CHAPTER lix.

An Act to increase the rates dues and charges leviable by the Sutton Harbour Improvement Company and for other purposes. A.D. 1924.

[1st August 1924.]

WHEREAS the Sutton Harbour Improvement Company (hereinafter referred to as "the Company") were incorporated by the Sutton Harbour Act 1847 and by virtue of the powers conferred by that Act and subsequent Acts own and carry on a harbour undertaking at the harbour of Sutton Pool in the port of Plymouth in the county of Devon (hereinafter referred to as "the harbour"):

And whereas the rates dues and charges which the Company are authorised to levy in respect of their said undertaking are regulated partly by the said Sutton Harbour Act 1847 and partly by the Sutton Harbour Act 1889 subject to increases in the amount of certain of such rates dues and charges authorised temporarily by an order dated the thirteenth day of February one thousand nine hundred and twenty-four and made by the Minister of Transport under the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922:

And whereas it is expedient that subject to the provisions of this Act an increase in the amounts of certain of the said rates dues and charges should be authorised and that new schedules of rates dues and

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charges should be substituted for certain of the schedules to the said Sutton Harbour Act 1889 as by this Act provided:

And whereas in or about the year one thousand nine hundred the Company completed the construction of a quay in the harbour known as Bayly's Wharf principally for the accommodation of the coal traffic of the Plymouth and Stonehouse Gas Light and Coke Company (hereinafter referred to as "the gas company") and in consideration of such construction it was agreed between the Company and the gas company that the gas company should land at the said quay all coal which should be imported or brought by sea for use in certain of the works of the gas company and should pay therefor certain fixed rates or dues per ton of such coal:

And whereas for the reasons hereinbefore referred to the circumstances of the gas company are different from those of other parties who may import coal into the harbour and it is expedient that the rates or dues on coal payable as aforesaid by the gas company or such other rates or dues on coal as may from time to time be payable by the gas company under any agreement between them and the Company should not be taken into account in determining the amount of the rates or dues on coal imported into the harbour by such other parties as aforesaid:

And whereas the objects of this Act 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 (that is to say):—

Short and collective titles.

1. This Act may be cited as the Sutton Harbour Act 1924 and the Sutton Harbour Act 1847 the Sutton Harbour (Tramways) Act 1872 the Sutton Harbour Act 1874 the Sutton Harbour (Duchy of Cornwall) Act 1876 the Sutton Harbour Act 1889 and this Act may be together cited as the Sutton Harbour Acts 1847 to 1924.

Incorporation of Harbours Docks

2. The provisions of the Harbours Docks and Piers Clauses Act 1847 (other than sections 16 to 19

of that Act and except where expressly varied by or inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act : A.D. 1924. and Piers Clauses Act 1847.

Provided that the following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say) :—

The expressions "packet boat" and "post office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "post office bag of letters" means a mail bag as defined by the same Act :

Provided also that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers goods or live stock for hire.

3. In this Act the several words and expressions to which meanings are assigned by the Harbours Docks and Piers Clauses Act 1847 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And— Interpretation.

"The Company" means the Sutton Harbour Improvement Company;

"The harbour" means the harbour of Sutton Pool in the port of Plymouth;

"Vessel" means any ship barge lighter boat or craft of any class or description and however propelled;

"The Act of 1847" means the Sutton Harbour Act 1847;

"The Act of 1889" means the Sutton Harbour Act 1889.

4. Schedules A B C and E to the Act of 1889 are hereby repealed and that Act and the Act of 1847 shall be read and have effect as if the Schedules A B and C to this Act were substituted in the Act of 1889 for the Schedules A B and C so repealed. Substitution of new schedules for Schedules A B C and repeal of Schedule E to Act of 1889.

5. Except as expressly provided by this Act the provisions of the Act of 1847 (as amended by the Act of 1889) and of the Act of 1889 shall continue in full force and effect. Saving provisions of Acts of 1847 and 1889.

