CHAPTER clvii.

An Act to authorise the Shoreham Harbour Trustees to construct works to increase their borrowing powers and for other purposes. A.D. 1930.

[1st August 1930.]

WHEREAS by the Shoreham Harbour Act 1926 (being an Act to re-arrange the finances of and reconstitute and re-incorporate the Shoreham Harbour Trustees and to consolidate with amendments the Acts relating to the said Trustees and for other purposes) the Shoreham Harbour Trustees (hereinafter called "the Trustees") were incorporated with the powers and duties and for the purposes therein mentioned:

And whereas it is expedient that the Trustees should be empowered to construct and maintain the lock and other works by this Act authorised in substitution for the existing lock which is insufficient for the traffic of Shoreham Harbour:

And whereas it is expedient to authorise the Trustees to abandon and discontinue the existing lock as from the date of completion and bringing into use for traffic of the lock by this Act authorised and to vest the site of the abandoned lock in the Trustees and to authorise them to hold or lease sell or dispose thereof:

And whereas estimates have been prepared by the Trustees of the cost of the purchase of lands for and the construction of the lock and other works by this Act

A.D. 1930. authorised and such estimates amount to one hundred and three thousand pounds :

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient to authorise the Trustees to raise further money for providing the cost of the said works and for the general purposes of their undertaking by the creation and issue of redeemable guaranteed stock carrying the same rights and having the benefit of the same guarantees as stock which they are empowered to create and issue under the said Act of 1926 :

And whereas it is expedient to empower the Trustees to issue all or any of the redeemable guaranteed stock authorised by the said Act of 1926 and this Act with a higher rate of interest than that provided for under the said Act of 1926 :

And whereas it is expedient with a view to facilitating the provision by the Trustees of capital moneys during the construction of works and otherwise that they should be empowered to obtain temporary advances of money as in this Act provided and to repay the same out of moneys subsequently raised by the issue of stock :

And whereas it is expedient that the Trustees should be authorised to demand and take the additional rates and charges authorised by this Act :

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas plans and sections showing the lines and levels of the works by this Act authorised and plans showing the lands by this Act authorised to be acquired compulsorily and also books of reference containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of West Sussex and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas during the progress through Parliament of the Bill for this Act the works proposed to be authorised were altered and extended and additional plans and sections showing the lines and levels of the altered and extended works by this Act authorised and plans showing

the lands by this Act authorised to be acquired compulsorily therefor and also books of reference to such additional plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of West Sussex and are hereinafter respectively referred to as the additional deposited plans sections and books of reference:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 as the Shoreham Harbour Act 1930 and the Shoreham Harbour Act 1926 and this Act may be cited together as the Shoreham Harbour Acts 1926 and 1930.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act (namely):—

(1) The Lands Clauses Acts with the following exception and modifications:—

(*a*) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Trustees and shall be sufficient without the addition of the sureties mentioned in that section;

(*c*) Any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Trustees and the person

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claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices the sections of that Act being construed as if the expression "the Trustees" had been inserted therein instead of the expression "the company" and as if a reference to the works authorised by this Act had been inserted therein instead of the expression "the railway" and as if the expression "centre of the railway" meant the limits of the works authorised by this Act:

(3) The Harbours Docks and Piers Clauses Act 1847 to the same extent and in the same manner mutatis mutandis as the same is incorporated by section 8 of the Act of 1926 except that for the purpose of its application to this Act section 6 and sections 8 to 13 thereof shall not be excepted from incorporation and in construing section 28 of the said Act as incorporated with the Act of 1926 and this Act the expression "vessel" shall be deemed to include any aeroplane seaplane hydroplane or other aircraft belonging to or employed in the service of His Majesty.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Shoreham Harbour Act 1926 have the same respective meanings and the following words and expressions have the several meanings assigned to them (that is to say):—

"The Act of 1926" means the Shoreham Harbour Act 1926;

"The works" means the works by this Act authorised;

"The existing lock" means the existing lock walls bed waterway entrances spillway and other works connected with the existing lock situate in the eastern arm of the harbour;

"The new lock" means the lock (Work No. 1) and works in connection therewith authorised by this Act.

Power to execute works.

4. Subject to the provisions of this Act the Trustees may make and maintain in the lines or situation and according to the levels shown on the deposited and additional deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited and additional deposited books of reference as may be required for that purpose.

