CHAPTER clxxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to New Ross and Weston-super-Mare. A.D. 1896.

[7th August 1896.]

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

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

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

Confirmation of Orders in schedule.

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

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in Ireland in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 as the case may be ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

[*Price* 1*s.* 3*d.*]

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

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act 1896.

THE SCHEDULE OF ORDERS.

1. NEW ROSS.—Amendment of local Act.
2. WESTON-SUPER-MARE.—Construction of Pier.

SCHEDULE.

NEW ROSS.

New Ross.

Order for amending the New Ross Port and Harbour Amendment Act 1861 *and for other purposes.*

1. This Order may be cited as the New Ross Port and Harbour Order 1896. Short title.

2. This Order and the New Ross Port and Harbour Amendment Act 1861 (in this Order called "the Act of 1861") as amended by this Order shall be read and construed as one Act and Order and the provisions of the Commissioners Clauses Act 1847 and of the Harbours Docks and Piers Clauses Act 1847 incorporated with the Act of 1861 shall so far as applicable to the purposes of this Order apply to and be incorporated with this Order subject to the modifications and variations thereof contained in this Order. Order and Act of 1861 to be read together.

3. In construing this Order unless there is anything in the subject or context repugnant to such construction the words and expressions to which meanings are assigned by the Act of 1861 and the Acts incorporated therewith and with this Order shall in this Order have the same respective meanings the expression "the harbour" shall mean "the Port and Harbour of New Ross" within the limits defined by section 29 of the Act of 1861 and the expression "vessel" shall mean any ship boat lighter or craft of every kind and shall include cargo boats gabbards and other craft trading in the harbour or on any inland waters communicating therewith. Interpretation.

4. From and after the passing of the Act confirming this Order the Collector of Customs for the Port of New Ross and the Chairman of the Barrow Navigation Company shall cease to be ex-officio Commissioners under the Act of 1861 and the Commissioners shall from time to time nominate two persons interested in the trade and shipping of the harbour to be Commissioners in their place and may at any time revoke any such nomination and the persons so nominated shall remain in office until they respectively die resign or become disqualified or their nomination be revoked as aforesaid and section 18 of the Act of 1861 shall be and is hereby amended accordingly. Nomination of Commissioners in place of certain ex-officio commissioners.

5. From and after the passing of the Act confirming this Order the amount to which a person must be rated to the relief of the poor within the counties mentioned in section 19 of the Act of 1861 or either of them in order to be qualified to be elected a Commissioner under that Act shall be and the same is hereby reduced to the annual sum of twelve pounds or upwards and subject thereto all the provisions of section 19 of the Act of 1861 as to the qualification of the elected Commissioners shall remain in full force and effect. Amendment of qualification of Commissioners.

6. From and after the passing of the Act confirming this Order sections 26 and 27 of the Act of 1861 shall be and the same are hereby repealed and thenceforth the qualification of a person to vote for the election of Commissioners under the Act of 1861 shall be as follows:— Qualifications of electors.

(1) He shall be resident in the Counties of Wexford or Kilkenny and shall be rated in the whole to the relief of the poor in the annual sum of four pounds or upwards in respect of property in his occupation within the municipal

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Borough of New Ross and shall be on the register then in force of persons entitled to vote at the election of a member to serve in Parliament for the Counties of Wexford or Kilkenny or some division thereof;

(2) Or he shall be possessed of rents and profits of twenty pounds or upwards arising annually out of tenements or premises in the said Borough of New Ross held in freehold or for a term of years of which twenty years are unexpired and shall be on the said register:

(3) Or he shall be resident in the said Borough of New Ross or within six statute miles thereof and be the owner of a vessel or of not less than one-half of a vessel of one hundred tons registered tonnage or upwards trading to the harbour and have paid rates to the Commissioners in respect of such vessel during the twelve months next preceding the election.

Scale of votes for registered shipowners.

7. Every registered shipowner shall be entitled to vote according to the following scale viz. if he be the owner or part owner of a vessel or vessels of the registered tonnage or aggregate registered tonnage of not less than one hundred tons and not exceeding two hundred tons he shall be entitled to one vote and if he be the owner or part owner of a vessel or vessels of greater registered tonnage or aggregate registered tonnage than two hundred tons he shall be entitled to two votes but no person shall be entitled to more than two votes.