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As to rates or dues on coal payable by Plymouth and Stonehouse Gas Light and Coke Company.

6. Notwithstanding anything contained in section 30 of the Harbours Docks and Piers Clauses Act 1847 the rates or dues for the time being payable by the Plymouth and Stonehouse Gas Light and Coke Company on coal imported by that company into the harbour shall not (so long as that company shall continue to be under obligation to land at Bayly's Wharf all seaborne coal used by them at their Coxside Works) be taken into account for the purpose of or in connection with the determination of the amount of the rates or dues payable by any other parties on coal imported into the harbour:

Provided that the amount per ton of the rates or dues payable by any such other parties as aforesaid on coal imported into the harbour shall not at any time exceed by more than two pence the amount per ton of the rates or dues for the time being payable by the said company on coal so imported.

Annulment of Temporary Increase of Charges Order.

7. As from the date of the passing of this Act the Order dated the thirteenth day of February one thousand nine hundred and twenty-four and made by the Minister of Transport with reference to the harbour on the application of the Company under the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922 shall cease to have effect.

Periodical revision of rates dues and charges.

8.—(1) If at any time after the expiration of one year from the date of the passing of this Act it is represented in writing to the Minister of Transport—

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister of Transport a proper person for the purpose; or

(*b*) by the Company;

that in the circumstances then existing all or any of the rates dues or charges authorised by this Act or as altered modified reduced or increased by any order made in pursuance of this section should be revised the said Minister may if he thinks fit after inquiry in pursuance of any such representation make an order revising all or any of such rates dues or charges and may fix the date as from which such order shall take effect and as

from the date so fixed such order shall be observed until the same expires or is revoked or modified by an order of the said Minister made in pursuance of this section:

Provided that the revised maximum rates dues or charges shall not in any case be less than the maximum rates dues or charges specified in the Schedules A B and C to the Act of 1889 respectively or be more than the maximum rates dues or charges authorised by this Act.

(2) No application may be made under this section for a general revision of the rates dues or charges for the time being authorised under this Act within twelve months after the date on which any order made by the Minister of Transport in pursuance of this section for any such general revision takes effect and no application may be made for a revision of any particular rates dues or charges within twelve months after the date on which any order made by the said Minister in pursuance of this section for a general revision takes effect or within twelve months after the date of any previous application for a revision of the particular rates dues or charges in question.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars certified in such manner as the Minister may require and the Minister and any person duly authorised pursuant to section 2 of the Board of Trade Arbitrations &c. Act 1874 as applied by this section to hold an inquiry for the purposes of this section may call for such documents and accounts as he shall think fit and such person may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose any such person may administer oaths.

Company to submit accounts to

9. The Company shall within seven days after the holding of the general meeting of the Company in each year at which the accounts for the preceding financial

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year relating to their undertaking are approved by the shareholders of the Company send to the Minister of Transport a copy of those accounts as so approved.

As to future application by Plymouth Corporation for power to acquire undertaking.

10.—(1) If the mayor aldermen and burgesses of the borough of Plymouth (hereinafter called "the Plymouth Corporation") within five years from the passing of this Act promote a Bill seeking power to purchase the undertaking of the Company and upon such terms as may be agreed between them and the Company or as failing such agreement shall be determined by arbitration and to work that undertaking the Company shall not oppose such Bill except for the purpose of securing for the protection of their rights and interests the amendment of the provisions of the said Bill or the insertion of clauses therein.

(2) If any Bill so promoted shall become law the Plymouth Corporation shall within two years from the date upon which the said Bill receives the Royal Assent intimate in writing to the Company whether or not they intend to exercise the power of purchase thereby conferred upon them and if the Plymouth Corporation give such an intimation to the Company they shall proceed forthwith and with all practicable diligence to purchase and the Company shall sell to the Plymouth Corporation the undertaking of the Company upon the terms aforesaid but if the Plymouth Corporation shall not within the said period give to the Company such an intimation as aforesaid all powers of purchase conferred upon the Plymouth Corporation by the passing of any such Bill as aforesaid shall on the expiration of the said period cease and determine.

