

[3 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 5) Act, 1903.

[Ch. cxxxii.]



CHAPTER cxxxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Boscombe and Bournemouth Carnarvon Gorleston Herne Bay and Avoch. [11th August 1903.]

A.D. 1903.

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

24 & 25 Vict.
c. 45.

And whereas it is expedient that the several Provisional Orders 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 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 :—

1. The several Orders as amended and set out in the schedule to this Act shall be and the same are 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 Orders
in schedule.

2. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any borough or other urban district or in any parish or part of a parish not being within an urban district or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants

Special pro-
visions as to
houses of la-
bouring class.

60 & 61 Vict.
c. 38.

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or lodgers or except with the consent of the Local Government Board or in Scotland of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If any Undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court in England or by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them and the expression "house" means any house or part of a house occupied as a separate dwelling.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 5) Act 1903.

THE SCHEDULE OF ORDERS.

1. BOSCOMBE and BOURNEMOUTH.—Transfer of Boscombe Pier &c.
 2. CARNARVON.—Amending Acts of George III. &c.
 3. GORLESTON.—Construction of Pier &c.
 4. HERNE BAY.—Extension of Pier &c.
 5. AVOCH.—Construction of Pier &c.
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SCHEDULE.

A.D. 1903.

BOSCOMBE AND BOURNEMOUTH PIERS.

Provisional Order for the transfer of Boscombe Pier to the Corporation of Bournemouth and for other purposes in connexion with the Boscombe and Bournemouth Piers. *Boscombe and Bournemouth.*

1.—(1) This Order may be cited as the Boscombe and Bournemouth Piers Order 1903. Short title and commencement.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

2. In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:— Definitions.

"The Corporation" means the Mayor Aldermen and Burgesses of the county borough of Bournemouth;

"The Company" means the Boscombe Pier Company Limited;

"The Act of 1856" means the Bournemouth Improvement Act 1856;

"The Order of 1892" means the Bournemouth Pier Order 1892;

"The Boscombe Pier Orders" means the Boscombe Pier Orders made and confirmed in the years 1887 1889 and 1891;

"The date of transfer" means the first day of September one thousand nine hundred and three or the actual date of the completion of the purchase and transfer by section six hereof authorised whichever of those dates shall be the earlier;

"The Boscombe Pier" means the existing pier and works authorised by and constructed under the Boscombe Pier Orders;

"The piers" means as well the Boscombe Pier as the pier and works authorised by and constructed under the Act of 1856 and the Order of 1892.

3. The Corporation shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order. Undertakers.

4. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions of the former Act relating to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) shall be incorporated with this Order. Incorporation of Lands Clauses Acts.

5. The Corporation may purchase and hold for extraordinary purposes any land not exceeding in extent in the whole five acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them on land taken by them under the power conferred by this section. Lands for extraordinary purposes.

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*Boscombe and
Bournemouth.*Transfer of
pier and under-
taking of Com-
pany.

6.—(1) The Corporation are hereby authorised to carry into effect an agreement dated the seventh day of October one thousand nine hundred and two and made between the Company of the one part and the Corporation of the other part being an agreement for the purchase by and transfer to the Corporation of the Boscombe Pier and the undertaking of the Company and herein-after referred to as "the purchase agreement."

(2) As from the date of transfer the Boscombe Pier and the undertaking of the Company shall subject to the provisions of this Order be vested in and maintained by the Corporation.

Saving rights
of action.

7. Subject to the provisions of this Order nothing in this Order contained shall be held to prejudice or affect any right or cause of action or suit or any remedy which the Company have against any person or which any person has against the Company but all such rights causes and remedies may be enforced or prosecuted by or against the Company as if this Order had not been made.

Byelaws to
continue until
altered.

8. All byelaws of the Company legally in force at the date of transfer shall continue in force until repealed or altered by the Corporation and may be enforced by the Corporation.

Documents &c.
to be trans-
ferred.

