891 the Poole Harbour Order 1894 the Poole Harbour Act 1895 (in this Order referred to as the Act of 1895) the Poole Harbour Act 1914 and this Order may be cited together as the Poole Harbour Acts and Orders.

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

Interpretation.

2. In this Order—

"The Commissioners" means the Poole Harbour Commissioners constituted and incorporated by the Act of 1895 as varied by this Order;

The "representation area" means (without prejudice to any rights of property or to any question as to the ancient boundaries of the harbour of Poole) that portion of the said harbour as defined by section 4 of the Poole Harbour Act 1914 in respect of which the landowners and traders are entitled to representation under this Order and which for purposes of identification is shown upon a map or plan and therein coloured green and surrounded by a brown line and which map is signed in duplicate by an assistant secretary of the Board of Trade and one copy whereof has been deposited at the office of that Board and the other at the office of the Commissioners;

"Goods" includes minerals and merchandise of every description;

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

Incorporation of Acts.

3.—(1) The Commissioners Clauses Act 1847 except the sections with respect to the qualification of Commissioners to the election and rotation of the Commissioners when the Commissioners are to be elected by the ratepayers or other like class of electors and to the accounts to be kept by the Commissioners and except that section 57 shall be read and construed as if the words "five hundred" had been inserted therein in lieu of the words "one hundred" shall be incorporated with this Order save in so far as the same is inconsistent with this Order.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "the Undertakers" "Packet boat or Post Office

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

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

(3) Sections 12 13 16 to 19 25 26 79 and 80 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

**Amendment of constitution.**

4. Section 10 (Constitution of Commissioners) of the Act of 1895 shall from and after the first day of November one thousand nine hundred and fifteen be read and have effect as if instead of the word "sixteen" in the said section there had been inserted the word "eighteen" and instead of the word "nine" in the said section there had been inserted the word "six" and as if there had been added at the end of the said section the following words namely:—

"One member (in this Order called 'the Wareham member') to be appointed by the mayor aldermen and burgesses of the borough of Wareham acting by the council of the said borough from among themselves in accordance with rules to be from time to time made by the said council;

"One member (in this Order called 'the landowners' member') to be appointed by the Board of Trade after consultation with the landowners whose lands abut upon the representation area;

"One member (in this Order called 'the traders' additional member') to be elected by traders possessing the qualification prescribed in the section of this Order whereof the marginal note is 'Qualification of electors of traders' additional member';

"One member representative of the fishing industry at Poole (in this Order called 'the fishermen's member') to be appointed by the Board of Agriculture and Fisheries after consultation with the Poole Fishermen's Association and such other bodies or persons representative of the fishing industry at Poole as that Board shall think best qualified to advise them upon the matter;

"One member to be appointed from time to time by the London and South Western Railway Company and to hold office for such period and upon such conditions as the said railway company shall think fit."

**Appointment and rotation of Wareham member.**

5. The first Wareham member shall be appointed at the quarterly meeting of the council of the borough of Wareham on the ninth day of November one thousand nine hundred and fifteen and shall hold

office until the quarterly meeting of the said council on the ninth day of November one thousand nine hundred and sixteen when he shall go out of office and a new Wareham member shall be appointed in his stead and so from time to time at the quarterly meeting of the said council on the ninth day of November in each succeeding year Provided that the Wareham member shall in the event of his ceasing to be a member of the said council forthwith cease to be a Commissioner Provided also that the Wareham member going out of office shall if still a member of the said council but not otherwise be capable of re-appointment.

**Appointment and rotation of landowners' member.**

6.—(1) The first landowners' member shall be appointed by the Board of Trade on or before the first day of November one thousand nine hundred and fifteen and shall hold office for three years when he shall go out of office and a new landowners' member shall be appointed in his stead and so from time to time in every third year Provided that any such member going out of office shall be capable of re-appointment.

(2) For the purpose of consultation with the landowners it shall be sufficient if not less than one month nor more than two months before appointing the landowners' member the Board of Trade shall cause to be published once at least in each of two successive weeks in the Dorset County Chronicle or some other newspaper circulating in the county of Dorset selected for that purpose by the Board of Trade notice that the Board of Trade are about to make such appointment and desire to consider any suggestions in regard thereto which may be forwarded to them at their office within a time to be specified in the said notice by landowners whose lands abut upon the representation area and the Board of Trade shall consider any suggestions so forwarded to them and shall appoint as the landowners' member some person who will in their opinion fairly represent the interests of such landowners.

**Election and rotation of traders' additional member.**

7. The first traders' additional member shall be elected on or before the first day of November one thousand nine hundred and fifteen in manner herein-after provided and shall hold office for three years when he shall go out of office and a new traders' additional member shall be appointed in his stead and so from time to time in every third year Provided that any such member going out of office shall if still qualified be capable of re-election.

