General Pier and Harbour Act 1861

1861 CHAPTER 45

Levying of Rates

9 Regulations as to levying of Rates upon Application to Board of Trade.

In case the Promoters or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, shall be desirous of levying any Rates for the Maintenance of such "Works, or of altering the Schedule of Rates then leviable thereat, they shall prepare,—

(1) A Schedule of such Rates which they may think reasonable and proper to be levied at such Works, and shall publish such Schedule once at the least in each of Two consecutive Weeks in the Months of *October* and *November* in some Newspaper circulated within the District or some Part of the District in which such Works are or may be proposed to be constructed:

(2) And shall also deposit a printed Copy of such Schedule at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in *Scotland* in the Office of the Sheriff Clerk and Clerk of the Peace of the County where such Works are or may be proposed to be constructed :

(3) And shall also transmit a Copy of such Schedule to the Board of Trade, and therewith a Statement showing the State of any existing Works, and the Rates then leviable thereat, the average Revenue derived at such Works for the Three Years preceding the Date of the First of such Advertisements as aforesaid, and the probable or estimated Amount of the Rates proposed to be levied under such Schedule at any existing Works, or at any new Works proposed to be constructed; and also the estimated Amount of Money, if any, proposed to be expended upon any existing or upon any new Works :

(4) And it shall be competent to any Shipowner or Trader within the Limits of such Port, Harbour, or Place, or to any registered Elector or Landowner in the County in which ; such Works may be situate, or in which it is proposed to construct any new Works, to forward any objections to such Schedule in Writing to the Board of Trade within Fourteen Days after the last Insertion of such Schedule in any Newspaper as aforesaid:

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(5) The Board of Trade, after the said Fourteen Days shall have elapsed, and after the Receipt of such Schedule and Statement, shall, as soon as conveniently may be, take the same into consideration, and make such Inquiries and obtain such further Information in reference to the several Matters, therein set forth, and to the Objections, if any, that may have been forwarded as aforesaid, as they may deem expedient, and shall finally adjust and fix a Schedule of Rates not exceeding the Rates specified in the Schedule to " The Burgh Harbours (*Scotland*) Act, 1853," and thereupon the Board of Trade may by Provisional Order empower any of the Persons in this Section mentioned, or their Assigns, to levy and recover Rates according to such Schedule, and to borrow Money on the Security of such Rates, upon such Terms and Conditions and under such Regulations as may be deemed expedient.

10 Consent of Commissioners of Woods, &c. to be obtained.

No Provisional Order, except such as relate to the levying and Recovery of Rates only, shall be made under this Act without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues being first had and obtained.

11 Saving Rights of the Crown.

Nothing in this Act contained shall extend to abrogate or prejudice any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or of Her Duchy or County Palatine of *Lancaster*.

12 Saving Rights of the Duchy of Cornwall.

Nothing contained in this Act, or in the Acts incorporated herewith, shall extend to take away, diminish, alter, prejudice, or affect any Property, Eights, Profits, Privileges, Powers, or Authorities for the Time being vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

13 Saving Rights of Conservators of the Rivers Thames and Mersey, &c.

Nothing in this Act contained shall extend or be applicable to the Port of *London*, or to the River *Thames* within the Limits denned by "The *Thames* Conservancy Act, 1857," nor to the Port and Harbour of *Liverpool*, or to the River *Mersey*, as denned by an Act passed in the Fifth and Sixth Tears of the Reign of Her present Majesty, intituled *An Act for better preserving the Navigation of the River* Mersey, nor to the Port and Harbour of Glasgow and the Limits of the River *Clyde*, as defined by " The *Clyde* Navigation Consolidation Act, 1858," nor to the Port and Haven of Sunderland and River Wear, within the Limits denned by " The River Wear and Sunderland Dock Act, 1859," nor to the Port of *Kingston-upon-Hull* or the River *Humber*, within the Limits defined by " The River *Humber* Conservancy Act, 1852," nor to the River *Tyne* or to the Port and Harbour of *Newcastle-upon-Tyne*, and the Limits thereof as denned by " The *Tyne* Improvement Act, 1850."

14 Promoters not to do any Act which shall prejudice any Right acquired by Royal Charter, &c.

The Promoters shall not, by any Provisional Order under this Act, or by any Act of Parliament confirming such Order, be authorized to do any Act, Matter, or Thing which shall prejudice or affect any Eight, Privilege, Power, Jurisdiction, or Authority acquired by or given or reserved to any Person or Persons by Royal Charter, by Prescription, or by any Local or Personal or Private Acts, for the Purpose of executing any Works such as are contemplated by this Act, or for the Management and Conservancy thereof, or for protecting the Navigation of any tidal Waters or navigable River, or for making any River navigable, or otherwise improving, maintaining, or continuing the navigable Passage thereof, or any Works connected therewith, or which shall or shall tend to prejudice or injuriously affect the Access to or Passage from any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, or the Channels or Passages thereof, or leading thereto or therefrom, or the Use or Enjoyment of any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, without the Consent in every Case of such Person or Persons, and such Consent shall be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

