CHAPTER xlvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Humber and Swansea. A.D. 1891.

[11th June 1891.]

WHEREAS a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, does not take effect unless and until it is confirmed by Act of Parliament: 52 & 53 Vict. c. 68.

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 take effect and have full validity and force.

Short title.

2. This Act may be cited as the Pilotage Orders Confirmation (No. 2) Act, 1891.

[*Price* 6*d.*]

A.D. 1891.

The SCHEDULE of Orders.

1. Humber.—Representation of Humber Pilots on the Pilotage Committee of the Hull Trinity House, and on the Humber Pilotage Commission.

2. Swansea.—Representation of pilots on the Pilotage Committee of the Swansea Harbour Trustees.

HUMBER.

A.D. 1891.

Humber.

Order providing for the Representation of Pilots on the Pilotage Authorities for the Port of Kingston-upon-Hull and the River Humber.

Short title.

1. This Order may be cited as the Humber Pilotage Order, 1891.

Interpretation.

2. In this Order the following expressions have the meanings assigned to them respectively (that is to say) :—

"The Trinity House" means the wardens, elder brethren, and assistants of the guild or brotherhood of masters and pilots seamen of the Trinity House in Kingston-upon-Hull, commonly called the Corporation of the Trinity House in Kingston-upon-Hull.

"Commissioners" means the commissioners for executing the Act of the second and third years of the reign of King William IV. cap. 105 (herein-after called the Act of 1832), and "Humber pilot" has the meaning by that Act attached to that expression, but does not include a master or mate holding a certificate granted either under section 340 or section 342 of the Merchant Shipping Act, 1854.

"Port" means the port of Kingston-upon-Hull and the port of Great Grimsby in the county of Lincoln and the River Humber below the said port of Kingston-upon-Hull, and so far out at sea as to bring the North Ness of Dimlington on the coast of Holderness to bear or be seen a sufficient distance clear or open of the land to the southward thereof so as to pass clear of a certain sand or shoal called the New Sand, and also so far along the coast to the northward thereof as the said North Ness of Dimlington, and to the southward thereof as a certain point or headland on the coast of Lincolnshire commonly called or known by the name of Donna Nook.

Pilots to elect representatives on Trinity House Pilotage Committee.

3. In the month of July in every year the Humber pilots may and shall, in manner herein-after in this Order provided, elect one person (in this Order called a Trinity House representative) to be a member of the pilotage committee of the Trinity House so long as the members appointed by the Trinity House on that committee are five or less than five in number, and if and whenever the number of members so appointed by the Trinity House shall be increased so as to exceed five, the number of Trinity House representatives to be elected under this section shall be also increased so that their number shall never be less than one-fifth of the number for the time being of the members of the committee appointed by the Trinity House, and the person or persons so elected shall serve on the said committee and be entitled to take part in any proceedings of the said committee in relation to the pilotage of the port in all respects as members of the committee appointed by the Trinity House.

Pilots to elect representative commissioners.

4. In the month of July in every year the Humber pilots may and shall, in manner herein-after in this Order provided, elect six persons (in this Order

A.D. 1891.

Humber.

called commissioner representatives) to be commissioners, and the persons so elected shall be commissioners, and shall have and enjoy all rights, powers, authorities, privileges, and immunities for the time being vested in or enjoyed by the commissioners, or to which they are entitled.

Rules for election.

5. The representatives to be elected as by this Order provided are to be licensed Humber pilots, or persons who have been licensed Humber pilots, and are to be elected at a meeting of the Humber pilots, which shall take place in the month of July in each year, at a time and place to be advertised by the clerk to the commissioners ten days at least, or in his default by a person to be appointed for the purpose by the Board of Trade five days at least before the day appointed for election in one or more of the newspapers published in the borough of Kingston-upon-Hull. At such meeting the election of the Trinity House representative or representatives shall take place first, and the following rules shall be observed :—

(1.) The mayor of the borough of Kingston-upon-Hull for the time being, or a person nominated by him, shall be the chairman of the meeting and the returning officer, and shall preside and regulate the proceedings at such meeting.

(2.) Every licensed Humber pilot shall be entitled to attend or to be represented at the meeting, and take part and vote in each election of representatives thereat; but this provision is not to authorise attendance to the prejudice of the pilot service.

(3.) Candidates for the office of representatives shall, at such meeting, be nominated and seconded by Humber licensed pilots, and if the number of persons so nominated does not exceed the number of persons to be elected, the persons so nominated shall be deemed to be duly elected; but if the number of persons nominated exceeds the number to be elected, the election shall be decided by the majority of the licensed pilots present or represented at the meeting.

