

ELIZABETH II



1963 CHAPTER XXII

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861, relating to Yarmouth (Isle of Wight).
[31st July 1963]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act as 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:—

1. The Order as set out in the schedule to this Act shall be confirmed 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 have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order (Yarmouth (Isle of Wight)) Confirmation Act 1963. Short title.

*Pier and Harbour Order
(Yarmouth (Isle of Wight))
Confirmation Act 1963*

SCHEDULE

YARMOUTH (ISLE OF WIGHT) PIER AND HARBOUR

Provisional Order to authorise the county council of the administrative county of the Isle of Wight to guarantee money borrowed by the Yarmouth (Isle of Wight) Harbour Commissioners; and for other purposes.

Short and collective titles.

1.—(1) This Order may be cited as the Yarmouth (Isle of Wight) Pier and Harbour Order 1963.

(2) The Yarmouth (Isle of Wight) Pier and Harbour Orders 1931 and 1960 and this Order may be cited together as the Yarmouth (Isle of Wight) Pier and Harbour Orders 1931 to 1963.

Commencement of Order.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed.

Interpretation.

3.—(1) In this Order unless there be something in the subject or context repugnant to such construction—

“the Commissioners” means the Yarmouth (Isle of Wight) Harbour Commissioners;

“the council” means the county council of the county;

“the county” means the administrative county of the Isle of Wight;

“enactment” includes any public, general, local or private Act and any order or other instrument having the force of an Act;

“the Order of 1931” means the Yarmouth (Isle of Wight) Pier and Harbour Order 1931.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Order.

Exclusion of Harbours Clauses Act 1847.

4. The Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Power to council to guarantee loans.

5.—(1) The council, being a rating authority as defined by section 7 of the Public Works Loans Act 1882, may if requested by the Commissioners and if they think it expedient in the interests of the inhabitants at large of the county so to do, aid the Commissioners by guaranteeing the payment of—

(a) the interest on any moneys which may from time to time be borrowed by the Commissioners under the powers of paragraphs (a) or (b) of subsection (1) of section 36 (Power to borrow) of the Order of 1931; and

(b) the periodical payments (whether by way of instalments of principal or of principal and interest combined or of payments to a sinking fund) by the Order of 1931 required to be provided by the Commissioners for the repayment of moneys borrowed by them under the said powers;

or either of such payments on such terms and conditions as may be agreed between the council and the Commissioners.

(2) The Commissioners shall repay to the council any sums paid by the council in fulfilment of any such guarantee as aforesaid together with interest at the rate prevailing on the loan in respect of which the council have given the guarantee, and in respect of such sums paid by the council as aforesaid and the interest thereon due to the council under this section the council shall be in the position of mortgagees of all the property, revenues and tolls of the Commissioners until all sums due to the council under this section have been repaid:

Provided that the council shall have power from time to time, and whether before or after the council shall have made any payments under any such guarantee as aforesaid, to modify, waive or release wholly or partly their rights (whether actual or prospective) as such mortgagees.

(3) The council shall not give any such guarantee as aforesaid except in pursuance of a special resolution for the purpose passed at a meeting of the council and published once at least in each of two successive weeks in a local newspaper circulating in the county and confirmed at a second meeting of the council held not less than fourteen days after the first publication of notice of such resolution and not less than three months after the meeting at which the resolution was passed.

6. All costs, charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners. Costs of Order.

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Table of statutes referred to in this Act

Short title	Session and chapter
Harbours, Docks and Piers Clauses Act, 1847 ...	10 & 11 Vict. c. 27.
General Pier and Harbour Act, 1861	24 & 25 Vict. c. 45.
Public Works Loans Act, 1882	45 & 46 Vict. c. 62.
Pier and Harbour Orders (Cowes and Yarmouth (Isle of Wight)) Confirmation Act, 1931 ...	21 & 22 Geo. 5. c. lxxxix.

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Pier and Harbour Order (Bembridge Harbour) Confirmation Act 1963

CHAPTER XXIII

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