The works hereinbefore referred to and authorised by this Act will be situated in the urban district of Southwick in the county of West Sussex and are as follows:—

Work No. 1 A lock or basin with all necessary and convenient gates floors fenders culverts sluices machinery and apparatus on the foreshore or bank of the river Adur on the south side of and parallel with the existing lock and to be formed by—

(*a*) (i) A northern wall or embankment commencing at a point 55 feet or thereabouts south of an imaginary line running west to east through the centre of the waterway of the existing lock and in line with the western face of the existing lock and terminating at a point 310 feet or thereabouts measured in an easterly direction from the said point of commencement; and

(ii) An extension of the said northern wall or embankment commencing at the point of termination thereof and terminating at a point 20 feet or thereabouts measured in an easterly direction from the said point of commencement;

(*b*) (i) A southern wall or embankment commencing at a point 115 feet or thereabouts south of the said imaginary line running west to east through the centre of the

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waterway of the existing lock and in line with the western face of the existing lock and terminating at a point 310 feet or thereabouts measured in an easterly direction from the said point of commencement; and

(ii) An extension of the said southern wall or embankment commencing at the point of termination thereof and terminating at a point 20 feet or thereabouts measured in an easterly direction from the said point of commencement:

Work No. 2 A wall or embankment on the foreshore and north bank of the south channel of the river Adur in the eastern arm of the harbour commencing at or near the point of commencement of the southern wall or embankment of the proposed lock (Work No. 1) on its southern side and terminating by a junction with the existing towing path at a point 230 yards or thereabouts measured in an easterly direction from the said point of commencement.

Subsidiary works and powers.

5. Subject to the provisions of this Act the Trustees may in connection with the works and for the purposes of this Act exercise all or any of the powers and carry into effect all or any of the objects following (that is to say):—

(1) They may take and divert into and use for the purposes of the new lock and the eastern arm of Shoreham Harbour the waters of the river Adur:

(2) They may deepen dredge scour cleanse widen alter and improve from time to time the bed channels foreshore and banks of the river Adur adjoining the works and of any streams and creeks adjacent to the works and remove any sand shingle mud soil rocks shoals or other material which may interfere with the access to the works and use appropriate and dispose of any materials so dredged or removed or which may be obtained in the construction of the works Provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade:

(3) They may construct and maintain from time to time all necessary and convenient roads ways approaches cuts channels quays wharves walls embankments gates culverts pipes sluices drops dolphins moorings buoys beacons and other works buildings machinery and appliances connected with the works:

(4) They may within the limits of deviation shown on the deposited plans cross divert alter or stop up any roads ways footpaths bridges aqueducts creeks streams watercourses sewers drains culverts and pipes which it may be necessary to cross divert alter stop up or interfere with in connection with the construction or maintenance of the works:

Provided that the Trustees shall not alter or interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

Power to close portion of towing-path and substitute new towing-path.

6. Subject to the provisions of this Act the Trustees may stop up discontinue and demolish so much of the towing-path in the urban district of Southwick in the county of West Sussex on the north bank of the south channel of the eastern arm of the harbour as lies between its western point of termination near the existing lock and a point one hundred and fifty yards or thereabouts measured in an easterly direction from the eastern end of the existing lock and shall not later than one year after the carrying out of the works make and thereafter maintain in substitution for such portion so stopped up discontinued and demolished a new towing-path on the wall or embankment (Work No. 2) by this Act authorised.

As to rights of way.

7. Nothing in this Act shall prejudice affect or vary public rights of way (if any) which may exist or be exerciseable over across and along the gates of the existing lock and the approaches thereto or over and along the towing-path in the urban district of Southwick on the north bank of the south channel of the eastern arm of the harbour except that—

(*a*) during the carrying out of the works and such period not exceeding one year thereafter as may be necessary for filling in closing or altering the existing lock such public rights of way (if

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any) as are hereinbefore referred to may be stopped or otherwise interfered with in accordance with subsection (4) of the section of this Act of which the marginal note is "Subsidiary works and powers" and the section of this Act of which the marginal note is "Power to close portion of towing-path and substitute new towing-path"; and

(*b*) after the carrying out of the works and such period not exceeding one year thereafter as aforesaid such public rights of way (if any) as are hereinbefore referred to shall not be exercise-able along the line of the portion of the existing towing-path stopped up discontinued or demolished in pursuance of the provisions of the section of this Act of which the marginal note is "Power to close portion of towing-path and substitute new towing-path" but such public rights of way (if any) may be exercised upon the gates of the existing lock or any soil material or construction substituted in place thereof and upon the approaches thereto and upon the new towing-path referred to in the said section in the same manner and to the same extent (if any) as they were before the passing of this Act exerciseable upon the said gates and approaches and the said portion of the existing towing-path.

