CHAPTER lxxiv.

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Carnarvon. [28th June 1877.]

A.D. 1877.

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 Provisional Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

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

Confirmation of Order in schedule.

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1877 (No. 3).

A.D. 1877.

SCHEDULE.

Carnarvon.

CARNARVON.

Order for amending an Act of the 49th year of His late Majesty King George the Third, chapter 24, intituled "An Act for the "further improvement of the Harbour of Carnarvon, in the "county of Carnarvon, and for other purposes relating "thereto," and for the regulation of the Harbour.

Order to be read with Harbour Act of 1809.

1. This Order shall be construed with the Act 49 George the Third, chapter 24, in this Order called the Act of 1809, and that Act and this Order shall be read as one Act or Order.

Repeal of sections 22 to 24 and 62 of the Act of 1809.

2. From and after the passing of the Act confirming this Order the following sections of the Act of 1809 shall be and the same are hereby repealed; that is to say, the sections 22, 23, 24, and 62.

Other sections substituted for repealed sections.

3. From and after the passing of the Act confirming this Order, sections in the following words shall be considered as respectively inserted in the Act of 1809 in place of the sections thereof repealed by this Order, and the Act of 1809 shall be read and have effect accordingly; that is to say,

Section 22 of the Act of 1809 shall be as follows:—

"And be it further enacted, that it shall and may be lawful to and for the "said trustees, or any seven or more of them, to sell and dispose of the said "shore-ground, wharfs, docks, quays, warehouses, sheds, buildings, heredita- "ments, and premises, which are now or may hereafter become vested in them, "at the highest rates or prices that can be severally got for the same, and "to grant such conveyances necessary for that purpose, signed by the said "trustees, or any seven or more of them, as shall appear to them expedient "and beneficial."

Section 23 of the Act of 1809 shall be as follows:—

"And be it further enacted, that the said trustees, or any seven or more of "them, are hereby authorised and empowered, from time to time, to let for "the best rent that can be obtained, and in such manner as they, or any seven "or more of them, shall think proper, all or any of the rates, dues, and duties "by the said Act granted, and also all or any such shore-ground, lands, "wharfs, docks, quays, cranes, engines, hereditaments, buildings, and premises, "for any term not exceeding three years, and to grant such ordinary building "leases and dispositions, signed by the said trustees, or any seven or more of "them, as to the said trustees, or any seven or more of them, shall appear "expedient, for any term not exceeding twenty-one years, and with the best "ground rent reserved which may be gotten for the same, and with all "proper and usual covenants for the erection of sufficient buildings on the

" same, and to grant such special building leases and dispositions signed by " the said trustees, or any seven or more of them, for any term not exceeding " sixty years, as the said trustees, or any seven or more of them, shall think " fit, where the lessee shall covenant for the due and proper erection of " buildings of such a permanent and beneficial class and character as the said " trustees, or any seven or more of them, shall deem sufficient to justify such " special leases."

Section 24 of the Act of 1809 shall be as follows :—

" And be it further enacted, that it shall not be lawful for, nor in the power " of, the said trustees to sell any of the premises aforesaid, nor any part " thereof, nor to grant any of the said ordinary or special leases, without " advertising the same not less than once a fortnight for three calendar months " prior to the day to be fixed for that purpose in some newspaper published " and circulated in North Wales, and then to be sold or leased by public " auction to the highest bidder, and, in the event of such premises not being " sold or leased at the time fixed for the same, such notice may be further " continued by monthly advertisement in some paper printed and circulated " in North Wales, until the premises advertised, or some part thereof, be sold " or leased."

And Section 62 of the Act of 1809 shall be as follows :—

" And be it further enacted, that it shall and may be lawful for the said " trustees, or any seven or more of them, and they are hereby empowered, " by one or more indenture or indentures under their hands and seals, to " mortgage or assign the rates or duties granted by this Act, and all or any " part of the shore-ground, lands, wharfs, docks, quays, warehouses, sheds, " buildings, hereditaments, and premises which are now, or which may here- " after become, vested in the said trustees, as a security for any sum or sums " of money by them to be borrowed (not exceeding in the whole the sum of " thirty thousand pounds) for the ends and purposes of this Act, to any " person or persons, or bodies politic or corporate, that shall be ready or " willing to lend or advance the same at a rate of interest not exceeding five " pounds per centum per annum, and that no particular form of mortgage " shall be required."

Works below high-water mark not to be commenced without consent.

4. For the purpose of preventing any injury to navigation, the trustees shall not commence or construct any quay, pier, wharf, or other similar work below the line of high-water mark without the consent of the Board of Trade having been first obtained in writing, under the hand of one of their secretaries or assistant secretaries, and shall not construct any such work otherwise than as may be approved of by the Board of Trade in writing as aforesaid; and where any such work shall have been constructed the trustees shall not at any time alter or extend the same without having first obtained the like consent or approval; and if any such work shall be commenced, completed, altered, or extended without such consent or approval having been first obtained, it shall be lawful for the Board of Trade, at the costs and charges of the trustees, to abate and remove the same, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the trustees to the Crown, and may be recovered accordingly.

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Works affecting tidal waters, &c., abandoned may be removed at expense of trustees.

5. If any work or portion of a work constructed or to be constructed by the trustees in, under, over, through, or across any tidal water or navigable river, and which affects or may affect any such water or river, or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade, at the costs and charges of the trustees, to abate and remove the same or any part thereof, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the trustees to the Crown, and may be recovered accordingly.

Local survey may be ordered by Board of Trade at expense of trustees.

6. It shall be lawful for the Board of Trade at any time, or from time to time, as they may deem it expedient, to order a local survey and examination of any works of the trustees in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, and the trustees shall defray all the costs of every such survey and examination, and the amount of such costs shall constitute a debt due from the trustees to the Crown, and may be recovered accordingly.

Annual account to be sent to Board of Trade.

7. The trustees, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall 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 and every such account: If the trustees refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

8. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from all rates leviable by the trustees.

Custom House officers exempt from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, harbour, and works by land, and with their vessels and otherwise, without payment.

Part only of Harbours Act incorporated.

10. Except sections 14, 15, 49, and 50 of the Harbours, Docks, and Piers Clauses Act, 1847, no part of that Act shall be incorporated with this Order.

Lights to be exhibited.

11. The trustees shall, at the outer extremity of the harbour and works, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Existing mortgages to have priority.

12. All mortgages or bonds granted by the trustees for securing money borrowed, and subsisting at the time of the passing of the Act confirming this Order, shall have priority over all mortgages or bonds granted by the trustees for securing money borrowed after the passing of the Act confirming this Order.

Consent to works below high-water mark.

13. Notwithstanding anything contained in the Act of 1809, all works which after the passing of the Act confirming this Order shall be executed by the trustees below high-water mark, shall be executed only after obtaining the like consent of the Board of Trade, or any other authority, and subject to the like control by the Board of Trade, or any other authority, as if such works had been executed under the authority only of this Order, and the several Acts under which this Order is made, and not under the authority of the Act of 1809.

Reservation of jurisdiction of Trinity House.

14. Nothing in this Order or the Act of 1809 contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond.

Saving of rights under "Crown Lands Act, 1866."

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

Costs of Order.

16. All costs, charges, and expenses of and incident to the preparation of and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the trustees.

Short title.

17. This Order may be cited as "The Carnarvon Harbour Order, 1877."

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Printers to the Queen's most Excellent Majesty. 1877.