CHAPTER i.

An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to the pilotage of the River Tees. A.D. 1882.

[29th March 1882.]

WHEREAS a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament: 25 & 26 Vict. c. 63.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the Schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Order in Schedule.

1. The Order set out in the Schedule to this Act shall be and the same 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 Tees Pilotage Order Confirmation Act, 1882.

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SCHEDULE.

THE TEES.

Order for constituting a Pilotage Commission for the River Tees, and for regulating their jurisdiction.

Incorporation of Commissioners

1. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be eleven, which Commissioners and their successors shall be and are hereby, for the purposes of this Order, incorporated by the name of "the Tees 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 Tees pilotage Commissioners.

Appointment and election of Commissioners.

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

(1.) The Board of Trade shall, as soon as may be after the commencement of this Order, appoint one person to be a Commissioner, and whenever a vacancy is caused by death, resignation, removal, or otherwise in the office of such Commissioner, shall from time to time appoint another person to fill the vacancy, and so toties quoties, and they may from time to time remove any person appointed by them.

(2.) The Tees Conservancy Commissioners, as incorporated by the Tees Conservancy Acts for the time being, shall, at their first monthly meeting after the passing of an Act confirming this Order, appoint three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of those Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

(3.) The pilots licensed for any part of the river Tees shall from time to time elect two persons to be Commissioners.

(4.) The registered shipowners of Stockton, as defined by the Tees Conservancy Act, 1875, shall from time to time elect two persons to be Commissioners.

(5.) The registered shipowners of Middlesbrough, as defined by the last-mentioned Act, shall from time to time elect three persons to be Commissioners.

3. On the day of the first meeting of the Tees Conservancy Commissioners held after the ninth day of November one thousand eight hundred and eighty-

two, and on the like day in every subsequent year, one of the Commissioners appointed by that board shall retire from office, but shall be eligible for re-appointment; and at the same meetings the Tees Conservancy Commissioners shall appoint one person to be a Commissioner for the ensuing three years.

Election of Commissioners by Tees pilots.

4. With respect to the election of Commissioners by Tees pilots, the following provisions shall take effect:—

(1.) The first meeting of Tees pilots for the election of Commissioners shall be held at the principal office of the Tees Conservancy, in the borough of Stockton, within one calendar month after the commencement of this Order, at a time to be advertised by Mr. Joseph Dodds, M.P., solicitor, ten days at least, or, in his default, by a person appointed for the purpose by the Board of Trade five days at least before the day of meeting by handbills posted in Stockton-upon-Tees, Middlesbrough, Redcar, Seaton Carew, Hartlepool, and West Hartlepool.

(2.) Meetings of Tees pilots for the election of Commissioners shall be held at the principal office of the Tees Conservancy Commissioners, in Stockton aforesaid, or at such other place as the Commissioners from time to time appoint, on such day within ten days next before the first day of November in the year one thousand eight hundred and eighty-three, and in each fifth year thereafter as the Commissioners from time to time appoint, the place and time of meeting being advertised by the chief clerk of the Commissioners five days at least before the day of meeting by handbills posted in Stockton, Middlesbrough, Redcar, Seaton Carew, Hartlepool, and West Hartlepool.

(3.) Such only of the said pilots as are licensed at the commencement of this Order shall be entitled to attend the said first meeting, and to take part, and vote in the election of Commissioners thereat.

(4.) Such only of the said pilots as are licensed on or before the thirty-first day of December next preceding each quinquennial meeting shall be entitled to attend the said quinquennial meetings, and to take part and vote in the election of Commissioners thereat respectively.

(5.) At the first meeting one of the three persons appointed to be Commissioners by the Tees Conservancy Commissioners shall attend and act as chairman of the meeting.

(6.) At each quinquennial meeting the chairman of the Commissioners, or in his unavoidable absence one of the three persons appointed to be Commissioners by the Tees Conservancy Commissioners, shall attend and act as chairman of the meeting.

(7.) The election of Commissioners at the first and each quinquennial meeting shall be made by the majority of licensed pilots present at the meeting.