15 Board of Trade may grant Provisional Orders, subject to Provisions herein named.

After such Inquiries as the Board of Trade may think expedient, and after the Consent of the Admiralty, and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and, if required, of the Persons mentioned in the last preceding Section, shall have been obtained, and the same shall have been certified to the Board of Trade in such Manner as they may require, the Board of Trade may settle and make a Provisional Order; and every such Order shall be made and shall take effect subject and according to the following Provisions :—

It shall specify who are to be the Undertakers of the Works, and may provide (where requisite) for the Election or Appointment of Commissioners as Undertakers of the Works, and may (where requisite) incorporate the Undertakers into a Body Corporate, with an appropriate Name, perpetual Succession, and a Common Seal:

It may empower the Undertakers to make and alter Byelaws for the Management of such Works, subject in *England* and *Ireland* to the Approval of the Court of Quarter Sessions of the Peace for the County in which the Works are situated, and in *Scotland* to the Approval of the Sheriff or Sheriff Substitute of such County:

It may empower the Undertakers to take Land on Lease or otherwise, to an Extent limited by the Order, by Agreement:

It may empower the Undertakers to levy and to recover Rates at such Works, and may provide for the Application of the Monies accruing from the Rates to he levied, and (where requisite) may provide for the due Audit of the Accounts of Receipts and Expenditure at such Works:

It may empower the Undertakers for the Purposes of such Works to borrow on Mortgage or Bond, at a maximum Rate of Interest to be therein specified, upon Security of the Rates, to an Extent limited by the Order, with Provisions for Payment of Interest and Repayment of Principal:

It may incorporate by Reference " The Commissioners Clauses Act " (1847)," "The Companies Clauses Act (1845)," "The Com" panics Clauses (*Scotland*)

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Act (1845)," " The Harbour, Docks, " and Piers Clauses Act (1847)," "The Lands Clauses Consolidation Act (1845)," "The Lands Clauses Consolidation " (*Scotland*) Act (1845)," or any Part of such Acts, except so much of the said Two last-mentioned Acts as relates to the Purchase of Land otherwise than by Agreement; the Expression the " Special Act" used in such incorporated Acts shall be deemed to apply to such Provisional Order.

16 Order to be deposited with Clerk of the Peaces.

After the making of any Order under this Act, the Promoters shall deposit a Copy of the same at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division in *Scotland*, in which the proposed Works referred to in such Order may he situate; and Notice of such Deposit shall he given by Advertisement once in the *London*, *Edinburgh*, or *Dublin* Gazette, and in some Newspaper circulated in the County as aforesaid ; and after it shall have been certified to the Board of Trade by the Promoters that such Deposit and Advertisement as last aforesaid have been made, and that Fourteen Days have elapsed from the Date of such Advertisement, the Board of Trade shall, within Three Calendar Months from the Beginning of the Session of Parliament in any Year, cause a Bill to be introduced into either House of Parliament for the Purpose of obtaining an Act for the Confirmation of such Order, and the Order to be confirmed shall be specified in a Schedule to the Bill introduced for confirming the same, and shall be set out at Length therein, and until such Confirmation no Provisional Order shall be of any Validity or Force whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

17 Where Petition presented against an Order, Bill confirming same may be referred to Select Committee.

In case any Petition shall he presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may he referred to a Select Committee, and the Petitioner shall he allowed to appear and oppose as in the Case of Private Bills.

18 Orders, &c. to be signed by One of the Secretaries, &c. of Board of Trade, or by Secretary of the Admiralty.

All Orders, Notices, Consents, Approvals, and other Acts of the Board of Trade or of the Lords of the Admiralty in execution of this Act shall he in Writing or in Print, or partly in Writing and partly in Print, and shall he signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or by the Secretary of the Admiralty for the Time being, as the Case may be.

19 Board of Trade to report to Parliament.

The Board of Trade shall make and lay before both Houses of Parliament in the Month of *February* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Week after the next Meeting thereof, a general Report of their Proceedings under this Act, stating the several Oases in which Applications have been made to them under the Provisions of this Act, and the Board of Trade may from Time

to Time make and lay before Parliament such special Reports in relation to all or any of the Matters aforesaid as they may think fit.

20 Power to Secretary of State for War to take and hold Land, &c., for Batteries, &c.

It shall he lawful for the Promoters of any Harbour constructed under the Provisions of this or any other Act, whether Local or otherwise, to make, and for Her Majesty's Principal Secretary of State for the War Department to accept, a Grant either in Pee or for a Term of Years not less than Nine hundred and ninety-nine Years of any Lands, Tenements, and Hereditaments proper for Sites for Batteries or Fortifications, not exceeding in Quantity in any One Place what may be sufficient for building and erecting thereon a Battery or Fortification for the Protection of such Harbour, and for making a proper or sufficient Access or Approach thereto, and to enter into any Covenant or Stipulation with the said Principal Secretary of State and his Successors not to build or do any Act prejudicial to the said Batteries or Fortifications on the Land adjacent to the Sites so granted as aforesaid, within the Line of Fire from such Batteries or Fortifications to be erected thereon, and which Sites when conveyed as aforesaid shall be held by the said Principal Secretary and his Successors oh behalf of Her Majesty.