9. All documents books maps plans writings papers and effects belonging to or vested in the Company evidencing the title of the Company to the Boscombe Pier and the undertaking of the Company or of any part thereof or which may be necessary or convenient for the proper carrying on and working of the pier by the Corporation and shall not be needed by the Company in order to carry on or wind up their business shall be transferred to and belong to the Corporation.

Limits.

10.—(1) The limits within which the Corporation shall have authority and within which the powers of the pier-master may be exercised shall comprise the Boscombe Pier and an area lying below high-water mark and within a distance of one hundred yards from any part of the Boscombe Pier which limits are in this Order termed "the limits of this Order."

(2) The limits within which the power to levy rates may be exercised shall comprise the Boscombe Pier.

Improvement
and mainte-
nance of pier
and works.

11.—(1) Subject to the provisions of this Order the Corporation may from time to time maintain and improve the Boscombe Pier and may construct erect maintain alter and improve any jetties landing places landing stages wharves waiting rooms sheds toll houses gates embankments sewers drains watercourses roads and approaches and may lay down rails on or along the Boscombe Pier.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to
dredge.

12.—(1) The Corporation may within the limits of this Order deepen dredge scour and excavate any portion of the foreshore and bed of the sea to

the extent necessary to secure a sufficient waterway and approach to the Boscombe Pier for vessels using the same.

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Bournemouth.*

(2) All sand mud and materials dredged up under the powers contained in the preceding subsection shall be the property of the Corporation who may from time to time sell or otherwise dispose of the same or remove or deposit the same within the limits of this Order Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

13. The Corporation may erect and construct upon the Boscombe Pier and lands acquired by them from the Company under the powers of this Order pavilions or assembly rooms concert rooms reading and refreshment rooms kiosks shelters urinals and other conveniences and may furnish and equip the same and may make such reasonable charges for the use thereof or for admission thereto as they may from time to time think fit.

Power to provide pavilions &c.

14.—(1) As from the date of transfer the Corporation may subject and according to the provisions of this Order for the use of the Boscombe Pier demand and receive in respect of the persons and things specified in the Schedules A. and B. to the Act of 1856 as amended by this Order any sums not exceeding the rates in those schedules specified.

New rates.

(2) Section 27 of the Order of 1892 as by this Order amended shall apply in respect of the Boscombe Pier as if that pier had been mentioned in that section.

(3) All dues rates and moneys leviable and becoming due before the date of transfer may be levied received and recovered in like manner as if this Order had not been made.

15. The Corporation may from time to time lease the rates tolls and charges authorised to be taken by them under this Order for any period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and the lessee shall have and may exercise the same powers of levying and recovering rates and charges as the Corporation have or might exercise under this Order or under the Harbours Docks and Piers Clauses Act 1847 and shall be subject to all the provisions as to accounts and the keeping and furnishing of the same and otherwise to which the Corporation are made subject by this Order.

Power to lease undertaking.

16. All expenses of and incidental to the maintenance of the Boscombe Pier and all charges on the revenue therefrom which that revenue may be insufficient to defray shall be charged on and paid out of the district fund and general district rate of the borough or some part or parts thereof as the Corporation may think fit and the Corporation shall include in each general district rate the amount if any which it is estimated may be required to cover the deficiency accruing during the currency of the rate or which is required to make up any deficiency which has occurred during any previous period.

Deficiency of revenue for maintenance of pier to be charged on district fund.

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*Boscombe and
Bournemouth.*Power to
borrow.

17.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per cent. per annum—

- (a) for carrying the purchase agreement into effect and the improvement of the pier and other purposes any sum or sums not exceeding in the whole ten thousand pounds;
- (b) with the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of this Order; and
- (c) such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes (a) and (b) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the district fund and the general district rate as the revenue arising from the pier under this Order.

(3) In order to secure the repayment of money borrowed for the purpose (c) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge the revenue arising from the pier under this Order and also but only by way of collateral security the district fund and the general district rate.

Periods for
repayment of
money bor-
rowed.