Costs of Act.

11. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1924.

SCHEDULE A.

RATES UPON GOODS IN THE HARBOUR.

		s.	*d.*
For every ton of merchandise (including coal) brought into the harbour in any vessel or by raft	- - -	0	3
For every ton of merchandise (including coal) taken out of the harbour in any vessel or raft for which merchandise the inward rate has not been paid	- -	0	3
For bulls oxen cows heifers horses mares and geldings brought into or taken out of the harbour in any vessel entering or leaving the harbour	- - each	0	6
For sheep calves pigs and other small animals brought into or taken out of the harbour in any vessel entering or leaving the harbour	- - - - - each	0	1½
For every bale cask sack bag truss box trunk case chest bundle or package containing goods and every other article not exceeding six cubic feet brought into or taken out of the harbour in any vessel entering or leaving the harbour where the separate consignment does not exceed one ton	- - - - - -	0	1½
For every additional cubic foot	- per foot	0	0½
For every lot or parcel of fish not exceeding one pound sterling in value brought into the harbour in any vessel	- - - - - - - - -	0	1
For each one pound sterling or fractional part of one pound sterling in value beyond one pound sterling	-	0	1

Provided that no rate shall be payable for any small lot or parcel of fish not exceeding five shillings in value and not sold or intended to be sold Provided also that the above rates on lots or parcels of fish shall not be payable for any lot or parcel for which a pool due is levied under Schedule G to the Sutton Harbour Act 1889.

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SCHEDULE B.

For landing or shipping any passengers or goods mentioned below on or from any quay on which rates have been hitherto legally collected by the Company or on or from any quay which now is or may hereafter become vested in the Company the following rates shall be payable in addition to any rates payable under the foregoing Schedule A :

		s.	*d.*
For every passenger landing or embarking on or from any quay other than the western or Barbican Pier Southside Quay Market Quay and Market Roads or Parade Quay - - - - - -	each time	0	1
For bulls oxen cows heifers horses mares and geldings brought into or taken out of the harbour in any vessel - - - - - - - -	each	1	3
For sheep calves pigs and other small animals brought into or taken out of the harbour in any vessel	each	0	4½
For every ton of merchandise (other than coal) brought into the harbour in any vessel or by raft - - - - - - - - - -		0	7½
For every ton of coal brought into the harbour in any vessel - - - - - - - - -		0	4¼
For every ton of merchandise (other than coal) taken out of the harbour in any vessel or raft in respect of which merchandise the inward rates have not been paid - - - - - - - - -		0	7½
For every bale cask sack bag truss box trunk case chest bundle or package containing goods and every other article not exceeding six cubic feet brought into or taken out of the harbour in any vessel entering or leaving the harbour where the separate consignment does not exceed one ton	each	0	4½
For every additional cubic foot -	per foot	0	1
For every ton of coal taken out of the harbour in any vessel or raft in respect of which coal the inward rates have not been paid - - - - -		0	4¼

Provided that no rate shall be leviable under this schedule upon fresh fish or upon articles or packages of personal luggage carried by hand by the owners thereof and that where any such rate as aforesaid has been paid in respect of any goods brought into the harbour no such rate shall be payable in respect of the same goods if transhipped and taken out of the harbour.

SCHEDULE C.

DUES AND CHARGES IN RESPECT OF VESSELS ENTERING OR LEAVING THE HARBOUR.

(1) DUES.