Power to levy rates on cargo loaded or discharged.

8. The Commissioners may in addition to any rates now authorised to be levied by them demand receive and recover from the owner or consignee of any goods loaded into or discharged from any vessel within the harbour whether from or on to any quay wharf or landing place or transhipped from or into any other vessel any rates not exceeding the rates specified in the schedule to this Order. Provided that no rates shall be demanded or received under this Order unless and until the quays and works of the Commissioners have been put in a proper state of repair to the satisfaction of the Board of Trade as to which the certificate of the Board of Trade shall be sufficient evidence The Commissioners may appoint a collector to collect the rates payable under this Order and any rates now authorised to be levied by them and may if they think proper combine the office of harbour master and collector of rates.

Collector may be appointed.

Rates to be revised.

9. The Commissioners shall from time to time revise the rates received by them under this Order so that their income in respect thereof together with the other revenue of the Commissioners may always be sufficient and not more than sufficient for the purposes of the Act of 1861 the Waterford and New Ross Harbours Act 1874 (herein-after called "the Act of 1874") and of this Order and if at any time and from time to time the clear annual income of the Commissioners on the average of the then three last preceding years after payment of all expenses liabilities and outgoings shall exceed the amount sufficient for the purposes of the said Acts and this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under the said Acts and this Order to such extent as will be sufficient to provide the amount aforesaid and the same shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by the said Acts and this Order.

Annual account to be sent to Board of Trade.

10. The Commissioners within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made

up at the end of the day on the twenty-fifth day of March in each year) 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 Commissioners refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

Commissioners may provide and license steam tugs.

11. The Commissioners may from time to time purchase hire or otherwise provide and may maintain use and let steam tugs or other power for towage or salvage for the use and accommodation of vessels frequenting the harbour and may also from time to time license steam tugs or other power belonging to any person for use or employment in connection with the harbour for such period and on such terms and conditions as they think fit and it shall not be lawful for any steam tug or other power which shall not belong to or be licensed by the Commissioners to ply within the harbour save those belonging to the Company of Proprietors of the Grand Canal when in use by that company for the haulage of vessels belonging to them and going to or coming from the Grand Canal Provided that it shall not be lawful for any steam tugs or other power belonging to the Commissioners to ply for hire save for the purpose of towing vessels to from or within the harbour.

Charges for use of steam tugs.

12. The Commissioners may from time to time fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained used and let or licensed by them and such rates or charges shall be paid by the owner agent master or other person having charge of the vessel obtaining assistance of such steam tug or other power to the Commissioners or to the person with whom they contract or to the owner of such steam tug or other power if licensed by the Commissioners as the case may be and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having command of such steam tug or other power.

Power for Commissioners to purchase or hire dredgers and other apparatus.

13. The Commissioners may from time to time purchase hire or otherwise provide steam or other dredgers piling engines diving bells lighters tools plant or other machinery and may from time to time demand and receive such sums for the use of the same as they may think fit and may sell or dispose of the same and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or of the Act of 1861 or some of them.

Power to appoint harbour constables.

14. For the protection of trade and shipping resorting to the harbour and the property of the Commissioners the Commissioners may from time to time appoint as many harbour constables as they deem necessary not exceeding four and pay to such constables such salaries and allowances as they think fit and such constables having been first duly sworn before a justice to execute the office of constable within the harbour shall have the same powers protections and privileges within the limits of the harbour and within one statute mile thereof and be subject to the same liabilities as police constables have or are subject to by law and the Commissioners shall be at liberty to dismiss any such constables so appointed by them and upon such dismissal all powers protections and privileges vested in such constables shall cease.

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New Ross. Certain fishing vessels under stress of weather exempt from rates.

15. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or 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 rates leviable by the Commissioners.

Board of Trade officers exempt from rates.

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

Lifeboat crews exempt from tolls.

17. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress along and from and through the harbour and works without payment.

Life-saving apparatus may be attached to works.

18. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the works of the Commissioners 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 and works.

Power to borrow.