18. All moneys borrowed by the Corporation under this Order shall be repaid within the respective periods following (that is to say):—

- (a) As to the money borrowed for the purposes (a) mentioned in the preceding section within forty years from the date of borrowing the same;
- (b) As to the money borrowed with the consent of the Board of Trade within such period as that Board may prescribe;
- (c) As to the money borrowed for the purpose (c) mentioned in the preceding section within five years from the date of borrowing the same.

Application of
certain sections
of Bourne-
mouth Corpora-
tion Act 1897.

19. The following sections of the Bournemouth Corporation Act 1897 shall be incorporated with this Order and be read and construed as if the words "this Order" were substituted for the words "this Act" wherever they occur in those sections (that is to say):—

- Section 15 (Certain sections of Public Health Act as to mortgages to apply).
- Section 17 (Payment off of money borrowed).
- Section 18 (Provisions as to sinking fund).
- Section 19 (Application of sinking fund).
- Section 20 (Power to re-borrow).
- Section 21 (Protection to lender from inquiry).
- Section 22 (Corporation not to regard trusts).
- Section 23 (Annual return to Local Government Board with respect to sinking fund).
- Section 24 (Application of money borrowed).

20.—(1) The Corporation shall keep separate accounts of the moneys received by them as tolls rates duties and other charges in respect of the Boscombe Pier and shall therein distinguish the moneys received at the landward end of that pier in respect of persons or goods entering or being brought on to that pier from the land and the money received at the seaward end of that pier in respect of vessels or boats or of persons goods and luggage landing or being landed from the sea on or embarking or being embarked from that pier and shall also keep a separate account of the moneys expended by them under this Order.

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Separate accounts to be kept and seaward rates liable to reduction.

(2) If at any time and from time to time the clear annual income derived from the receipts at the seaward end of the Boscombe Pier on the average of the then three last preceding years after payment of one-tenth part of all expenses and outgoings in connexion with that pier shall exceed the amount sufficient for the payment of the said one-tenth part the Board of Trade may if in their discretion they think fit reduce the rates leviable at the seaward end of that pier to such extent as will be sufficient to provide the amount aforesaid and such rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised at the commencement of this Order.

21.—(1) Subject to the provisions of this Order with reference to the application of the revenue arising from the Boscombe Pier the Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) the sum of five hundred pounds to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the Boscombe Pier set apart out of the revenue such a sum as they may think fit.

Contingency fund.

(2) Every sum set apart under this section shall be invested in statutory securities in which trustees are authorised to invest money other than securities of the Corporation and the interest thereon shall be accumulated until the fund reaches the total sum of five hundred pounds or is required for any of the purposes mentioned in this section.

22. All rates tolls dues rents and receipts received by the Corporation in respect of the Boscombe Pier under this Order shall be applied for the purposes and in the order following and not otherwise (that is to say) :—

Application of rates &c.

(1) In payment of all expenses connected with the management and maintenance of the Boscombe Pier (including therein the payment of or contribution towards a band of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the vicinity of the pier) ;

(2) In paying year by year the interest for the time being due in respect of moneys borrowed by the Corporation under this Order ;

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Bournemouth.*

- (3) In paying the instalments as they become due of the principal and moneys so borrowed ;
- (4) In providing a sinking fund for the repayment of the moneys so borrowed and not repayable by instalments ;
- (5) In creating and maintaining if they think fit a contingency fund in manner specified in the last preceding section ;
- (6) In repaying to the district fund or general district rate all moneys and interest paid thereout for the purposes of the Boscombe Pier whether in respect of money borrowed or otherwise ;
- (7) In the general improvement of the Boscombe Pier ;
- (8) And the balance shall subject to the provisions of this Order be carried to the district fund of the borough.

Annual account
to be sent to
Board of
Trade.

23. The Corporation within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up at the end of the day on the thirty-first day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account. If the Corporation refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Vessels not to
anchor within
limits of Order.

24. No vessel shall without the consent of the Corporation or their pier-master anchor within the limits of this Order.

Application of
Bournemouth
Pier Order
1892.

25. Sections 19 20 21 22 26 28 31 32 and 33 of the Order of 1892 shall apply to the Boscombe Pier in all respects as if that pier had been referred to in those sections.

