

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Pilotage Order Confirmation.

Confirmation of Order.

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 (*Tyne*) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

Amended Order referred to and confirmed by the foregoing Act.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be seventeen, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Tyne 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 Tyne 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 two persons to be Commissioners; and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties:

(2.) The Tyne Improvement Commissioners shall, as soon as may be after the commencement of this Order, appoint two persons to be Commissioners; and whenever a vacancy is caused by death, resignation, or otherwise in the office of any of those Commissioners, shall appoint another person to fill the vacancy, and so toties quoties:

(3.) The Sea Pilots of the Tyne and the Pilots licensed for any part of the River Tyne or the entrance thereof (hereafter in this Act called Tyne Pilots) shall from time to time elect two persons to be Commissioners:

(4.) The registered Shipowners of Newcastle-upon-Tyne shall from time to time elect two persons to be Commissioners:

(5.) The registered Shipowners of North Shields shall from time to time elect two persons to be Commissioners:

(6.) The registered Shipowners of South Shields shall from time to time elect two persons to be Commissioners:

(7.) The Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne shall, as soon as may be after the commencement of this Order, appoint five persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any

any of those five Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Tenure of office of appointed Commissioners.

3. Each appointment of a Commissioner (other than Commissioners elected by Pilots and by Shipowners) shall be determinable at any time by the authority which appointed that Commissioner, and (subject thereto and to the other provisions of this Order, and of any Act incorporated therewith) each such appointment shall be operative for five years and no longer, but at the end of the term of five years an outgoing Commissioner shall be capable of re-appointment.

Election of Commissioners by Tyne Pilots.

4. With respect to the election of Commissioners by Tyne Pilots the following provisions shall take effect:—

(1.) The first meeting of Tyne Pilots for the election of Commissioners shall be held at the Town Hall of the Borough of South Shields within one calendar month after the commencement of this Order, at a time to be advertised by Mr. Thomas Carr Lietch, 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 hand-bills posted in Newcastle-upon-Tyne and in North and South Shields:

(2.) Annual meetings of Tyne Pilots for the election of Commissioners shall be held at the Town Hall of the Borough of South Shields aforesaid, or at such other place within the said Borough as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in the year one thousand eight hundred and sixty-six and in each subsequent year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand-bills posted in Newcastle-upon-Tyne and in North and South Shields:

(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 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings, and to take part and vote in the election of Commissioners thereat respectively:

(5.) At the first meeting one of the two persons appointed to be Commissioners by the Board of Trade shall attend and act as chairman of the meeting:

(6.) At each annual meeting the Chairman of the Commissioners, or in his unavoidable absence one of the two persons appointed to be Commissioners by the Board of Trade, shall attend and act as chairman of the meeting:

(7.) The election of Commissioners at the first and each annual meeting

meeting shall be made by the majority of licensed pilots present at the meeting:

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

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

Election of Commissioners by Newcastle-upon-Tyne Shipowners.

5. With respect to the election of Commissioners by the registered Shipowners of Newcastle-upon-Tyne, the following provisions shall take effect:—

(1.) The first meeting of the registered Shipowners of Newcastle-upon Tyne for the election of Commissioners shall be held at the Town Hall of the borough of Newcastle-upon-Tyne within one calendar month after the commencement of this Order, at a time to be advertised by the said Thomas Carr Lietch, 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 hand-bills posted in the borough of Newcastle-upon-Tyne:

(2.) Annual meetings of the registered Shipowners of Newcastle-upon-Tyne for the election of Commissioners shall be held at the Town Hall aforesaid, or at such other place within the borough of Newcastle-upon-Tyne as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in the year one thousand eight hundred and sixty-six and in each subsequent year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand-bills posted in the borough of Newcastle-upon-Tyne:

(3.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered 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 registered Shipowners of Newcastle-upon-Tyne as are registered on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings, and to take part and vote in the election of Commissioners thereat respectively:

(5.) At the first and every such annual meeting a list of the names of the registered Shipowners of Newcastle-upon-Tyne, up to and inclusive of the then last 31st day of December, certified under the hand of the Collector or other principal Officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered Shipowners of Newcastle-upon-Tyne, and as such entitled to attend the meeting and take part and vote in the election thereat. The said Collector or principal Officer shall supply a copy of such list on the occasion of the first meeting to the said Thomas Carr Lietch, and of each

 such

such annual meeting to the 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 6*d.* for every 100 words of such copy, and copies of such list shall be fixed by the said Thomas Carr Lietch and the said Clerk of the Commissioners respectively on the outer doors of the Town Hall of the borough of Newcastle-upon-Tyne two days at least before the day appointed for the first and each such annual meeting:

(6.) At the first and each such annual election each registered Shipowner of Newcastle-upon-Tyne 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 annual meeting shall be made by the majority of registered Shipowners of Newcastle present at the meeting:

(8.) Every person elected as a Commissioner by the registered Shipowners of Newcastle-upon-Tyne shall be required to have the following qualification; namely, to possess, in his own right, shipping registered in his own name at the Custom House of the port of Newcastle-upon-Tyne on the 31st day of December next before the day of election of not less than 200 tons register burthen:

(9.) Such one of the Commissioners elected by the registered Shipowners of Newcastle-upon-Tyne at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible; such one of them as is named second on the list shall go out of office at the third meeting, but shall be re-eligible:

(10.) Each Commissioner elected by the registered Shipowners of Newcastle-upon-Tyne at the annual meeting shall go out of office at the second meeting after his election, but shall be re-eligible:

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

Election of Commissioners by North Shields Shipowners.

6. With respect to the election of Commissioners by the registered Shipowners of North Shields, the provisions of the last foregoing clause shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of North Shields for the registered Shipowners of Newcastle-upon-Tyne, and the substitution of the Borough of Tynemouth for the Borough of Newcastle-upon-Tyne.

Election of Commissioners by South Shields Shipowners.

7. With respect to the election of Commissioners by the registered Shipowners of South Shields, the provisions of the last-mentioned clause shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of South Shields for the registered Shipowners

owners of Newcastle-upon-Tyne, and the substitution of the borough of South Shields for the borough of Newcastle-upon-Tyne.

Costs of Elections.

8. The costs, charges, and expenses of and preliminary and incidental to the several first and annual 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.

9. 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.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade or elected by Pilots or by Shipowners) unless he is seised or possessed of property to the value or amount of 500*l.*:

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

(3.) With reference to section thirty-six of the same Act, the first meeting of the Commissioners shall be held within seven days after the completion of the several first elections under this Order:

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

(5.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held on or within one week after the 1st day of October in each year:

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

(7.) 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:

(8.) 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:

(9.) 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 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 Tyne Pilotage district.

10. The pilotage district of the Tyne shall, for the purposes of this Order, be deemed to include the whole of the river Tyne, and to extend seaward over a radius of seven miles.

11. The

Transfer of jurisdiction to Commissioners.

11. 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 licences.

12. All Pilots licensed for the Tyne 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 licence 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.

13. 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, out of the, and within the said district, or any part or parts thereof, 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 as aforesaid, provided he has served five years in the pilot service.

Licence and renewal fees.

14. Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them, or to their Clerk for the time being for their use, the sum of forty shillings for such his licence; 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 ten shillings for the renewal of his licence; provided 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.

Pilotage dues.

15. The following Pilotage rates shall be paid, namely,—

From and including the 1st day of April to the 1st day of October in each year, one shilling and threepence for every foot of water which any ship or vessel shall draw, and from and including the 1st day of October to the 1st day of April in each year, one shilling and sixpence for every such foot of water;

And such pilotage dues shall be paid to the Commissioners or to the Pilot performing such 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.

16. 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

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.

17. All money standing in the books of the Trinity House of Newcastle-upon-Tyne to the credit of or lawfully applicable to the Tyne Pilotage District hereby transferred to the Commissioners, and also all money held by the said Trinity House for or on behalf of the Sea Pilots or the River Pilots of the said District, at the commencement of this Order, shall be paid to the Commissioners incorporated by this Order.

Expenses of Order.

18. The costs, charges, and expenses of the promoters of this Order, and of the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne in relation to this Order, 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, and the proceedings relating thereto in the last Session of Parliament, shall be paid by the Commissioners out of the first monies coming to their hands under the provisions of this Order.

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

19. All compensation money payable by the Commissioners of Her Majesty's Treasury, under the provisions of section 12 of the 24 & 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.

Compensation to Officers no longer employed by Commissioners.

20. If the services of any persons at the commencement of this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the pilotage within the Tyne Pilotage 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 such circumstances and to such an amount as 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.

First meeting of Commissioners.

21. 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.

22. 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.

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