19. The Commissioners may from time to time borrow on mortgage or otherwise on the security of the rates authorised by the Act of 1861 the Act of 1874 and this Order or any of them any sum or sums of money not exceeding five thousand pounds in the whole and in the event of any part of the said sum being repaid otherwise than by means of the sinking fund may re-borrow the same and for the purpose of securing the money so to be borrowed with the interest thereon the Commissioners or any five of them may mortgage or assign the said rates or any of them Provided that sections 70 to 72 of the Act of 1861 (relating to the establishment of a sinking fund the enforcement of arrears by appointment of a receiver and the restrictions on borrowing) shall apply to the said sum authorised to be borrowed by them under this Order.

Existing mortgages to have priority.

20. All mortgages or securities granted by the Commissioners prior to the passing of the Act confirming this Order and in force at the time of the passing of that Act shall during the continuance thereof and as to the rates comprised therein have priority over all mortgages to be made or granted by the Commissioners by virtue of this Order but nothing herein shall be held to include in any such existing debts mortgages or securities any of the rates authorised by this Order or to make such rates in any way subject to such debts mortgages or securities.

Application of borrowed money.

21. All money borrowed under this Order shall be applied for the purposes and in the order following and not otherwise :—

(1) In payment of all costs charges and expenses of or incident to the preparing applying for and obtaining this Order ;

(2) For any purposes of this Order or of the Act of 1861 to which capital money is properly applicable or if the Commissioners think fit in discharge of any money borrowed by the Commissioners.

Application of rates.

22. The Commissioners shall apply the rates received under this Order for the purposes and in the order following and not otherwise :—

(1) In paying the costs charges and expenses of or incident to the preparing applying for and obtaining this Order so far as the same may not be paid out of money borrowed under this Order ;

(2) In payment of the expenses of management maintenance repair and regulation of the harbour ;

(3) In paying year by year the interest on moneys borrowed by the Commissioners under this Order ;

(4) In setting aside a sinking fund for the discharge of money borrowed under this Order ;

(5) In setting aside a sinking fund for the discharge of any other money borrowed by the Commissioners or otherwise in discharging money borrowed by the Commissioners if they think it expedient to do so but not otherwise ;

(6) Generally for carrying the Act of 1861 and this Order into execution.

Costs of Order.

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

SCHEDULE to which the foregoing Order refers.

Rates on Cargo loaded discharged or transhipped.

	s.	*d.*
Ale beer porter hop bitters and cider per 54 gallons	0	3
Ale (bottled) per 36 gallons	0	2
Ale (bottled) per 18 gallons or less	0	1
Anchors per ton	1	0
Bark per ton	1	0
Beef or pork per ton	0	5
Biscuits or bread per ton	1	0
Blubber per 252 gallons	2	0
Bones and bone dust per ton	0	3
Bran per ton	0	1
Bottles per gross	0	1
Boots and shoes in boxes per cwt.	0	2
Bricks per ton	0	3
Butter and lard per cwt.	0	0½
Cables iron per ton	1	0
Canvas per cwt.	0	2
Casks (empty) not being returned packages each	0	1
Cattle :		
Bulls cows and oxen each	0	4
Calves each	0	1
Horses each	1	0
Pigs each	0	1
Sheep and lambs each	0	1

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	s.	d.
Cement per ton	0	1
Chalk per ton	0	1
Cheese per cwt.	0	2
Chimney pots each	0	0½
Clay per ton	0	1
Cloth haberdashery &c. in packages per cwt.	0	2
Carriages :		
Chaises and other four-wheeled carriages each	2	6
Gigs carts and other two-wheeled carriages each	1	3
Hand-carts and perambulators each	0	3
Coals culm and coke per ton	0	1
Copper per ton	1	0
Cordage including cables hawsers and wire rigging per ton	1	0
Cork per cwt.	0	2
Cork manufactured per cwt.	0	6
Crystal per cwt.	0	1
Dogs each	0	1
Drugs (in casks hampers or boxes) per cwt.	0	2
Earthenware per ton	1	0
Earthenware (in crates) per cwt.	0	1
Eggs in boxes per cwt.	0	1
Feathers per cwt.	0	6
Fish (salmon) per cwt.	0	2
Fish (dried and salted) per cwt.	0	0½
Flax per ton	0	9
Flour per ton	0	6
Meal per ton	0	3
Fruit per cwt.	0	3
Furniture (household) new in packages per cwt.	0	1
Furniture single articles per dozen	0	2
Glass in crates or boxes per cwt.	0	1
Grain:		
Wheat per ton	0	3½
Barley beans malt oats peas and tares per ton	0	2
Indian corn per ton	0	2
Rye per ton	0	3
Groceries not enumerated per cwt.	0	2
Guano or artificial manures per ton	0	3
Gunpowder per 100 lbs.	0	1
Hams bacon or tongues per ton	0	3
Hardware per cwt.	0	1
Hares and rabbits in boxes or cases per cwt.	0	1
Hay per ton	0	6
Hemp per ton	0	9
Herrings :		
Cured per 26⅔ gallons	0	1
Hides :		
Ox cow or horse (wet or dry) each	0	0¼