Pier and works
to be subject
to General
Pier and Har-
bour Acts.

26. From and after the commencement of this Order the Boscombe Pier shall become and be subject to all the provisions of the General Pier and Harbour Act 1861 and any Acts amending the same in like manner as if that pier had been constructed under the powers conferred by this Order.

Life-saving
apparatus.

27.—(1) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Corporation shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the Boscombe Pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Corporation to
be a local
lighthouse
authority.

28. The Corporation shall within the limits of this Order be a local lighthouse authority for the purposes and within the meaning of the Merchant Shipping Act 1894.

29.—(1) The Corporation may from time to time provide and pay for or contribute towards the payment of bands of music or other entertainments on the piers or either of them or in the pavilions or other buildings on the piers or either of them and subscribe towards the funds of any regatta or fête held in the vicinity of either of the piers and subject to the provisions of the Order of 1892 may in respect thereof make additional charges for admission to the piers or pavilions or any part or parts thereof.

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Power to contribute to band.

(2) Any payments made under this section shall be made out of the revenues of the piers and not out of the district fund or general district rate of the borough.

30. The Corporation may provide such steam engines vessels tugs piling engines diving bells ballast lighters rubbish lighters moorings dredging machines and other machinery vessels and things as they think necessary for effecting any of the purposes of this Order and may demand and receive such sums for the use of the same as they think reasonable.

Power to supply vessels tugs &c.

31. Section 27 of the Order of 1892 shall be and is hereby amended by the insertion of the words "without the consent of the Corporation" after the words "any person".

Amending Order of 1892.

32. As from the date of transfer the second item of toll specified in Schedule A to the Act of 1856 shall be and is hereby amended by the insertion of the words "for each and every time" instead of the words "per day" and by the substitution of 2*d.* for 3*d.*

Amending Act of 1856.

33.—(1) The Corporation may grant to passengers and promenaders or others for the use of either of the piers (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

Pass tickets for use of pier.

(2) The Corporation may prescribe the conditions on which family tickets are issued and the persons by whom those tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A family ticket shall not be used otherwise than in accordance with the conditions on which it is issued. No pass ticket or family ticket shall be used by any person after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the conditions on which the same is issued.

(5) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

34. The Corporation may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons corporation or company with respect to the payment of any tolls rates and charges authorised to be taken by this Order provided that no preference be

Power to enter into compositions.

A.D. 1903.

*Boscombe and
Bournemouth.*

Byelaws.

in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

35.—(1) The Corporation may without prejudice to the power to make byelaws under section 83 of the Harbours Docks and Piers Clauses Act 1847 make vary and rescind byelaws for the regulation and control of vessels and boats and the prevention of nuisance or annoyance by smoke and noise caused by steam vessels and the prevention of refuse of any kind being thrown or allowed to fall into the sea within the limits of this Order and for the management and regulation of the use of the Boscombe Pier and of the conduct of the persons using the same.

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Repeal of
Article 3 of
Bournemouth
Order 1869.

36. Article 3 of the Bournemouth Order contained in the schedule to the Local Government Supplemental Act 1869 as amended by Article 4 of the Bournemouth Order contained in the Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 is hereby repealed save and except that any byelaw made under the said Article shall continue in force until repealed or altered by the Corporation.

Meters and
weighers.

37. The Corporation shall have the appointment of meters and weighers on or in connexion with the piers.

Appointment
of officers to
enforce bye-
laws and
regulations.

38.—(1) The Corporation may appoint from time to time persons to act as officers or constables in preserving order on the piers and in enforcing the byelaws and regulations made by the Corporation in respect thereof.

(2) The Corporation may from time to time procure any officers appointed by them for securing the execution of this Order to be sworn as constables but no such officers shall act as constables unless in uniform or provided with a warrant.

Recovery of
penalties.

39. All penalties recovered under this Order shall except in case of penalties recovered against the Corporation be paid to the treasurer for the time being of the Corporation and be by him carried to the credit of the district fund.