For protection of Southwick Urban District Council.

8. Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the urban district council of Southwick (in this section referred to as "the council") shall apply and have effect unless otherwise agreed between the Trustees and the council (that is to say):—

(1) If during the construction of the works by this Act authorised the Trustees stop up the way over the gates of the existing lock or over so much of the towing-path as is referred to in the section of this Act of which the marginal note is "Power to close portion of towing-path and substitute new towing-path" the council during the period of such stopping up may provide and maintain a reasonably sufficient temporary ferry service (similar to those already

provided in the harbour) across the north channel of the eastern arm of the harbour to the east of the lock gates for providing access to the said towing-path and the lands and foreshore to the south thereof together with reasonably necessary landing facilities and if such provision is made the Trustees shall from time to time on demand pay to the council one-half part of the cost of the provision and maintenance of such ferry service At the expiration of such period the council shall discontinue such ferry service and shall remove any works constructed by them in connection therewith :

(2) Any difference between the Trustees and the council under this section shall be referred to an arbitrator to be agreed upon between the Trustees and the council or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Power to deviate.

9. Subject to the provisions of this Act the Trustees may in constructing any of the works deviate from the lines thereof to the extent of the limits of deviation marked on the deposited and additional deposited plans and may deviate from the levels thereof shown on the deposited and additional deposited sections to any extent not exceeding five feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

10.—(1) Subject to the provisions of this Act the works shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

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(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of works by Board of Trade.

11. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Trustees under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement of work abandoned or decayed.

12.—(1) Where any work constructed by the Trustees under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Trustees at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

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(3) If during the period of thirty days from the date when the notice is served upon the Trustees they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Trustees and the amount of such expense shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Lights on works during construction.

13.—(1) The Trustees shall at or near such part of the works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent lights on works.

14.—(1) After the completion of the works the Trustees shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision against danger to navigation.

15.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be

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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.

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Correction of errors &c. in deposited plans and books of reference.

16. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited or additional deposited plans or specified in the deposited or additional deposited books of reference the Trustees after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of West Sussex for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of West Sussex and a duplicate thereof shall also be deposited with the clerk of the council of the urban district of Southwick and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk respectively with the other documents to which the same relate and thereupon the deposited or additional deposited plans and books of reference as the case may be shall be deemed to be corrected according to such certificate and it shall be lawful for the Trustees to take the lands and execute the works in accordance with such certificate.

Period for completion of works.

17. If the works are not completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to enter upon property for survey and valuation.

18. The Trustees and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Trustees may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to owners to grant easements &c.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Trustees any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Compensation in case of recently altered buildings &c.

20. In settling any question of disputed purchase money or compensation payable in respect of lands taken by the Trustees under the powers of this Act the person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made after the first day of October nineteen hundred and twenty-nine if in the opinion of such person the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation under this Act nor in the case of any estate or interest in the lands created after the said date which in the opinion of such person was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Trustees of such lands.

As to rights of way over

21. All rights of way over any lands which shall under the powers of this Act be acquired compulsorily

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lands taken compulsorily.

shall as from the date of such acquisition be extinguished Provided that the Trustees shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

22. The powers of this Act for the compulsory purchase of lands by the Trustees shall cease on the first day of October nineteen hundred and thirty-three.

Power to Trustees to abandon existing lock.

23. On and from the day on which the new lock is made permanently open to traffic the Trustees may abandon and discontinue the existing lock and thereupon all the powers and obligations conferred or imposed upon the Trustees with respect to or in connection with the existing lock shall cease and the Trustees may wholly or partially fill in or close the waterway of the existing lock Provided that the provisions of the section of this Act the marginal note of which is " Abatement of work abandoned or decayed " shall apply to the existing lock.