	s.	d.
Kips each	0	0¼
Hops per cwt.	0	2
Iron:		
Bar bolt rod and sheets per ton	0	6
Pig and old per ton	0	3
Manufactured per ton	1	0
Pots and castings per ton	1	0
Kelp per ton	0	4
Lead per ton	0	6
Leather tanned and dressed per cwt.	0	1
Lime per ton	0	2
Limestone per ton	0	0¼
Linseed meal per ton	0	4
Machinery per ton	1	0
Manure (not enumerated) per ton	0	3
Mineral waters in cases per cubic foot	0	1
Musical instruments each	1	0
Musical instruments small	0	2
Oakum per ton	0	4
Oils per 10 gallons	0	1
Oilcake and other feeding cakes per ton	0	6
Onions per cwt.	0	1
Oranges and lemons in boxes per cwt.	0	2
Ores per ton	0	2
Oysters per bushel	0	1
Paint per ton	1	0
Palm nut and other feeding meals per ton	0	4
Pitch and tar per cwt.	0	0½
Potatoes per ton	0	3
Poultry and game in packages or boxes per cwt.	0	2
Rags and old rope per ton	0	3
Rice and rice meal per ton	0	6
Roofing felt per ton	1	0
Sails per cwt.	0	3
Salt per ton	0	1
Seeds (not otherwise enumerated) per ton	0	6
Skins:		
Calf goat sheep lamb or dog per dozen	0	2
Slates per ton	0	3
Soda per cwt.	0	1
Spirits in cask per 72 gallons	0	6
Spirits in cask per 54 gallons	0	3
Spirits in cask per 9 gallons	0	2
Spirit not in casks of above capacities per 10 gallons	0	2
Sand or gravel per ton	0	0½
Stones sawn or dressed per ton	0	2
Steel per ton	0	6
Sugar per ton	0	6

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	s.	d.
Tallow soap and candles per ton	0	6
Tea per cwt.	0	2
Tiles per ton	0	3
Tin and tin plates per ton	0	6
Tobacco unmanufactured per ton	1	0
Tobacco manufactured per cwt.	0	2
Turpentine mastic and varnish per 36 gallons	0	2
Vegetables (not enumerated) per cwt.	0	2
Vinegar per 54 gallons	0	1
Vitriol per cwt.	0	1
Wine in cask per 54 gallons	0	3
Wine per 8 gallons	0	0½
Wine not in casks of above capacities per 8 gallons	0	0½
Wine bottled per dozen bottles or less	0	1
Wood :		
Deals boards battens ends per 120 of 12 ft. by 9 in. by 3 in.	1	0
Fir pine and other descriptions not enumerated and oak or wainscot per 50 cubic feet	0	3
Laths and lathwood per 216 cubic feet	0	3
Handspikes per 120	0	3
Oars per 120	0	3
Masts and spars per 50 cubic feet	0	3
Trenails per 1000	0	3
Pipe-staves and others in proportion per 120	0	3
Pit wood and railway sleepers per ton	0	2
Lignum vitæ fustic logwood mahogany and rosewood per ton	0	6
Wool per cwt.	0	0½
Yarn per cwt.	0	0½

ARTICLES IMPORTED OR EXPORTED WHICH ARE NOT BEFORE ENUMERATED.

