

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XLIX.

An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof. [1st *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-nine: And whereas it is expedient to repeal the said Act, and to make other Provisions in lieu thereof: 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, 11 & 12 Vict. c. 129.

I. That in respect of all future Applications to Parliament for Local Acts the said recited Act shall be and the same is hereby repealed. Recited Act repealed.

II. Whenever Application shall be made to Parliament for a Bill whereby Power is sought to construct any Works on the Shore of the Sea, Where Works proposed on tidal Lands,

Admiralty may require Statements, &c.

Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, or to construct any Bridge, Viaduct, or other Work across any Creek, Bay, Arm of the Sea, or navigable River, or to construct any Work affecting the Navigation of any Harbour, Port, tidal Water, or navigable River, it shall be lawful for the Lord High Admiral, or for the Lords Commissioners for executing the Office of Lord High Admiral, to require the Promoters of such Bill to deposit at the Office of the Admiralty, in addition to the Plans, Sections, or other Documents which may have been deposited at such Office in compliance with the Standing Orders of either House of Parliament, all such Statements and other Documents as the said Lord High Admiral or Lords Commissioners shall deem necessary to explain the Objects of the intended Application to Parliament, and the proposed Interference with such tidal Lands or Navigation, as the Case may be.

Admiralty may appoint Inspectors.

III. It shall be lawful for the said Lord High Admiral or Lords Commissioners, if they shall consider the same necessary or expedient, but not otherwise, to appoint a competent Person or Persons to be an Inspector or Inspectors, for the Purpose of inquiring, in such Manner and at such Time and Place as they shall direct, into all such Matters as they shall deem necessary to enable them to report to Parliament their Opinion upon every such Bill touching the Jurisdiction or Authority of the Lord High Admiral.

Inspectors may summon Witnesses and examine them upon Oath.

IV. For the Purposes of such Inquiry the said Inspector or Inspectors may, by Summons under his or their Hands, summon before him or them any Person having the Custody of any Map, Survey, or Book made or kept in pursuance of any Act of Parliament, to produce such Map, Survey, or Book for his or their Inspection, and the said Inspector or Inspectors may summon, in manner aforesaid, any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises.

Penalty for Non-attendance or refusing to answer Questions.

V. Any Person, being summoned by such Inspector or Inspectors, who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Maps, Surveys, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath or otherwise such Questions as may be put to him by such Inspector or Inspectors

under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within the Town, District, or Place wherein such Inquiry shall be held; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place in aid of the County Rate; provided that no Person, other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

Admiralty may take Security for Payment of Expenses of Inquiry.

VI. Before instituting any such Inquiry the said Lord High Admiral or Lords Commissioners may, if they think fit, require and take such Security for the Payment of the whole or any Part of the Costs, Charges, and Expenses to be incurred by them in respect of such Inquiry (including the Remuneration of the Inspectors) as to them shall seem fit; and whenever any such Security is given, the Costs, Charges, and Expenses in respect whereof it is given shall, to such Amount as shall be certified by the said Lord High Admiral or Lords Commissioners (not exceeding the Extent or Amount of such Security), be a Debt due to Her Majesty from the Person or Persons respectively by whom the same is entered into.

Petitioners for Private Bill to be deemed the Promoters.

VII. The Persons whose Names shall be subscribed to the Petition for any Private Bill shall be deemed to be Promoters of such Bill for all the Purposes of this Act, notwithstanding the Persons subscribing such Petition shall have signed for or on behalf of any other Party.

Form of citing the Act.

VIII. In citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The Preliminary Inquiries Act, 1851."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.