Notice of discontinuing existing lock to be given.

24. Not later than one month before discontinuing and closing the existing lock the Trustees shall give notice of the date of closing and discontinuance by placards fixed at conspicuous spots near the existing lock and at such other spots in the harbour as they may deem most convenient for persons interested therein and by advertisement once at least in two successive weeks in a newspaper or newspapers circulating in the counties of East and West Sussex.

Vesting site of existing lock in Trustees.

25.—(1) The lands forming the site of the existing lock as on and from the date of discontinuing and closing the same shall by virtue of this Act and without any deed of conveyance or other assurance become and be vested in the Trustees freed and discharged from all rights and interests therein and thereover.

(2) The Trustees may retain use and appropriate for the purposes of the Act of 1926 and the general purposes of their undertaking or for the purposes of this Act the whole of the land forming the site of the existing lock or such part thereof as they may think fit or subject to the provisions of the Act of 1926 and this Act may sell lease or otherwise dispose of such lands or the remainder

thereof in such manner at such time or times to such person or persons and on such terms and conditions as they may think fit. A.D. 1930.

Additional rates on goods passing through new lock.

26. On and from the day on which the new lock is made permanently open to traffic the Trustees may subject to the provisions of the Act of 1926 and this Act levy demand and take in respect of all animals and goods shipped unshipped or transhipped within the harbour provided that they are carried in vessels which use and pass through the new lock (in addition to the sums referred to in section 59 (Rates on goods) of the Act of 1926 with the addition thereto in that section mentioned) any sums not exceeding forty per centum of the rates specified in Part I of the Third Schedule to the Act of 1926.

Rates on vessels used for pleasure and small craft.

27. The Act of 1926 shall have effect as if—

(1) In the heading to Part II of the Third Schedule thereto in lieu of the words "seaplanes hydroplanes or similar craft" there were inserted the words "those mentioned in the headings to sections A B and C of Part III of this schedule"; and

(2) In the Third Schedule thereto Part III of that schedule were deleted and a new Part III were substituted therefor in the form set forth in the schedule to this Act.

Rates for use of wharves.

28. The Trustees may demand receive and recover for the use of any wharves quays or jetties provided by vested in or maintained by them from the owner or person having charge of any animals or goods loaded or unloaded by means thereof such reasonable rates as the Trustees shall for the time being appoint not exceeding threepence per ton on such goods loaded or unloaded The provisions of this section shall not apply to the free wharf in the urban district of Shoreham-by-Sea.

Power to create additional guaranteed stock.

29. The Act of 1926 shall have effect as if in section 84 thereof (Power to create additional stock) one hundred and forty-four thousand pounds were substituted for forty thousand pounds and as if the following purposes were included along with and in addition to the purposes (*a*) and (*b*) therein mentioned (that is to say) :—

(1) The payment of the costs charges and expenses referred to in the final section of this Act;

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(2) The payment of the expenses of and incidental to the execution of the works by this Act authorised;

(3) The repayment of any advances obtained by the Trustees under the section of this Act whereof the marginal note is "Power to obtain temporary advances for expenditure on capital account"; and

(4) Any other purposes of this Act to which capital is properly applicable.

Power to issue additional stock carrying a higher rate of interest than four and a half per centum.

30. Notwithstanding anything contained in sections 84 85 and 98 or any other provisions of the Act of 1926 or in any provisions of this Act the Trustees may from time to time if they think fit create and issue the whole or any part of the additional Shoreham Harbour four and a half per centum guaranteed redeemable stock authorised by the Act of 1926 as amended by this Act on the terms that it shall bear interest at such rate exceeding four and a half per centum per annum but not exceeding five and a half per centum per annum on the nominal value thereof as they may think fit and any stock so issued shall as and when issued be called and known as "Shoreham Harbour per centum guaranteed redeemable stock" according to the rate of interest attached thereto pursuant to this Act and save as to the rate of interest payable thereon shall carry the same rights and privileges as the rest of the guaranteed stock.

Power to obtain temporary advances for expenditure on capital account.