Puncheons each	0	6
Hogsheads each	0	3
Casks not otherwise described and not being as large as hogsheads each	0	2
Tierces each	0	2
Trunk chest bale box case crate or truss each (not to include private luggage)	0	1
Barrel or half barrel firkin or keg each	0	1
Hamper or half hamper or basket each	0	1
Bag bundle or sack each (not to include private luggage)	0	1
Fish per cwt.	0	1

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods per ton of 40 cubic feet	0	4
Heavy goods per ton	0	4

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a portion of the respective rates shall be charged.

WESTON-SUPER-MARE.

A.D. 1896.

Order for authorising the Weston-super-Mare Pier Company to construct a new Pier to extend their Landing Stage and for other purposes. *Weston-super-Mare.*

Short title.

1. This Order may be cited as the Weston-super-Mare Pier Order 1896 and this Order and the Weston-super-Mare Pier Act 1862 (in this Order referred to as "the Act of 1862") the Weston-super-Mare Pier (Extension) Act 1864 (in this Order referred to as "the Act of 1864") and the Weston-super-Mare Pier Order 1881 (in this Order referred to as "the Order of 1881") so far as the same are not repealed or varied by this Order shall be read and construed together as one Act or Order.

Undertakers.

2. The Weston-super-Mare Pier Company (in this Order called "the Company") shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers and privileges conferred by this Order.

Prescribed limits.

3. The limits within which the Company shall have authority and within which the powers of the pier-master may be exercised and which shall be deemed the limits to which this Order the Act of 1862 the Act of 1864 and the Order of 1881 for all purposes except the power to levy rates extend shall comprise the existing pier landing stage tramways and works and the area below high-water mark within a distance of five hundred yards from any part of the existing pier and landing stage of the Company and also the pier and works by this Order authorised and the approach roads accesses and conveniences connected therewith and the area below high-water mark within a distance of two hundred yards from any part of the pier and works by this Order authorised.

Incorporation of parts of Acts.

4. The Lands Clauses Acts except so much thereof as relates to the purchase or taking of lands otherwise than by agreement and to the entry on land by the promoters of the undertaking and Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 relating to debenture stock so far as they are applicable for the purposes of and not varied by this Order are incorporated with this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean the Act of 1862 the Act of 1864 and the Order of 1881 and this Order as circumstances may require.

Power to acquire lands by agreement

5. For the purposes of the works authorised by this Order the Company may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order.

Power to execute works.

6. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Company may in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and

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within the limits of deviation shown on those plans construct and maintain the works authorised by this Order.

Description of works authorised.

7. The works authorised by this Order comprise the following :—

(1.) A pier or landing stage (being an extension of the existing landing stage) commencing at or near the north-westernmost extremity of the existing landing-stage of the Company and extending in an easterly direction for a distance of one hundred and twenty-five feet or thereabouts.

(2.) A pier commencing at the western end of Birnbeck Island at or near a point thirteen yards or thereabouts measured in a south-westerly direction from the south-western corner of the waiting room on that island and extending seaward in a south-westerly direction for a distance of three hundred and ninety yards or thereabouts.

All which works will be situate in the parish of Weston-super-Mare in the county of Somerset and on the foreshore and bed of the sea adjoining that parish.

The pier and landing-stage are to be constructed of open work.

Accommodation works.

8. The Company may erect construct provide and fix in connection with the pier and works authorised by this Order and their undertaking all proper or necessary landing-stages landing and shipping places sheds piles groynes floating barges or dummies toll-houses toll-gates and signal-posts turnstiles cranes lifts buoys moorings mooring posts approaches and other buildings erections works conveniences and appliances which they may deem necessary or proper.

Power to deviate.

9. The Company in constructing the works authorised by this Order may with the consent in writing of the Board of Trade alter and deviate laterally from the lines of those works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on that plan and vertically from the levels of those works as shown on the deposited sections to any extent not exceeding ten feet.

Power to maintain tramways and further powers as to buildings and other erections.

10. The Company may maintain and use as part of their undertaking the tramway already constructed by them and may from time to time erect and construct upon the pier authorised by this Order saloons pavilions waiting refreshment concert reading and other rooms lavatories shops bazaars baths and other conveniences and may lay down rails and tramways on or along the existing pier and landing stage and works and the pier and works authorised by this Order and may make such reasonable charges for the use thereof or for admission thereto as they may from time to time think fit and may let the same by the year or on lease for any term not exceeding seven years upon such terms and conditions as they think fit Provided that no line of tramway sanctioned or constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same have been inspected and certified by the Board of Trade to be fit for such traffic.

