CHAPTER xxxi.

An Act to confer further powers on the South- A.D. 1924.
ampton Harbour Board and for other purposes.

[14th July 1924.]

WHEREAS by the Southampton Harbour Act 1863 the Southampton Harbour Board were constituted under the name of the Southampton Harbour and Pier Board and by the Southampton Harbour Act 1877 were incorporated under their present name:

And whereas by the Southampton Harbour Act 1913 the said Board were dissolved and reincorporated as therein mentioned under the name of the Southampton Harbour Board (hereinafter referred to as "the Board"):

And whereas by the Southampton Harbour Acts 1863 to 1913 powers and authorities have been conferred on the Board and their predecessors for the improvement of the port and harbour of Southampton and the Board and their predecessors have under the authority of the said Acts from time to time improved the said port and harbour and extended the quays and works connected therewith:

And whereas it is expedient for the better preservation of certain of the waterways and the safety and convenience of navigation within the port that provision should be made for prescribing lines to the seaward or riverward whereof quays erections and other works on the bed or either bank or shore of Southampton Water or part thereof or of the River Test or part thereof may not be constructed:

[*Price* 1*s. Net.*]

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And whereas under and by virtue of the before-mentioned Acts the Board are authorised to charge levy and recover various tolls rates dues and charges more particularly prescribed by the said Acts and it is expedient that certain of the said tolls rates dues and charges should be increased and that the Board should be authorised to levy such further tolls rates dues and charges as by this Act provided:

And whereas the Southampton Harbour Act 1891 authorised the provision and maintenance upon the pier known as the Royal Pier of pavilions assembly rooms reading refreshment or other rooms or enclosures and the furnishing and equipment of the same and the expenditure for those purposes of sums not exceeding five thousand pounds:

And whereas there has been expended for the said purposes in addition to the sum of five thousand pounds the sum of six thousand five hundred and seventy-one pounds seventeen shillings and fivepence and it is expedient that the Board should be authorised to expend further moneys for the purposes aforesaid and that further provision should be made with reference to the granting of licences under the Licensing (Consolidation) Act 1910 and any other Acts relating to the licences which may be granted for such refreshment rooms or enclosures:

And whereas under the provisions of the Southampton Harbour Acts 1863 to 1903 the Board or their predecessors were empowered to borrow or raise for the general purposes of their undertaking the sum of three hundred and sixty thousand four hundred and fifty pounds and by the Southampton Harbour Act 1911 were authorised to raise the further sum of two hundred thousand pounds to be spent upon the deep water channel of the port and the Board and their predecessors have raised under the said Acts of 1863 to 1903 for such general purposes two hundred and eighty-seven thousand nine hundred and sixty-two pounds and under the said Act of 1911 forty-five thousand three hundred and seventy-five pounds by the creation and issue of Southampton Harbour Redeemable Stock and it is expedient that the Board should be empowered to raise further moneys for the general purposes of the Board and their undertaking:

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And whereas it is expedient that such other provisions should be made as are in this Act hereinafter contained:

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 and collective titles.

1. This Act may be cited as the Southampton Harbour Act 1924 and the Southampton Harbour Acts 1863 to 1913 and this Act may be cited together as the Southampton Harbour Acts 1863 to 1924.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction—

"The Board" means the Southampton Harbour Board;

"The Act of 1882" means the Southampton Harbour Act 1882;

"The Act of 1887" means the Southampton Harbour Act 1887;

"The Act of 1891" means the Southampton Harbour Act 1891;

"The Act of 1900" means the Southampton Harbour Act 1900;

"The Act of 1903" means the Southampton Harbour Act 1903;

"The Port" means the port of Southampton as defined in section 5 of the Act of 1887;

"The signed plan" means the plan signed in quadruplicate by the Honourable William George Arthur Ormsby-Gore the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which plan one copy has been deposited at the Private Bill Office of the House of Commons one copy at the Parliament Office of the House of Lords one copy at the offices of the Board and the other copy with the Board of Trade.

Lines for works on Southampton Water

3.—(1) From and after the passing of this Act it shall not be lawful without the consent in writing of the Board to construct erect bring forward or retain any quay

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and River Test.

pier wharf landing place wall or other work (other than such quays piers or other constructions of open pile work as are hereinafter provided for) or any part of any such work upon the bed or either bank or shore of Southampton Water in advance of or on the seaward side of or on the bed or either bank or shore of the River Test in advance of or on the riverward side of any of the lines coloured red on the signed plan.