**Qualification of traders' additional member.**

8. Every male person of full age fulfilling the following conditions and no other person shall be qualified to be a traders' additional member (that is to say):—

(*a*) Having by himself or by any person on his behalf paid or being partner in a firm or director or general manager of a company which have paid to the Commissioners harbour rates

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or dues (whether on goods or shipping or both) to the amount of five pounds or upwards during the twelve months ending the twenty-fifth day of March immediately preceding the election; or

(*b*) Having by himself or by any person on his behalf or being partner in a firm or director or general manager of a company which have imported or exported by sea to from or through the representation area goods of which the carriage employs shipping to the amount of one hundred and fifty tons or upwards of net registered tonnage during the twelve months ending the twenty-fifth day of March immediately preceding the day of election:

Provided that only one partner in any firm or one director or general manager of any company shall be so qualified and in case more than one partner in any firm or more than one director or general manager of any company are nominated at any election the nomination of the partner or director or general manager first nominated shall alone be valid unless the other partner or director or general manager nominated shall be otherwise qualified.

**Qualification of electors of traders' additional member.**

9. The qualification of electors of the traders' additional member shall be regulated as follows (that is to say):—

Every person partnership company or municipal corporation importing or exporting by sea to from or through the representation area goods of which the carriage employs shipping to the amount of one hundred and fifty tons or upwards of net registered tonnage during the twelve months ending the twenty-fifth day of March immediately preceding the day of election shall be qualified to vote for the traders' additional member according to the following scale (that is to say) one vote in respect of the first one hundred and fifty tons of registered tonnage and an additional vote for each additional five hundred tons above the first one hundred and fifty Provided that no person partnership company or municipal corporation shall be entitled to more than six votes in all.

**Appointment and rotation of fishermen's member.**

10. The first fishermen's member shall be appointed by the Board of Agriculture and Fisheries as aforesaid on or before the first day of November one thousand nine hundred and fifteen and shall hold office for three years when he shall go out of office and a new fishermen's member shall be appointed in his stead and so from time to time in every third year Provided that any such member going out of office shall be capable of reappointment.

**Provisions of Act of 1895 as to elections to apply.**

11.—(1) The provisions of the following sections of the Act of 1895 namely:—

Section 17 (Lists of electors of traders' members to be made out);

Section 18 (Printing and sale of list of electors of traders' members);

Section 19 (Revision of lists of electors of traders' members);

Section 20 (Commissioners to produce books &c. to revisors);

Section 21 (Evidence of revised list);

Section 22 (Revised lists to be conclusive evidence of right to vote);

Section 23 (Printing and sale of revised lists);

Section 24 (Election of traders' members) and the schedule referred to therein;

Section 25 (Mode of supplying occasional vacancies);

Section 26 (Errors in elections &c. not to vitiate acts of Commissioners);

Section 29 (Expenses of revision of lists and elections);

Section 35 (Where day for any proceeding falls on Sunday &c. proceeding to be taken on next day);

shall so far as applicable and mutatis mutandis apply to the election of the traders' additional member in like manner as they apply to the election of traders' members elected under the provisions of that Act.

(2) Section 14 (Qualification of traders' members) of the Act of 1895 shall as from the coming into operation of this Order be read and construed as if the words "or general manager" were inserted therein immediately after the word "director" wherever that word occurs.

Vacancy in office of Wareham landowners' or fishermen's member.

12. If the Wareham member or the landowners' member or the fishermen's member die or resign or if his office become vacant from any cause before the expiration of his period of office then unless such vacancy shall occur within three months of such expiration the vacancy shall be filled as follows:—

(1) In the case of the Wareham member the council of the borough of Wareham may appoint another member in his place;

(2) In the case of the landowners' member the vacancy shall be filled by a member appointed by the Board of Trade as aforesaid;

(3) In the case of the fishermen's member the vacancy shall be filled by a member appointed by the Board of Agriculture and Fisheries as aforesaid;

and the person so appointed shall hold office until the time when the person in whose place he is appointed would have regularly gone out of office and shall then go out of office.

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Consent of Treasury to raising of money

13. The Commissioners shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of the Poole Harbour Acts and Orders unless the consent of the Treasury has been previously obtained Provided always that this restriction shall not apply to any borrowing by the Commissioners under the provisions of section 47 (Money may be borrowed on cash account) of the Poole Harbour Act 1914.

Costs of Order.

14. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto (as taxed by the taxing officer of the House of Lords or the House of Commons) shall be paid by the Commissioners out of the harbour rates and dues payable to them under the Poole Harbour Acts and Orders.

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