(8.) The Commissioners elected at the first or at any quinquennial meeting shall go out of office at the next quinquennial meeting, but shall be re-eligible.

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

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Election of Commissioners by Stockton registered shipowners.

5. With respect to the election of Commissioners by the registered shipowners of Stockton, the following regulations shall take effect:—

(1.) The first meeting of the registered shipowners of Stockton for election of Commissioners shall be held at some convenient place within the borough of Stockton, within one calendar month after the commencement of this Order, at a time to be advertised by the said Joseph Dodds, M.P., ten days at least, or in his default by a person appointed for the purpose by the Board of Trade five days at least before the day of meeting by handbills posted in the borough of Stockton.

(2.) Meetings of the registered shipowners of Stockton shall be held at such convenient place within the borough of Stockton on the last Tuesday in October one thousand eight hundred and eighty-three, and in each fifth year thereafter, as the Commissioners from time to time appoint, the place and time of meeting being advertised by the chief clerk of the Commissioners five days at least before the day of meeting by handbills posted in the borough of Stockton.

(3.) Such only of the registered shipowners of Stockton as are registered at commencement of this Order shall be entitled to attend the said first meeting, and to take part and vote in the election of Commissioners thereat.

(4.) Such only of the registered shipowners of Stockton as are registered on or before the thirtieth day of June next preceding each quinquennial meeting shall be entitled to attend the said quinquennial meetings, and to take part and vote in the election of Commissioners thereat respectively.

(5.) At the first and every such quinquennial meeting a list of the names of the registered shipowners of Stockton up to and inclusive of the then last thirtieth of June, certified under the hand of the collector, or other principal officer of customs at the port, shall be sufficient evidence of the persons named therein being registered shipowners of Stockton, and as such entitled to attend the meeting and take part and vote in the election thereat. The said collector or principal officer shall, on demand, supply a copy of such list on the occasion of the first meeting to the said Joseph Dodds, or the chief clerk of the Commissioners, and of each such quinquennial meeting to the chief clerk of the Commissioners, who shall respectively cause a sufficient number of copies thereof to be printed, and shall supply a copy thereof to every person requiring the same on payment of the sum of sixpence for every one hundred words of such copy, and copies of such list shall be fixed by the said Joseph Dodds or the said chief clerk of the Commissioners respectively on the outer doors of the Town Hall of the borough of Stockton two days at least before the day appointed for the first and each such quinquennial meeting.

(6.) At the first and each such quinquennial election, each registered shipowner of Stockton shall be entitled to one vote, and no more, for each Commissioner then to be elected.

(7.) The election of Commissioners at the first and each such quinquennial meeting, shall be made by the majority of registered shipowners of Stockton present at the meeting.

(8.) The Commissioners elected at the first or at any quinquennial meeting shall go out of office at the next quinquennial meeting, but shall be eligible for re-election.

(9.) Every person elected as a Commissioner by the registered shipowners of Stockton shall be required to have the following qualifications, viz., to possess in his own right shipping registered in his own name at the Custom House of the port of Stockton, on the thirtieth day of June next before the day of election, of not less than two hundred tons register burthen.

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

Election of Commissioners by the Middlesbrough registered shipowners.

6. With respect to the election of Commissioners by the registered shipowners of Middlesbrough, the provisions of the last foregoing clause shall apply in that case as if those provisions were here repeated mutatis mutandis, with the substitution of the registered shipowners of Middlesbrough for the registered shipowners of Stockton-upon-Tees, and the substitution of the borough, port, customs, and collector of Middlesbrough for the borough, port, customs, and collector of Stockton-upon-Tees.

Costs of elections.

7. The costs, charges, and expenses of and preliminary and incidental to the several first and quinquennial elections aforesaid shall be paid by the Commissioners out of money coming to their hands under this Order.

Incorporation of parts of 10 & 11 Vict. c. 16.

8. 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 Order 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 23 to 35, both inclusive, of the last-mentioned Act shall not be incorporated with this Order.

(2.) With reference to section 36 of the same Act, the first meeting of the Commissioners shall be held within fourteen days after the completion of the several first elections under this Order.