(4.) Every licensed pilot present or represented at any election is to be entitled to as many votes as there are persons to be elected, but is not to give more than one vote for any one candidate.

(5.) Any licensed pilot not present at any election may, by writing under his hand, appoint another licensed pilot as proxy to represent him, provided that all instruments in writing appointing such proxy shall be lodged with the Secretary to the Trinity House or with the clerk to the commissioners, as the case may be, not later than the day preceding the day of the meeting.

(6.) Representatives shall remain in office until the meeting for the election of representatives in the month of July next succeeding their election, and shall then go out of office, but shall be eligible for re-election.

(7.) In the event of two or more candidates at any election having the same number of votes, the chairman of the meeting shall have a casting vote at such election.

(8.) The chairman of the meeting shall, as soon as may be after the election, certify in writing to the secretary to the Trinity House the name or names

of the person or persons elected to be the Trinity House representative or representatives, and to the clerk to the commissioners the names of the persons elected to be commissioner representatives, and all such persons shall thereupon become, in manner by this Order provided, a member or members of the Pilotage Committee of the Trinity House and commissioners, as the case may be.

As to casual vacancies.

6. If any vacancy occurs in the number of the Trinity House representatives, including a vacancy caused by increase in the number of members appointed by the Trinity House on the pilotage committee, or if any vacancy occurs in the number of the commissioner representatives under this Order, and whether any such vacancy occurs by death, resignation, or otherwise, it shall be lawful for the commissioner representatives for the time being, by writing under their hands, or under the hands of a majority of them, addressed and delivered to the secretary to the Trinity House, or the clerk to the commissioners, as the case may be, to appoint another person or other persons to be a Trinity House representative or a commissioner representative, as the case may be, and on delivery of such writing to such secretary or clerk, as the case may be, the person or persons so appointed shall be and continue in office as if he or they had been duly elected at the meeting for election held in the month of July immediately preceding his or their appointment.

Vacancy not to affect power of body.

7. A vacancy in the office of any representative under this Order is not in any way to affect the proceedings or powers of the body to which he was elected or appointed as a representative.

Not to act in proceedings affecting them personally.

8. A representative elected or appointed under this Order shall not take any part in any proceedings of the body of which he is a member relating to any question affecting himself personally.

Costs of elections.

9. The costs, charges, and expenses of and preliminary and incidental to elections under this Order shall be paid by the commissioners out of the moneys receivable by the commissioners under the Act of 1832.

Costs of Order.

10. The costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing this Order or otherwise in relation thereto, including the confirmation thereof by Parliament, shall be paid as follows; that is to say, one-half is to be paid as to four fifth parts thereof by the Trinity House and one fifth part thereof by the licensed pilots; and the other half is to be paid as to six seventh parts thereof by the commissioners out of the accumulated funds in their hands, and the remaining one seventh part thereof by the licensed pilots.

Reserving general Acts.

11. Nothing in this Order shall exempt the Trinity House or the commissioners or the pilotage districts respectively within their jurisdiction from the provisions of any general Act of Parliament now in force or hereafter to be passed relating to pilotage or pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration thereof under the authority of Parliament.

A.D. 1891.

Swansea.

SWANSEA.

Order providing for the representation of Pilots on the Pilotage Committee of the Swansea Harbour Trustees.

Short title.

1. This Order may be cited as the Swansea Pilotage Order, 1891.

Interpretation.

2. The following words and expressions in this Order have the meanings hereby assigned to them respectively, that is to say;—

"The trustees" mean such of the Swansea Harbour Trustees as are appointed by the Swansea Harbour Trust to act as the trust members of the pilotage committee of the trust;

"Committee" mean the pilotage committee;

"The trust" means the Swansea Harbour Trustees as constituted under the Swansea Harbour Act, 1854;

"Licensed pilots" and "licensed pilot" mean and means respectively pilots or a pilot licensed by the pilotage authority for navigating vessels within the following limits, that is to say, "north of the line of the Nash Lights, in one," and "east of an imaginary line running north and south of a point "four miles westward of the Helwick Light Vessel placed off the Helwick "Shoal, near the Worms Head, in the county of Glamorgan," but does not include a master or mate of a vessel holding a pilotage certificate granted either under section 340 or section 342 of the Merchant Shipping Act, 1854.

Pilots to be elected on committee.

3. Within twenty-eight days after the second Monday in August, One thousand eight hundred and ninety-one, a meeting, as herein-after provided, shall be held for the election of representatives of licensed pilots, and the persons then elected shall remain in office until November 1892, in which month, and thereafter from year to year in November, representatives of licensed pilots may and shall be elected as in this Order provided, and shall remain in office till the November following their election, and the persons so elected may serve on the committee.