Motive power on tramways.

11. With the consent of the Board of Trade and subject to such regulations as may be approved by the Board of Trade the carriages used on the tramways may be moved by steam-power electric-power or any mechanical or other motive power

Weston-super-Mare.

12. Subject to the provisions of this Order the works by this Order authorised shall for the purpose of collection of rates and for all other purposes be deemed to be part of the pier undertaking of the Company as if the same had been authorised by the Act of 1862 and the Act of 1864.

New works to be part of pier undertaking authorised by Acts of 1862 and 1864.

13. When in addition to the certificate to be given under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order levy demand recover and receive for the use of the pier and works to be constructed under this Order the same rates and charges as if the pier and works had been authorised by the Act of 1862 and the Act of 1864 and had been constructed under the powers given by those Acts.

Power to levy rates.

14. The payment of tolls or rates and dues payable under the Act of 1862 the Act of 1864 and the Order of 1881 or this Order for the use of the piers shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part or parts thereof unless the Company otherwise determine.

Tolls not to confer right to use buildings.

15. The Company may demand and receive such rates or other consideration as they think reasonable for the use of any warehouse sheds buildings yards and conveniences belonging to them and for which rates or charges are not otherwise specified or authorised in the Act of 1862 the Act of 1864 the Order of 1881 or this Order.

Power to demand rates &c. for use of any warehouse sheds buildings &c.

16. When and so often as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of such works the Company may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the tolls or rates or such proportion of the tolls or rates which they are by the Act of 1862 the Act of 1864 the Order of 1881 or this Order authorised to demand and take for the use of the pier and works authorised by this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Rates may be levied though works not completed.

17. If at any time and from time to time the clear annual income derived from the pier and works of the Company on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing the works authorised by the Act of 1862 the Act of 1864 the Order of 1881 and this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under those Acts and Order and this Order or any of them to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the rates shall thereupon be

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reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amount specified in the Act of 1862 the Act of 1864 and the Order of 1881.

Annual account to be sent to the Board of Trade.

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

25 Vict. c. 19.

Certain fishing vessels under stress of weather exempt from rates.

19. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues 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 pier landing-stage and works other than the buildings and erections thereon and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Board of Trade officers exempt from rates.

20. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress to or along and from the pier landing-stage and works other than the buildings and erections thereon by land and with their vessels and otherwise without payment.

Lifeboat crew exempt from tolls.

21. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the pier and works other than the said buildings and erections without payment.

Life-saving apparatus may be attached to pier.

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

Parts of Harbours &c. Act 1847 excepted.

23. Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Penalty for obstructing or injuring property.

24. Every person who wilfully obstructs the Company or any person acting under their authority in any manner whatsoever or who removes any poles or stakes driven into the ground for the purpose of setting out the lines of any works or defaces destroys or injures any works or any property of the Company shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction on mooring vessels to landing-stages.

25. No vessel or boat except steamboats and pleasure boats embarking and disembarking passengers and their luggage shall be allowed to be moored alongside any pier or landing-stages belonging to the Company without the consent of the Company or their officer duly authorised in that behalf.

Power to prevent use of pier for cattle or merchandise.

26. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier and landing-stage authorised by this Order any sheep

cattle or merchandise or anything which in the opinion of the Company might in any way interfere with the use of the pier and landing-stage for recreation or for the embarking or landing of passengers and their luggage.

Power to close pier on special occasions &c.

27. The Company may on any special occasion but not exceeding twelve days in any one year close their piers against the public and may on such occasions charge such special rates of admission not exceeding one shilling for each person as the Company may think fit Provided that on all such occasions the Company shall reserve a sufficient passage along the piers from the landing-stages to the shore for persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates so long only as they use the pier as a passage and do not remain thereon.

Byelaws.

