

ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

* ***\

Pilotage Order Confirmation (No. 2.)

Order in Schedule confirmed.

1. The Order set out in the Schedule hereto shall be and is 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 (*Sunderland*) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

SUNDERLAND.

Amended Order referred to and confirmed by the foregoing Act.

1. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be fifteen, and such Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Sunderland Pilotage Commissioners, and by that name shall be one body corporate, with perpetual succession and a Common Seal, and with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order. The term "the Commissioners" herein-after used means the Sunderland Pilotage Commissioners.

2. The appointment, constitution, and election of the several Commissioners shall be regulated as follows:

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those Commissioners shall appoint another person to fill the office, and so toties quoties:

Provided always, that such appointments shall be determinable at such time or times as the Board of Trade may see fit:

(2.) The River Wear Commissioners, as incorporated by the Wear Navigation and Sunderland Dock Act, 1859, shall at their first monthly meeting after the passing of an Act confirming this Order appoint five members of their Board to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of those Commissioners shall appoint another member of their Board to fill the vacancy, and so toties quoties:

(3.) The Commissioner of the River Wear appointed for the time being by the Lord High Admiral or Lords of the Admiralty, or by the Board of Trade, shall be one of the Commissioners:

(4.) The registered Shipowners of Sunderland shall from time to time elect five persons to be Commissioners:

(5.) The Pilots duly licensed for the Port of Sunderland shall from time to time elect two persons to be Commissioners.

3. On the day of the first monthly meeting of the River Wear Commissioners held after the third Wednesday in September 1868, and on the like day in every subsequent third year, the Commissioners appointed by that Board shall retire from office but shall be eligible for re-appointment; and at the same meetings the River Wear Commissioners shall appoint five members of their Board to be Commissioners for the ensuing three years.

4. With

4. With respect to the election of Commissioners by the registered Shipowners the following provisions shall take effect:

(1.) For the purpose of this election the registered Shipowners, and the number of votes to be given by them, and the mode of election, except where this Order otherwise provides, shall be regulated by the 25th and other Sections relating thereto of the Wear Navigation and Sunderland Dock Act, 1859, which shall be considered as incorporated in this Order; but so long as a list of Shipowners shall be published by the River Wear Commissioners under the before-mentioned provisions, no further list need be made for the election of Pilotage Commissioners:

(2.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of such Shipowners by bills posted in the borough of Sunderland five days at least before such meeting, for the purpose of electing five Commissioners to represent the Shipowners:

(3.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the registered Shipowners shall elect five persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election:

(4.) Every person elected as a Commissioner by the registered Shipowners shall be required to have the following qualifications, namely:—to be entered in the list of registered Shipowners published for the time being under the provisions of the Wear Navigation and Sunderland Dock Act, 1859, as the owner of not less than 250 tons of shipping:

(5.) Section Nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

5. With respect to the election of Commissioners by the Pilots, the following provisions shall take effect:

(1.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of duly licensed Pilots, by bills posted in the borough of Sunderland five days at least before such meeting, for the purpose of electing two Commissioners to represent the Pilots:

(2.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the duly licensed Pilots shall elect two persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election:

(3.) The election of Commissioners by the Pilots at the first and every subsequent meeting shall be made by the majority of duly licensed Pilots present at such meeting; and at every such meeting the Chairman of the Commissioners, or if there is no Chairman, or in the absence of the Chairman of the Commissioners, one of the Commissioners appointed by the Board of Trade, shall attend and act as Chairman of such meeting, and shall be entitled to a casting vote:

(4.) Section 19. of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

6. The

6. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, (this Act being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking,") and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:

(1.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(2.) With reference to section thirty-nine of the same Act, the prescribed number constituting a quorum of the Commissioners shall be five:

(3.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held within one week of the thirty-first of July:

(4.) Section fifty-four of the same Act shall not be incorporated with this Order:

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(6.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(7.) With reference to the provisions of the same Act with respect to making of byelaws, duly licensed Pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; no byelaws shall have effect unless and until they are approved by the Board of Trade.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as any five persons have been appointed Commissioners under this Order; and any proceeding of the Commissioners at any time shall not be invalidated by reason only of failure on the part of any authority or body to appoint or elect a Commissioner or Commissioners.