		£	*s.*	*d.*
For every vessel voyaging from or to foreign parts other than the Irish Free State - - -	per ton	0	0	5
For every vessel voyaging from or to any harbour in the United Kingdom or the Irish Free State	per ton	0	0	3
For every open boat carrying any goods (other than fresh fish) each time of entering - - - -		0	0	4
For every tug :—				
Exceeding 50 horse-power - - - - -		0	5	0
Exceeding 40 and not exceeding 50 horse-power -		0	4	0
Exceeding 20 and not exceeding 40 horse-power -		0	3	0
20 horse-power and under - - - - -		0	2	0
For every other vessel - - - - -	per ton	0	0	3

Provided that where any such due as aforesaid has been paid on the occasion of the entry of a vessel into the harbour no such due shall be payable in respect of the same vessel on the occasion of her leaving the harbour next after such entry.

(2) RENTS.

In addition to the foregoing dues the following rents shall be payable—

	£	*s.*	*d.*
For every vessel remaining alongside any quay for more than two weeks from the date of entrance - - - - - per ton			
for each week or part of a week beyond such two weeks - -	0	0	1
For every vessel or hulk used as a store or warehouse - - - - - per ton			
for each period of twelve months or part of twelve months - -	0	2	0

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(3) COMPOUNDING DUES payable at the option of the owner or master of the vessel in lieu of the DUES referred to under head (1) of this Schedule.

(*a*) For every smack drifter or hooker (whether propelled by mechanical power or not) employed in fishing per annum (payable in advance) :—

	£	*s.*	*d.*
Exceeding 40 tons	3	12	6
Exceeding 30 tons and not exceeding 40 tons	2	12	6
Exceeding 20 tons and not exceeding 30 tons	1	15	0
Exceeding 10 tons and not exceeding 20 tons	1	7	6
Exceeding 5 tons and not exceeding 10 tons	0	18	0
5 tons and under	0	8	0

(*b*) For every steam or motor trawler propelled by mechanical power employed in fishing per annum (payable in advance) :—

	£	*s.*	*d.*
Exceeding 70 tons	6	10	0
Exceeding 60 tons and not exceeding 70 tons	5	10	0
Exceeding 50 tons and not exceeding 60 tons	5	0	0
Exceeding 40 tons and not exceeding 50 tons	4	10	0
Exceeding 20 tons and not exceeding 40 tons	4	0	0
20 tons and under	2	0	0

(*c*) Visiting fishing craft (other than steam or motor trawlers) not working regularly from the harbour :—

For every steam or motor dritter for herring season half above-mentioned yearly dues.

For every steam or motor drifter for mackerel and other seasons' fishing half above-mentioned yearly dues.

(*d*) For every tug or passenger boat propelled by steam or other mechanical power and not carrying cargo per annum (payable in advance) :—

	£	*s.*	*d.*
Exceeding 50 horse-power	4	0	0
Exceeding 40 and not exceeding 50 horse-power	3	0	0
Exceeding 20 and not exceeding 40 horse-power	2	0	0
Exceeding 10 and not exceeding 20 horse-power	1	10	0
10 horse-power and under	1	0	0

(*e*) For every barge or lighter or other vessel of a similar character (including motor boats not engaged in fishing or carrying passengers) per annum (payable in advance) :—

	£	*s.*	*d.*
Exceeding 30 tons	3	0	0
Exceeding 20 and not exceeding 30 tons	2	0	0
Exceeding 15 and not exceeding 20 tons	1	12	0
Exceeding 10 and not exceeding 15 tons	1	0	0
For 10 tons and under	0	15	0

(4) Additional Charges. A.D. 1924.

	£	*s.*	*d.*
For the use of the mooring buoys per week :—			
For every vessel under 200 tons	0	6	0
Above 200 tons and under 250 tons	0	8	0
Above 250 tons	0	10	0
For every vessel entering the harbour :—			
For anchorage and groundage	0	2	6
For moorage	0	1	0
For mooring chain	0	1	6
For plank	0	1	6

Every vessel lying within the harbour more than three months (unless under repairs at a shipwright's yard and except where a rent is paid under head (2) of this Schedule) to pay at the expiration of the first three months the same rates and dues as if she had again entered the harbour and so on at the expiration of every subsequent period of three months during which she shall remain in the harbour.

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