31.—(1) The Trustees may by temporary loan or overdraft from their bankers or any other form of borrowing obtain advances of such sums of money as they may require (i) for meeting their obligations incurred or to be incurred in regard to expenditure on capital account in relation to the works or (ii) for payment of the costs charges and expenses referred to in the final section of this Act or (iii) for repaying any advances previously obtained under this section Provided that the total amount so borrowed and outstanding at any one time shall not when added to the amount raised by the issue of new stock under section 84 (Power to create additional stock) of the Act of 1926 as amended by this Act exceed one hundred and forty-four thousand pounds (except by any amount raised under the said section 84 as so amended or obtained under this section shortly before and for the purposes of the immediate repayment of any advances

previously obtained under this section) and the sums borrowed under this section together with the interest thereon shall be a mortgage or charge on the harbour undertaking and harbour revenue and shall except as to the date of redemption or repayment rank equally without any priority or preference with all the guaranteed stock and the interest thereon.

(2) The local authorities may guarantee and by virtue of this Act do guarantee—

(*a*) that they will pay to the Trustees such sums if any as together with any revenue of the Trustees available for this purpose shall be sufficient to enable the Trustees to pay the interest on any advance made to the Trustees under subsection (1) of this section as and when such interest becomes due; and

(*b*) that in the event of default being made by the Trustees in the repayment of any principal money in respect of any such advance for a period of three months after such repayment becomes due the local authorities will from time to time pay to the Trustees such sums if any as together with any revenue of the Trustees available for this purpose shall be sufficient to enable the Trustees to repay the amount of such principal money by equal annual instalments within a period expiring at the end of thirty years from the date when such advance was made.

(3) The provisions of sections 108 to 113 inclusive in Part X (Guarantee by local authorities) of the Act of 1926 shall apply to and in connection with any sums which may become payable by the local authorities to the Trustees under subsection (2) of this section and the payments made by the local authorities in respect of those sums in the same way as they apply to the required annual sum payable by the local authorities to the Trustees under section 107 in the said Part X and to the payments made by the local authorities in respect of such required annual sum and for the purposes of such application thereof the said sections 108 to 113 inclusive shall be read and construed as if the interest referred to in paragraph (*a*) and the equal annual instalments referred to in paragraph (*b*) of subsection (2) of this

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section were interest and payments to sinking fund under paragraphs (2) and (3) respectively of section 93 (Application of harbour revenue after commencement of Act) of the Act of 1926.

(4) Any payment made by the Trustees for interest on any advances made to them under subsection (1) of this section shall be grouped under paragraph (2) of section 93 (Application of harbour revenue after commencement of Act) of the Act of 1926 along with the interest on the guaranteed stock referred to in that paragraph.

(5) Any repayment made by the Trustees to the local authorities of the amount of any payments by the local authorities for interest under paragraph (*a*) of subsection (2) of this section shall be grouped under paragraph (2) of the said section 93 along with the payment of the interest on the guaranteed stock referred to in that paragraph.

(6) Any repayment made by the Trustees to the local authorities of the amount of any payments by the local authorities for instalments of principal under paragraph (*b*) of subsection (2) of this section shall be grouped under paragraph (4) of the said section 93 along with the repayment to the guaranteeing body referred to in that paragraph.

Crown rights.

32. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

33. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the harbour revenue or out of moneys authorised to be raised under the authority of the Act of 1926 and this Act.

The SCHEDULE referred to in the foregoing Act.

New Part III of Third Schedule to Act of 1926.

Section A.—Rates in respect of Vessels used for Pleasure.

Every Craft except as herein provided used privately.