(2) Notwithstanding the foregoing provisions of this section it shall be lawful on that part of the bed or northern bank or shore of the River Test which is bounded by the line coloured green on the signed plan to construct erect bring forward or retain any quay pier or other construction of open pile work or any part thereof or any part which is constructed of open pile work of any quay pier or construction if and so long as the same shall not be in advance of or on the riverward side of the said line coloured green.

(3) If the Board shall withhold their consent under the foregoing provisions of this section for two months from the time when the application for such consent shall have been first submitted to them or when granting their consent shall impose any conditions the person who shall have applied for such consent shall be entitled to appeal to the Board of Trade upon giving notice thereof and of his reasons therefor in writing to the Board within one month after the period of two months referred to or after the Board have given to him notice of their intention to impose conditions and the Board of Trade after giving to such person and to the Board an opportunity of being heard may make such order as in their opinion the circumstances require.

(4) Any person who shall contravene any provisions of this section shall (without prejudice to any other proceedings to which such person may be liable in respect of the matter complained of) be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty of five pounds for every day on which such contravention shall continue after conviction therefor.

(5) In any case in which a person has been convicted for any offence against the provisions of this section the Board may remove the quay pier wharf landing place

wall or other work or quay pier or other construction of open pile work (any of which works or constructions are hereinafter in this section included in the expression "the structure") in respect of which such person has been convicted and may recover from the owner thereof all expenses of and incidental to such removal.

(6) The Board may if they think fit so to do sell the materials of the structure so removed and if the proceeds of such sale are insufficient to reimburse the expenses incurred by the Board in and incidental to such removal the Board may recover the deficiency from the owner of the structure but if such proceeds are more than sufficient to reimburse such expenses the Board shall pay the surplus of such proceeds to the owner of the structure.

(7) All expenses or any deficiency which may be recovered under this section may be recovered either summarily as a civil debt or in any court of competent jurisdiction.

(8) Nothing in this section shall apply to any work or construction—

(*a*) existing at the passing of this Act;

(*b*) authorised by Act of Parliament or any Provisional Order confirmed by Act of Parliament; or

(*c*) constructed in pursuance of any consents or approvals in writing given by the Board of Trade and the Board before the passing of this Act;

nor be deemed to prohibit or in any way restrict the construction or erection of any dock quay pier wharf landing place wall or other work on any lands acquired by the London and South Western Railway Company under the powers contained in the South Western Railway Act 1909 and now vested in the Southern Railway Company.

(9) For the purposes of this section the expression "open pile work" means open pile work constructed in such manner that every sectional area of such open pile work if taken at right angles to the said line coloured green on the signed plan shall be open to the extent of not less than fifty per centum of such area in such manner as to permit the flow of water through the said open pile work.

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(10) A copy of the signed plan certified by the clerk of the Board to be correct shall be accepted in all proceedings as evidence of the contents of the signed plan.

For protection of Shell-Mex Limited and A. V. Roe & Co. Limited.

4.—(1) Nothing contained in the section of this Act of which the marginal note is "Lines for works on Southampton Water and River Test" shall prevent the construction erection bringing forward completion or retention in accordance with plans sections and particulars to which the Board gave their approval on the twentieth day of December one thousand nine hundred and twenty-three and subject to the conditions as to rent dredging and lighting mentioned in such approval of the lay-by or jetty or the dolphins pipelines works and conveniences in connection therewith now in course of construction by Shell-Mex Limited upon the northern bed or shore of Southampton Water one thousand two hundred yards or thereabouts north-west of the southernmost point of Hamble Spit.

(2) Nothing contained in the said section of this Act of which the marginal note is as aforesaid or shown on the signed plan shall prevent A. V. Roe & Co. Limited or their successors or assigns constructing maintaining and using without the consent or approval of the Board any work in or upon any part of the foreshore which is coloured pink on the plan dated the twenty-fifth day of March one thousand nine hundred and twenty-four and signed by Geoffrey Leslie Vigers on behalf of A. V. Roe & Co. Limited and by Arthur Henry Emanuel on behalf of the Board.

Revival of powers for purchase of lands.

5. The powers conferred upon the Board by the Act of 1900 for the compulsory purchase of lands for the purposes of widening and extending the town quay as authorised by that Act are hereby revived and subject to the provisions of that Act may be exercised by the Board until the expiration of three years from the passing of this Act but on that date the powers for such compulsory purchase shall cease except so far as such powers shall have then been exercised.