Extension of
10 & 11 Vict.
c. 27 (ss. 28,
99) to all
Government
departments.

40. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order and the Orders of 1863 and 1884 shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Saving rights
of Crown.

41. Nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea

or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

A.D. 1903:
Boscombe and
Bournemouth.

42. As from the date of transfer the Boscombe Pier Orders shall be repealed save in so far as any of the provisions contained in those Orders are applicable to the winding-up of the Company.

Repeal of
Boscombe Pier
Orders.

43.—(1) From and after the commencement of this Order each of the piers shall for all purposes be deemed to form part of the parish and county borough of Bournemouth.

Piers to be
within borough
of Bourne-
mouth.

(2) Section 16 of the Order of 1892 is hereby repealed.

44. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Commons or of the House of Lords shall be paid by the Corporation out of money borrowed for the purposes of the promotion of this Order or out of the rates leviable under this Order.

Costs of Order.

CARNARVON HARBOUR.

Provisional Order for amending an Act of the thirty-third year of His late Majesty King George III. Chapter 123. intituled "An Act for enlarging deepening cleansing improving and regulating the Harbour of Carnarvon in the County of Carnarvon" and for amending an Act of the twenty-ninth year of His late Majesty King George III. Chapter 24. intituled "An Act for the further improvement of the Harbour in the County of Carnarvon" and for other purposes relating thereto and for the regulation of the Harbour.

Carnarvon.

1.—(1) This Order may be cited as the Carnarvon Harbour Order 1903 and shall be construed as one with the Act 33 George III. Chapter 123 (in this Order called "the Act of 1793") as amended by the Act 49 George III.

Short title and
commence-
ment.

A.D. 1903. Chapter 24 (in this Order called "the Act of 1809") and by this Order and
Carnarvon. also with the Act of 1809 as amended by the Pier and Harbour Orders Confirmation Act 1877 (No. 3) (in this Order called "the Act of 1877") and by this Order and also with the Act of 1877 and those several Acts as amended as aforesaid and this Order may be cited together as the Carnarvon Harbour Acts 1793 to 1903.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Repeals.

2. From and after the commencement of this Order section two of the Act of 1793 shall be and the same is hereby repealed.

Qualification and disqualification of Trustees.

3.—(1) From and after the commencement of this Order no person shall be qualified to be elected or to be a Trustee for the purposes of the Carnarvon Harbour Acts 1793 to 1903 unless he shall have the qualification necessary for his being elected a councillor for any county of England and Wales under the Local Government (England and Wales) Act 1888 provided that this qualification shall not be required in the case of a person who is constituted a Trustee by virtue of his office.

(2) A person shall be disqualified for being elected or for being a Trustee for the purposes of those Acts—

(a) If he ceases to hold his qualification or becomes bankrupt or compounds with his creditors or in the case of an elected Trustee is absent from the meetings of the Trust for more than twelve months consecutively (unless in case of illness) or holds any paid office or place of profit under the Trustees; or

(b) If he has directly or indirectly by himself or his partner any share or interest in any contract or employment by with or on behalf of the Trustees.

(3) A person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having a share or interest—

(a) in any lease tenancy sale or purchase of land tenements or hereditaments or any agreement for the same; or

(b) in any agreement for the loan of money or any security for the payment of money only; or

(c) in any newspaper in which any advertisement relating to the affairs of the Trust is inserted; or

(d) as a shareholder in a joint stock company or other company which is contracting with the Trustees.

(4) A Trustee shall nevertheless not vote at any meeting of the Trustees on any question in which he is so interested as in the last preceding subsection mentioned.

4. The following rates and dues shall be deemed to be included in Schedule B. to the Act of 1809 and the said schedule and Act shall have effect accordingly :

Motor cars	5s. each.
Bicycles or tricycles	2d. „

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Carnarvon.

Power to levy rates and dues.

5. Without prejudice to any other remedy the Trustees may recover any rates dues or duties payable under the Act of 1793 or the Act of 1809 from the person liable to pay the same by proceedings in any court of competent jurisdiction.