	Annual rates.	Monthly rates.	Weekly rates.	24 hours rates.
Not mechanically propelled.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Not exceeding 10 ft. in length	0 3 7	0 1 5	0 0 6	0 0 4
2. Exceeding 10 ft. and not exceeding 16 ft. in length	0 5 4	0 2 2	0 0 11	0 0 4
3. Exceeding 16 ft. and not exceeding 20 ft. in length	0 8 0	0 3 3	0 1 3	0 0 6
4. Exceeding 20 ft. and not exceeding 30 ft. in length	1 4 1	0 9 8	0 3 7	0 1 5
5. Exceeding 30 ft. and not exceeding 40 ft. in length	2 0 2	0 14 3	0 5 4	0 1 9
6. Exceeding 40 ft. and not exceeding 50 ft. in length	2 17 2	1 1 5	0 7 2	0 2 6
7. Exceeding 50 ft. and not exceeding 100ft. in length	4 0 4	1 8 7	0 10 9	0 3 7
8. Exceeding 100 ft. and not exceeding 150ft. in length	6 0 6	2 2 10	0 16 1	0 5 4
9. Exceeding 150 ft. in length	10 14 3	3 11 5	1 8 7	0 10 9
10. Rowing skiffs not exceeding 30 ft. in length	0 5 4	0 2 2	0 0 11	0 0 4
Mechanically propelled.				
11. Not exceeding 10 ft. in length	0 5 4	0 2 2	0 0 11	0 0 4
12. Exceeding 10 ft. and not exceeding 15 ft. in length	0 6 8	0 2 10	0 1 1	0 0 4
13. Exceeding 15 ft. and not exceeding 20 ft. in length	0 16 1	0 5 9	0 2 2	0 0 9
14. Exceeding 20 ft. and not exceeding 30 ft. in length	1 6 9	0 10 9	0 3 11	0 1 5
15. Exceeding 30 ft. and not exceeding 50 ft. in length	2 17 2	1 1 5	0 7 2	0 2 6
16. Exceeding 50 ft. and not exceeding 100ft. in length	5 7 2	1 17 6	0 14 3	0 5 4
17. Exceeding 100 ft. and not exceeding 150ft. in length	6 13 11	2 6 5	0 17 10	0 7 2
18. Exceeding 150 ft. in length	12 17 2	4 5 9	1 12 2	0 14 3

A.D. 1930.

SECTION B.

EVERY PASSENGER-CARRYING CRAFT PLYING FOR HIRE EXCEPT AS HEREIN OTHERWISE PROVIDED.

	Annual rates.			Monthly rates.			Weekly rates.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
NOT MECHANICALLY PROPELLED.									
19. Not exceeding 10 ft. in length - -	0	3	7	0	1	5	0	0	4
20. Exceeding 10 ft. and not exceeding 16 ft. in length - - - -	0	5	4	0	2	2	0	0	11
21. Exceeding 16 ft. and not exceeding 20 ft. in length - - - -	0	10	9	0	4	3	0	1	9
22. Exceeding 20 ft. and not exceeding 30 ft. in length - - - -	1	12	2	0	11	5	0	4	3
23. Exceeding 30 ft. and not exceeding 50 ft. in length - - - -	2	13	7	0	19	8	0	7	2
24. Exceeding 50 ft. and not exceeding 100 ft. in length - - - -	5	7	2	1	17	6	0	14	3
25. Exceeding 100 ft. and not exceeding 150 ft. in length - - - -	8	0	9	2	15	4	0	19	8
26. Exceeding 150 ft. in length - -	14	5	9	5	0	0	1	12	2
27. Rowing skiffs not exceeding 30 ft. in length - - - - -	0	5	4	0	2	2	0	0	11
MECHANICALLY PROPELLED.									
28. Not exceeding 10 ft. in length - -	0	10	9	0	4	3	0	1	9
29. Exceeding 10 ft. and not exceeding 15 ft. in length - - - -	0	13	5	0	5	4	0	2	2
30. Exceeding 15 ft. and not exceeding 20 ft. in length - - - -	1	12	2	0	11	5	0	4	3
31. Exceeding 20 ft. and not exceeding 30 ft. in length - - - -	2	13	7	0	19	8	0	7	2
32. Exceeding 30 ft. and not exceeding 50 ft. in length - - - -	8	0	9	2	15	4	0	19	8
33. Exceeding 50 ft. and not exceeding 100 ft. in length - - - -	10	14	3	3	15	0	1	8	7
34. Exceeding 100 ft. and not exceeding 150 ft. in length - - - -	13	7	10	4	12	10	1	13	11
35. Exceeding 150 ft. in length - -	17	17	2	5	14	3	1	19	3

In calculating the length of any craft for the purpose of this schedule all measurements shall be taken over all that is from the foreside of the stem to the afterside of the sternpost measured along the midship line.

In the case of hydroplanes outboard and other motor boats and other small craft designed to exceed a speed of 15 miles per

hour through the water the rates applicable thereto specified in sections A and B of this Part of this schedule (with the increase thereon referred to in section 60 of the Act of 1926) shall be doubled. A.D. 1930.

SECTION C.

For every seaplane or similar craft such reasonable rates as may from time to time be fixed by the Trustees with the consent in writing of the Minister of Transport.

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