Limits of District.

8. The Pilotage District of the port, for the purposes of this Order, shall be deemed to extend from the promontory or point called Souter Point about two miles on the north side to Ryhope Dene about two miles on the south side of the Harbour of Sunderland.

9. The jurisdiction in pilotage matters within the District aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order.

10. All Pilots licensed for the Port of Sunderland by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commis-

sioners incorporated by this Order for one year after the passing of such Act, without further licence, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had originally been severally licensed under this Order.

11. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of Vessels into and out of the Port of Sunderland, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting Vessels into and out of the Port of Sunderland, as aforesaid.

Pilotage Funds, &c.

12.—

(1.) Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them or their Clerk for the time being the sum of two pounds for such licence; and every Pilot already licensed for the port aforesaid shall within one month after the passing of an Act confirming this Order pay to the said Commissioners, or their Clerk for the time being, the sum of one pound ten shillings; and every Pilot already licensed or to be licensed shall, in addition to such before-named payment, on or before the thirtieth day of June in the year one thousand eight hundred and sixty-six, and on or before the like day in every succeeding year, pay to the Commissioners or their Clerk for the time being a renewal fee of two pounds; provided always, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade:

(2.) The licence of every Pilot neglecting or refusing to make either of such payments on or before the days herein-before-named shall be suspended until such payment is made; and the licence of every Pilot who neglects or refuses to make payment of the renewal fee on or before the thirty-first day of July in each year shall, in the discretion of the Commissioners, be revoked and cancelled:

(3.) The monies thus to be received shall, subject to the due payment of the current charges of the Commissioners in carrying out the Pilotage service in accordance with this Order, form a fund for superannuated and decayed Pilots, and temporary relief to their widows and orphans:

(4.) For the purpose of lessening the charges on the Pilotage fund, the River Wear Commissioners are hereby empowered to appropriate for the use of the Commissioners and their officers necessary board room and offices for transacting the business of the Commission, and also to otherwise act in reduction of the expenditure.

13. The following Pilotage dues shall be paid, namely:—

(1.) For every Vessel piloted and conducted into or out of the Port of Sunderland between the thirty-first day of March and the first day of

of October in each year, at the rate of one shilling and threepence for every foot of water which such Vessel draws:

(2.) For every Vessel so piloted and conducted between the thirtieth of September in any year and the first of April in the following year, at the rate of one shilling and sixpence for each such foot:

(3.) Subject to the approval of the Board of Trade, the Commissioners may raise the Pilotage dues payable inwards for Vessels above five hundred tons register, in addition to the dues aforesaid, by any sum not exceeding one halfpenny per ton on the excess of register tonnage over and above that number of tons, and may subject the payment of such additional dues to such regulations as in their judgment will more effectually secure the boarding of such Vessels before they arrive within six miles of the port:

(4.) The Pilotage dues shall be paid to the Commissioners or to the Pilot performing such pilotage duty within five days after the performance thereof:

(5.) Subject to the foregoing provisions, the Commissioners may from time to time increase or diminish the said pilotage dues, subject to the approval of the Board of Trade.

14. Nothing in this Order shall extend to oblige the Owner or Master of any Vessel to employ or make use of any Pilot in piloting or conducting such Vessel into or out of the said port, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

15. All money (if any) standing in the books of the Trinity House of Newcastle-upon-Tyne to the credit of the Sunderland Pilotage District, or lawfully applicable thereto, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

16. All compensation money payable by the Commissioners of Her Majesty's Treasury under the provisions of section 12. of 24 & 25 Vict. c. 47. to the Trinity House of Newcastle-upon-Tyne for differential dues payable in respect of the said district shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

17. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the Pilotage within the Sunderland District are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under circumstances and to an amount under and to which compensation might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

18. The present Pilot Master of the Port of Sunderland shall, if he so desires, be continued in his office at his present salary during good conduct, and so long as he shall efficiently perform the duties of such office.

19. Nothing

Pilotage Order Confirmation (No. 2.)

19. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid 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, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.