28. The byelaws of the Company in regard to the existing pier and works as at present in force or as hereafter amended shall remain in force and shall so far as the same are applicable thereto extend and apply to the pier and works authorised by this Order and in addition to the powers conferred by the Act of 1862 and the Act of 1864 or the Acts incorporated therewith of making repealing or altering byelaws the Company may from time to time make further byelaws and vary and rescind such byelaws for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the charges authorised by this Order or the Act of 1862 the Act of 1864 or the Order of 1881 ;

For regulating the vessels boats goods and traffic near to or on the pier or within the limits of the Order and for regulating the distance from the landing stages within which vessels and boats shall not be moored within the said limits ;

For regulating the conditions of the user of any portion of the piers or any of the buildings erected thereon and of the approach roads connected therewith and of the traffic thereon ;

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

For regulating the conduct of persons frequenting the piers and buildings and approach roads and approaches and preserving order thereon and therein ; and

For regulating the sale of refreshments on the piers and in the buildings ;

but byelaws under this Order shall not come into operation until they have been allowed and confirmed by the Board of Trade and notwithstanding anything contained in the Act of 1862 and the Act of 1864 or the Acts incorporated therewith byelaws made by the Company under those Acts or this Order shall not require any other confirmation or allowance except the confirmation or allowance of the Board of Trade.

Life-buoy to be kept.

29. The Company shall at all times keep at the outer extremity of the pier a life buoy and line in good order and fit and ready for use.

Power to borrow on mortgage and issue debenture stock.

30.—(1.) The Company in addition to the sums they are authorised to borrow under the Act of 1862 the Act of 1864 and the Order of 1881 may borrow on mortgage of their undertaking any sum or sums not exceeding in the whole twenty-five thousand pounds.

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(2.) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and this Order.

Former mortgages to have priority.

31.—(1.) The mortgages granted or to be granted in pursuance of the powers of the Act of 1862 the Act of 1864 or the Order of 1881 as extended by this Order shall during the continuance of such mortgages have priority over any mortgages granted under the powers of this Order.

(2.) All mortgages granted and debentures or certificates of debenture stock issued under the powers of this Order shall be endorsed with notice of this provision.

Appointment of receiver.

32.—(1.) The mortgagees of the Company under the Act of 1862 the Act of 1864 and the Order of 1881 as amended by this Order or under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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.

(2.) All the powers and provisions contained in the Act of 1862 or the Order of 1881 with reference to a receiver shall be and the same are hereby repealed from and after the passing of the Act confirming this Order but this repeal shall not prejudice or affect any appointment of receiver or other act done under such powers and provisions before the passing of the Act confirming this Order.

Application of capital.

33. The Company shall and may apply only for the purposes of the Act of 1862 the Act of 1864 or the Order of 1881 or of this Order to which capital money is applicable and not otherwise all moneys which they are authorised to raise by shares or stock or borrowing by those Acts and Order or by this Order.

Power to agree for issue of stock in redemption of mortgages.

34. The Company may at any time agree with any mortgagee or holder of a debenture granted by the Company for the redemption at any time of any such mortgage or debenture by an issue of debenture stock to a nominal amount equal to the sum secured by such mortgage or debenture.

As to lights during the construction of works.

35. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights after completion of works.

36. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall at the outer extremity of the pier and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such 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 Company shall be liable to

a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Provision against danger to navigation.

37. In case of injury to or destruction or decay of the pier or works or any parts thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Powers to cease in certain events.

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

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

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

For protection of the Post-master-General.

39. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect :—

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

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

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

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

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

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

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

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

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

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed

by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.

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

Saving rights under Crown Lands Act 1866.

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

Saving rights of the Crown.

41. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods or either of them.

Saving rights of lord of manor and of urban district council.

42. This Order shall not be taken to prejudice take away or affect such legal rights (if any) as the lord of the manor of Weston-super-Mare or the Weston-super-Mare Urban District Council may have within the limits of the Company's authority under the Act of 1862 the Act of 1864 the Order of 1881 and this Order.

Saving rights of the Corporation of Bristol.

43. Nothing in this Order contained shall invalidate or prejudicially affect any rights powers duties or privileges now vested in or exerciseable by the mayor aldermen and burgesses of the city of Bristol either as owners and conservators of the port and docks of Bristol or as a pilotage authority or as a port sanitary authority.

Costs of Order.

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

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