

ANNO TRICESIMO

VICTORIÆ REGINÆ.

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CAP. XV.

An Act for the Abolition of certain Exemptions from Local Dues on Shipping and on Goods carried in Ships. [12th *April* 1867.]

BE it 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:

Short Title.

1. This Act may be cited for all Purposes as "The Shipping Dues Exemption Act, 1867."

Commencement of Act.

2. This Act shall come into operation on the First of *August* One thousand eight hundred and sixty-seven, which Time is herein referred to as the Commencement of this Act.

Interpretation of Terms:

3. The following Words and Expressions shall in this Act have the Meanings hereby assigned to them, unless there is something in the Context inconsistent with such Meanings; that is to say,

"Dues:"

The Word "Dues" shall include all Tolls, Rates, Taxes, Duties, and Imposts levied on Ships or on Goods carried in Ships, except any Duties levied by the Commissioners of Customs for the Use of Her Majesty:

"Exemption from Dues."

The Expression "Exemption from Dues" shall, in addition to its ordinary Meaning, include every Privilege of paying smaller Dues than the Public at large pay under like Circumstances.

4. After

Shipping Local Dues.

No Exemption from Dues allowed in United Kingdom on account of Reasons herein named.

4. After the Commencement of this Act no Exemption from Dues shall be allowed in the United Kingdom on account of any one or more of the following Reasons; that is to say,

(1.) On account of any Ship being registered at or belonging to any particular Country, Port, or Place, or trading between any particular Ports or Places:

(2.) On account of any Ship or Goods being the Property of, or being consigned by or to any particular Person or Body Corporate:

(3.) On account of any Goods being destined for Sale in any particular Town, Place, or Market:

(4.) On account of any Ship or Goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular Place in any Port, or in the Neighbourhood of any Port, except where a Ship in going to or from, or anchoring or mooring at, or being laden or unladen at such Place derives from the Expenditure of the Class of Dues in question no Benefit, or less Benefit than Ships going to or from, or anchoring or mooring at, or being laden or unladen at another Place in the same Port:

(5.) On account of any Goods being the Product of or being destined for Use at any particular Manufactory, Place, or District, or any particular Class of Manufactories: Provided that nothing in this Act contained shall affect any Exemption from Dues which has been granted by an Act of Parliament to the Owner or Occupier of some particular Quay, Manufactory, or Place as Compensation for Obstruction to his Water Frontage or Access to his Premises, or other Injury caused to him by the Works authorized by such Act.

Privileged Persons to have as Compensation an Annuity for 10 Years, equal to the Average of Benefit for Three Years preceding 1st February 1867.

5. Where a Person or Body Corporate who would if this Act had not passed be entitled in his or their own Right to derive Profit from any Exemption from Dues abolished by this Act has derived pecuniary Profit from such Exemption during the Year preceding the First of *February* One thousand eight hundred and sixty-seven, in that, but in no other Case, the Person or Body Corporate entitled to receive the Class of Dues in question (in this Act referred to as "the Receiver of Dues") shall pay to the Person or Body Corporate so entitled (in this Act referred to as "the Claimant") by way of Compensation an Annuity equal to the average annual Amount of Profit so derived during the Three Years next preceding the First of *February* One thousand eight hundred and sixty-seven, or during so much of those Three Years as is subsequent to the Date at which the Claimant commenced to derive such Profit:

Provided

Provided that no Compensation shall be payable or paid (except so much as may previously have accrued) after any of the following Times; *viz.*,

No Compensation to be paid after Times herein named.

(1.) After the Expiration of Ten Years from the Commencement of this Act:

(2.) After the Time of the Death of the Claimant:

(3.) After the Time at which the Dues from which the Claimant was exempted cease to be levied:

(4.) After any Time when from any Reason whatever the Claimant ceases or would cease (if the Exemption from Dues for which Compensation was granted then existed) to have a Right to such Exemption or to be in a Position to derive Profit from it.

6. With respect to determining the Amount of Compensation to be paid under this Act, the following Rules shall be observed:

Mode of determining Amount of Compensation.

(1.) The Claimant shall send to the Receiver of Dues and to the Board of Trade in Writing his Claim to Compensation, stating the Amount and Grounds of his Claim, and shall give such Evidence in support of his Claim as the Board of Trade may require:

(2.) This Claim shall be sent in to the Board of Trade within Three Months after the Commencement of this Act, and if it is not sent in within that Time the Claimant shall not be entitled to any Compensation in respect of the Time prior to the Date of the Receipt of such Claim by the Board of Trade; and if it is not sent in within One Year after the passing of this Act the Claimant shall not be entitled to any Compensation:

(3.) As soon as may be after receiving such Claim, the Receiver of Dues shall agree with the Claimant on the Amount of the Compensation to be paid, and the Times and Mode of such Payment, but such Agreement shall be subject to the Approval of the Board of Trade:

(4.) If no Agreement can be made, or if the Board of Trade disapprove of any Agreement which is made, the Amount of Compensation to be paid, and the Times and Mode of such Payment, shall be determined by Arbitration:

(5.) For the Purpose of such Arbitration the Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act, and in the Construction of those Clauses for the Purposes of this Act this Act shall be deemed to be the Special Act, and any Appointment of an Arbitrator by the Receiver of Dues shall be subject to the Approval of the Board of Trade.

7. The

Commencement of Compensation, and how to be paid.

7. The Compensation shall (except as in this Act mentioned) date from the Commencement of this Act, and shall be paid out of the Class of Dues from which the Claimant who receives it was previously exempted.

Power to commute Annuity for a Principal Sum.

8. Any Receiver of Dues, on Agreement with the Claimant and with the Approval of the Board of Trade, may, by paying to the Claimant a Principal Sum, commute any Compensation payable annually by such Receiver under this Act.

Power to Receiver of Dues to borrow for Purpose of Commutation of the annual Payment.

9. Where the Receiver of Dues commutes the annual Compensation by Payment of a Principal Sum he may, if the Board of Trade approve, notwithstanding any Limitation in any Act of Parliament or Charter, borrow at Interest on the Security of any Dues which he has Power to levy the whole or any Part of such Principal Sum, and shall apply the same in effecting such Commutation.

For the Purpose of such borrowing the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and in the Construction of that Clause for the Purpose of this Act this Act shall be deemed to be the Special Act, and the Receiver of Dues which is borrowing shall be deemed to be the Commissioners.

If beneficial to the Trade of the Port, the Dues may be abolished instead of the Exemption.

10. Where a Receiver of Dues in any Port or Place proves to the Satisfaction of the Board of Trade that it would be beneficial to the Trade of such Port or Place that the Class of Dues from which the Exemption exists should be abolished, the Board of Trade may make an Order directing the Abolition of that Class of Dues after the Date mentioned in the Order, and after such Date, or, if no Date is mentioned, after the Date of that Order, no Dues specified in such Order shall be levied, and no Compensation shall be payable in respect of any Exemption therefrom; provided that where such Dues are received in trust for a Body Corporate such Dues shall not be abolished without the Consent of such Body Corporate under their Common Seal.

Saving of Rights of Her Majesty and Lighthouse Authorities.

11. Nothing in this Act contained shall render liable any Ships or Goods which belong to or are in the Service of Her Majesty, or any Corporation having the Superintendence or Management of Lighthouses, to any Dues to which they would not be liable if this Act had not passed.

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