Recovery of rates dues and duties.

6. The Trustees may from time to time appoint out of their own body such and so many committees either of a general or special nature and consisting of such number of persons as they may think fit for any purposes which in the opinion of the Trustees would be better regulated and managed by means of such committees but the acts of every such committee shall be submitted to the Trustees for their approval.

Appointment of Committees.

7. All costs charges and expenses of and incident to the preparation of and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees.

Costs of Order.

GORLESTON PIER.

Provisional Order for the construction maintenance and regulation of a Pier at Gorleston in the County Borough of Great Yarmouth in the County of Norfolk.

Gorleston.

Preliminary.

1.—(1) This Order may be cited as the Gorleston Pier Order 1903.

Short title commencement and interpretation.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as “the commencement of this Order.”

(3) In this Order unless the context otherwise requires the following words and expressions shall have the meanings herein-after assigned to them namely :—

“The pier” means the works by this Order authorised ;

“The Corporation” means the Mayor Aldermen and Burgesses of the county borough of Great Yarmouth.

Undertakers.

2. Thomas Walter Warren of Upper Cliff Road Gorleston in the county borough of Great Yarmouth in the county of Norfolk Jeremiah Durrant and William Ballard Cockrill both of High Street Gorleston aforesaid (herein-after

Undertakers.

A.D. 1903. called "the Undertakers") shall be the Undertakers for carrying this Order
Gorleston. into execution.

Limits.

Limits. 3. The limits within which the Undertakers shall have authority and within which the powers of the pier-master may be exercised and which shall be deemed the limits to which this Order for all purposes extends shall comprise the pier and those limits are in this Order termed "the limits of this Order."

Works and Powers.

Incorporation of Lands Clauses Acts. 4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are incorporated with and form part of this Order.

Power to acquire additional lands by agreement. 5. For the purposes of the pier the Undertakers may by agreement enter on take and use such of the lands shown on the plans deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Power to execute works. 6. The Undertakers may subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before the completion of the pier in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the pier.

Description of works authorised.

7. The works authorised by this Order are as follows:—

A promenade pier commencing at a point two hundred feet or thereabouts south of the south end of the South Shelter on the promenade at Gorleston and extending thence in an easterly direction for a distance of six hundred feet or thereabouts and there terminating.

The works will be open works and will be situate in the parish of Gorleston in the county borough of Great Yarmouth in the county of Norfolk and on the foreshore and bed of the sea adjoining or near thereto.

Incidental works.

8.—(1) The Undertakers may in connexion with the pier construct and provide all such shelters platforms stages seating lamps lamp-posts gas lighting apparatus electric lighting apparatus and any other apparatus for lighting tramways sheds toll houses offices toll gates or bars cranes fresh water pipes and sea water pipes hydraulic lifts buoys moorings posts breakwaters road approaches footways protection walls footpaths sewers drains and other buildings erections machinery appliances works and conveniences as they may deem necessary or proper.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and

until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

A.D. 1903.

Gorleston.

(3) Any electric lighting apparatus constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraph line of the Postmaster-General or with telephonic communication by means of any apparatus of the National Telephone Company Limited.

9. The Undertakers may with the consent of the Board of Trade construct such groynes as may be necessary for preventing the pier and foreshore being damaged or injured by the movement of shingle sand or other debris. The Undertakers shall give to the Corporation and the Great Yarmouth Port and Haven Commissioners two months' notice of their intention to make application for any consent under this section and such notice shall be accompanied by plans sections and specifications of the proposed works.

Power to construct groynes.

10. The Undertakers in constructing the pier may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plans and may with the like consent deviate vertically to any extent.

Power of deviation.

11. If any person wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

12.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

Powers to cease in certain events.

(2) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

13. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with such consent.

Consent of Board of Trade to works below high-water mark.

A. D. 1903.

*Gorleston.*Power to erect
pavilions and
other buildings.