(3.) With reference to section 39 of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be five.

(4.) With reference to section 40 of the same Act, the annual meeting of the Commissioners shall be held within fourteen days after the ninth day of November in each year.

(5.) Section 54 of the same Act shall not be incorporated with this Order.

(6.) With reference to section 90 of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed.

(7.) With reference to section 92 of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners.

(8.) With reference to the provisions of the same Act with respect to the making of byelaws, licensed pilots under this Order shall be deemed officers

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of the Commissioners. All byelaws shall be printed, and copies shall be always obtainable by purchase; any byelaws shall not have effect unless and until they are approved by the Board of Trade.

Definition of Tees pilotage district.

9. The pilotage district of the Tees shall for the purposes of this Order be deemed to include the whole of the River Tees within the jurisdiction for the time being of the Tees Conservancy Commissioners and the whole of the ports of Stockton and Middlesbrough, and to extend from the southernmost end of the present village of Seaton Carew to Huntcliffe, in the county of York.

Transfer of jurisdiction to Commissioners.

10. 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.

Continuance of existing licenses.

11. All pilots licensed for the Tees or its entrance by the Trinity House of Newcastle-upon-Tyne at the commencement of this Order shall be entitled to continue to act as such pilots under the Commissioners incorporated by this Order for one year after the commencement of this Order without further license or payment in respect of that year, 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 been severally licensed originally under this Order.

Examination and licensing of pilots.

12. The Commissioners shall examine every person who applies to them for a pilot license for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of vessels into, out of the, and within the said district, or any part or parts thereof, and may, if they think fit, license and authorise by writing any person examined and found qualified to act in the capacity of pilot for navigating, piloting, and conducting vessels as aforesaid.

License and renewal fees.

13. Every pilot to be licensed under this Order shall, on receiving his license from the Commissioners, pay to them, or their clerk for the time being, for their use, the sum of forty shillings for such license, and every pilot licensed for the district aforesaid, or any part thereof, by the Trinity House of Newcastle-upon-Tyne at the commencement of this Order, or to be licensed under this Order, shall annually pay to the Commissioners or to their clerk for the time being, for their use, the sum of twenty shillings for the renewal of his licence; provided that the Commissioners may from time to time increase or diminish the said license and renewal fees, or either of them, subject to the approval of the Board of Trade.

Pilotage dues.

14. The pilotage dues at present payable in the Tees pilotage district shall be paid to the Commissioners, or to the pilot performing pilotage duty, within five days after the performance thereof; provided that the Commissioners may from time to time increase or diminish the said Pilotage dues, subject to the approval of the Board of Trade.

Pilotage not compulsory.

15. 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 district, or within any part thereof, if he is not desirous so to do, or to pay any pilotage dues when not employing or making use of a pilot.

Transfer of pilotage money to Commissioners.

16. All money standing in the books of the Trinity House of Newcastle-upon-Tyne to the credit of, or lawfully applicable to, the Tees pilotage district hereby transferred to the Commissioners, and also all money held by the said Trinity House for or on behalf of the pilots of the said district, at the commencement of this Order, shall be paid to the Commissioners incorporated by this Order for the same purposes as now held by the said Trinity House.

Expenses of Order.

17. The costs, charges, and expenses of the promoters of this Order in relation thereto, and of the proceedings consequent thereon in Parliament, including the costs, charges, and expenses incident to the application for and obtaining the Order of the Board of Trade shall be paid by the Tees Conservancy Commissioners.

Compensation in respect of differential dues for the district to be paid to the Commissioners.

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

First meeting of Commissioners.

19. The first meeting of the Commissioners shall be held at such place as the Board of Trade shall appoint, and all subsequent meetings at such time and place as the Commissioners shall from time to time appoint.

Saving for effect of general Acts.

20. 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 authorised by this Order, or of the limits of the district defined by this Order.

Short title.

21. This Order may be cited as the Tees Pilotage Order, 1881.

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Printers to the Queen's most Excellent Majesty. 1882.