Rates on goods discharged into

6. The Board may demand and take in respect of any goods discharged from or loaded into vessels lying at the town quay or at any other property of the Board

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(other than moorings not being moorings at any such quay or other property) into or from lighters or other craft lying alongside such vessels or otherwise discharged from such vessels overside into the water rates not exceeding half the respective rates set out in Schedule (C) to the Act of 1887 and the provisions of the Southampton Harbour Acts 1863 to 1924 shall extend and apply accordingly.

and from lighters &c.

7. The Act of 1882 shall be read and have effect as if Schedule A to this Act had been substituted for Schedule A to that Act and Schedule A to that Act is hereby repealed.

Alteration of light dues.

8. The Act of 1887 shall be read and have effect as if Schedule B to this Act had been substituted for Schedule (B) to that Act and Schedule (B) to that Act is hereby repealed.

Alteration of tonnage dues.

9. The Board may demand and take in respect of any vessel or craft not entering the port but making use of the facilities of the port by means of lighters packet boats or otherwise dues duties or charges not exceeding half the respective dues duties or charges specified in Schedule A and Schedule B to this Act.

Tolls on craft using but not entering port.

10. Subject to the provisions of this Act the Board may either permanently or temporarily place and provide in the port dolphins moorings buoys and the like apparatus and conveniences for the mooring of vessels and may on such terms and conditions (including annual or other payments) as the Board may think fit permit persons to place and provide and use dolphins moorings buoys and the like apparatus and conveniences in the port and the Board may make and recover for and in respect of any such dolphins moorings buoys apparatus and conveniences placed or provided by them and for any other special conveniences or services provided or afforded by them for which tolls dues duties or charges are not specifically fixed by the Southampton Harbour Acts 1863 to 1924 or any of them such reasonable sums as the Board may think fit Provided that such tolls dues duties and charges shall at all times be made equally to all persons in respect of the same description of conveniences and services.

Provision and use of moorings and other services.

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As to licences for buildings, &c., on Royal Pier.

11. The second proviso to section 18 of the Act of 1891 is hereby repealed and the provisions of the Licensing Acts 1910 and 1921 shall apply with respect to any of the premises mentioned in that section in like manner as they apply with respect to other premises.

Power to retain sell and lease lands &c.

12.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Board may retain hold and use for such time as they may think fit lands or buildings acquired under the Southampton Harbour Acts 1863 to 1924 or any of them and may build on any such lands and may sell exchange or otherwise dispose of or lease for such period as they may think fit any such lands or buildings or any easement right privilege or interest in under through or over any such lands for such consideration and on such terms and conditions as they may think fit and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

(2) All moneys received by the Board as consideration for lands or buildings or any easement right privilege or interest sold under the powers of this section shall be applied only to purposes of the Board to which capital is properly applicable.

Works below high-water-mark not to be constructed without consent of Board of Trade.

13. The Board shall not nor shall any other body or person under the powers of this Act construct or place on over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed neither the Board nor any other body or person shall at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended 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 costs and charges

of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1924.

Board may grant pensions &c.

14.—(1) The Board may if they think fit grant pensions or make other allowances or payments to any of their officers or servants who may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Board and on such terms and conditions as to contributions by such officers or servants or otherwise as the Board may think fit and the Board may in the event of the death of any such officer or servant grant a gratuity of any sum to his widow or any of his family and the Board may make arrangements with and payments to any insurance company for any such purpose.

(2) Every such pension allowance payment or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had not as the case may be been retired or become incapacitated or died as aforesaid.

(3) If the Board shall under the powers of this section make any scheme for the establishment of a superannuation or provident fund requiring contributions by such officers and servants or any of them such scheme shall not come into operation until it shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this part of this Act shall apply (*a*) as if such scheme were the rules of a society to which that Act applies (*b*) as if the Board were the trustees of such society (*c*) as if the superannuation or provident fund were the funds of such society and (*d*) as if the contributors to the fund were the members of such society.

Subscriptions donations and certain expenses.

15.—(1) The Board may subscribe or make donations to any fund raised in case of any shipping disaster or emergency affecting persons employed at the port or to infirmaries hospitals and convalescent homes and other

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similar institutions and objects or to the benevolent and sick funds of the employees of the Board.

(2) The reasonable expenses of the Board in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough of Southampton may be borne and paid by the Board as general expenses of the Board.

Amending section 18 of Act of 1891.