Number of pilots' representatives.

4. The persons (herein-after referred to as "pilots' representatives") to be elected under this Order as members of the committee shall be three in number, so long as the trustees do not exceed nine in number; and if, and whenever the number of trustees shall be increased so as to exceed nine, the number of persons to be elected by the licensed pilots shall be increased so that the number elected by them shall never be less than one-fourth of the number for the time being of the committee.

Rules for elections.

5. The pilots' representatives are to be either licensed pilots or persons who have been licensed pilots, to be nominated and seconded as herein-after provided, and they are to be elected at a meeting of the licensed pilots. Such meeting, except the first in August or September, One thousand eight hundred and ninety-one, shall take place in the month of November, and within the first fifteen days of that month, in each year, at a time (before twelve o'clock at noon) and a place to be advertised by the clerk to the trust ten days at least, or, in his default, by a person to be appointed for the purpose by the Board of Trade, five

days at least before the day fixed for the meeting, in one or more newspapers published in the county borough of Swansea. The following rules shall be observed with respect to elections :—

1. The clerk to the trust for the time being, or, failing him, a person appointed by the Board of Trade, shall be the chairman of the meeting and the returning officer, and shall preside and regulate the proceedings at such meeting.
2. Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election of pilots' representatives thereat.
3. Candidates for the post of pilots' representatives shall be nominated in writing by one and seconded in writing by one other licensed pilot; and if the number of persons so nominated and seconded does not exceed the number of persons to be elected, the persons so nominated and seconded shall be declared to be duly elected, but if the number of persons nominated and seconded exceed the number to be elected the election shall be decided by ballot by the majority of the licensed pilots present or represented at the meeting.
4. The ballot shall remain open from twelve o'clock at noon to four o'clock in the afternoon on the day of the meeting.
5. Every licensed pilot present or represented at the meeting is to be entitled to as many votes as there are persons to be elected, but is not to give more than one vote for any one candidate.
6. Any licensed pilot not present at the meeting may by writing under his hand appoint any licensed pilot as proxy to represent him. Nomination papers and proxy papers must respectively be in the form settled and supplied by the clerk to the trust and must respectively be lodged with the clerk to the trust not later than 4 p.m. on the day preceding the day of the meeting.
7. The pilots' representatives other than the representatives elected in August or September 1891 shall remain in office until the election of representatives in the month of November next succeeding their election, and shall then go out of office, but shall be eligible for re-election.
8. In the event of two or more of the candidates having the same number of votes, the chairman of the meeting is to be entitled to a casting vote.
9. The chairman of the meeting, as soon as may be after the election is determined, shall report in writing the names of the persons so elected to the committee, and such persons shall thereupon become members of the committee.

Representatives not to act in cases affecting themselves.

6. A member of the committee elected under this Order is not to take any part in any proceedings of the committee relating to any question affecting himself personally, as apart from the general body of pilots.

Casual vacancies.

7. If any vacancy shall occur in pilots' representatives by death or resignation, or otherwise, or if by reason of any increase in the number of the trustees after the election of pilots' representatives has been held the number of pilots' representatives on the committee shall be less than is by this Order prescribed, it shall be lawful for the pilots' representatives for the time being by writing under their hands, or under the hands of a majority of them respectively, to appoint another

A.D. 1891.

Swansea.

representative or other representatives to be a member or members of the committee, and the member or members so appointed shall serve in office as if he or they had been duly elected at the election of representatives held immediately preceding his or their appointment.

Vacancy not to affect proceedings.

8. A vacancy in the office of a representative to be elected under this Order is not in any way to affect the proceedings or powers of the committee.

Costs of elections.

9. The costs, charges, and expenses of and preliminary or incidental to elections under this Order shall be paid by the persons nominated as candidates and consenting to their nomination in equal shares, and the proportion due from each candidate may be recovered by the committee from them as a simple contract debt.

Expenses of Order.

10. The costs and charges of or incidental to preparing for, obtaining, and passing this Order, or otherwise incurred in relation thereto, including the confirmation of same by Parliament, shall be paid as follows; that is to say, two-thirds thereof by the trust, and one-third thereof by the licensed pilots.

Reserving general Acts.

11. Nothing in this Order shall exempt the trust or the committee or the pilotage district within their jurisdiction from the provisions of any general Act of Parliament now in force or hereafter to be passed relating to pilotage or pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on ships or vessels, or on goods carried therein, or from any further revision or alteration thereof under the authority of Parliament.

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