16. The expenditure by the Board or their predecessors of the sum of six thousand five hundred and seventy-one pounds seventeen shillings and fivepence on the purposes mentioned in section 18 (Power to erect pavilions &c. on the Royal Pier) of the Act of 1891 is hereby sanctioned and the Board may expend for the purposes mentioned in that section such further moneys as together with the moneys already expended for such purposes shall not exceed in all twenty thousand pounds.

Power to raise money by stock.

17. The Board may in addition to borrowing or raising any sums authorised by any previous Act raise any sum or sums not exceeding in the whole one hundred thousand pounds by the creation and issue of Southampton Harbour Redeemable Stock.

Application of moneys.

18. All moneys raised by the Board under the authority of this Act shall be applied to the general purposes of the Board and their undertaking being in all cases purposes to which capital is properly applicable.

Ranking of additional stock.

19. All stock issued under the powers of this Act and all interest thereon shall rank in all respects pari passu with any other Southampton Harbour Redeemable Stock issued under the powers conferred by the Southampton Harbour Acts 1863 to 1913 or any of those Acts.

As to loans by Public Works Loan Commissioners.

20. Nothing in this Act shall operate to empower the Board to borrow any loan from the Public Works Loan Commissioners but if the Public Works Loan Commissioners advance any loan to the Board under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same—

(1) Such loan and the security therefor shall not have priority over any moneys raised by the Board

by the issue of redeemable stock under the powers of this Act or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise: A.D. 1924

(2) The amount which the Board are by this Act or any other special Act authorised to raise shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Incorporating certain provisions of Act of 1903.

21. The provisions contained in the sections of the Act of 1903 the numbers and marginal notes of which are set forth in this section shall extend and apply to and with respect to the creation and issue of all Southampton Harbour Redeemable Stock which the Board are by this Act authorised to create and issue and to the moneys authorised to be raised thereby and the repayment of such moneys as if those provisions had been expressly re-enacted in this Act (that is to say) :—

Section 18 (Stock to be redeemable at par);
Section 19 (Southampton Harbour Stock) except subsection (6) thereof;
Section 20 (Certificate to be demanded before interest recoverable);
Section 21 (Transfer of stock);
Section 22 (Board not bound to regard trusts);
Section 23 (Dividends in case of infancy &c. of a joint stockholder);
Section 24 (Dividend warrants by post);
Section 25 (Effect of posting a warrant);
Section 26 (Interest on stock recoverable by suit);
Section 27 (Receiver may be appointed if arrears remain unpaid for time prescribed);
Section 28 (Mode of appointment of a receiver);
Section 31 (Further provisions as to stock certificate);
Section 33 (Holding of stock by trustees);
Section 34 (Sinking fund); and
Section 35 (Annual return to Board of Trade with respect to sinking fund).

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Crown rights.

22. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board or any other body or person 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board of Trade are hereby respectively authorised to give).

For protection of War Department.

23. Nothing in this Act contained authorises any interference with property vested in His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in the President of the Air Council or takes away lessens or prejudices or alters any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State or the President of the Air Council in respect of any property vested in them respectively or otherwise (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without the consent of the Secretary of State or the President of the Air Council (as the case may be) signified in writing under his hand which consent the Secretary of State and the President of the Air Council respectively are or either of them is authorised to give subject to such special or other conditions as they or he shall see fit to impose.

Costs of Act.

24. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

LIGHT DUES.

For every vessel—	*s.*	*d.*
up to but not exceeding 100 tons - - - -	1	0
exceeding 100 tons and not exceeding 500 tons - -	2	0
exceeding 500 tons and not exceeding 1,000 tons -	3	0
exceeding 1,000 tons and not exceeding 2,000 tons -	5	0
exceeding 2,000 tons and not exceeding 3,000 tons -	6	0
exceeding 3,000 tons and not exceeding 4,000 tons -	8	0
and for every additional 1,000 tons or any part thereof -	2	0

SCHEDULE B.

TONNAGE DUES.

A tonnage due on all ships or vessels coming into or going out of the port of twopence per ton each voyage.

Colliers coasters and short traders to be allowed to compound on a basis of fifty voyages in a year to or from the port Any such composition to be paid in advance.

BOOMAGE DUTY.

A boomage duty to be paid on every ship or vessel coming into or going out of the port viz. :—

	s.	*d.*
On a ship or vessel—		
not exceeding 50 tons - - - - - -	1	6
exceeding 50 tons but not exceeding 100 tons -	2	6
exceeding 100 tons - - - - - -	5	0

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