14.—(1) The Undertakers may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences and they may also construct under the pier head and maintain and make such reasonable charges as they think fit for the use of floating swimming baths and the Undertakers may let the pavilions and other works and conveniences constructed under this section or any of them for such period not exceeding seven years and upon such terms and conditions as they think fit.

(2) The Undertakers may at any time and as and when they think proper close any of the pavilions and other works and conveniences constructed under this section to the general public.

Mooring to pier
not allowed.

15. No vessel or boat of any kind shall be moored to or alongside the pier without the consent of the Undertakers or their pier-master.

*Rates.*Power to levy
rates.

16. When in addition to the certificate granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due execution of the pier have been given the Undertakers may subject and according to the provisions of this Order for the use of the pier and conveniences connected therewith demand receive and recover any sums not exceeding the several rates and sums specified in the schedule to this Order.

Family and
day tickets.

17.—(1) The Undertakers may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Undertakers shall have power to prescribe the conditions on which family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A family ticket shall not be used otherwise than in accordance with the conditions on which it is issued No pass ticket or family ticket shall be used by any person after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the conditions on which the same is issued. A.D. 1903.

—
Gorleston.

(5) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

(6) The Undertakers may make special arrangements with and concessions to fishermen for admission to the pier for such periods and on such terms and conditions as the Undertakers think fit but so that no preference be given to one fisherman over another.

18.—(1) The Undertakers may on any occasions which they deem special but not exceeding twelve days in any one year or for more than two days consecutively close the pier against the public and may if they think fit on those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may think fit. Power to close pier on special occasions &c.

(2) The special rate charged under this section for the use of the pier shall be in lieu of and not in addition to the rates specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for the day for which the special rate is charged.

(3) The Undertakers shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

19. Notwithstanding anything contained in this Order the Undertakers may charge for every person entering upon and using the pier during the progress or within two hours before the commencement of any concert or other public entertainment held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding sixpence. Power to charge higher rates at certain times.

20. The Undertakers may from time to time confer vary or extinguish exemptions from and enter into compositions with any person with respect to the payment of the rates and charges authorised by this Order but so that no undue preference be in any case given to any person over any other person and that anything done under this section shall not prejudice the other provisions of this Order. Power to vary exemptions from rates and to enter into compositions &c.

21. The Undertakers may from time to time lease the rates and charges authorised to be taken by them under this Order for a period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and charges as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order. Power to lease rates.

A.D. 1903. and shall be subject to the same provisions as to accounts and otherwise as
the Undertakers are subject to under this Order.

Gorleston.

Annual ac-
count to be
sent to Board
of Trade.

22.—(1) The Undertakers within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up to the end of the day on the thirty-first day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account.

(2) If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

Board of Trade
may reduce
rates.

23. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amount as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Exemption of
lifeboat crews.

24. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to and along and on and from the pier.

Application
of revenue.

25. The revenue received from the rates or otherwise under this Order shall be applicable in paying the expenses properly chargeable to revenue of the maintenance repair and management of the pier and works and so far as not required for those purposes shall belong to the Undertakers for their own use.

Byelaws.

Power to make
byelaws.

26.—(1) Without prejudice to the power of making byelaws conferred by section 83 of the Harbours Docks and Piers Clauses Act 1847 the Undertakers may make byelaws for all or any of the following matters (that is to say):—

For regulating the collection and levying of the rates authorised by
this Order;

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon;

A.D. 1903.

For preventing injury to and protecting the pier and the buildings and property thereon or attached thereto;

Gorleston.

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein; and

For regulating the sale of refreshments on the pier and in the buildings.

(2) The byelaws may provide for imposing a penalty not exceeding forty shillings in any case of breach or non-observance of any byelaw.

(3) A byelaw under this section or under the enactments incorporated herewith shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) The Undertakers shall give at least one month's notice in writing to the Corporation of their intention to apply for confirmation of any byelaw made by the Undertakers.

(5) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Lights.

27.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

As to lights during construction of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

28.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall at the outer extremity of the pier or the completed portions thereof or in such other places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

As to lights after completion of works.

A.D. 1903.

Gorleston.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision
against danger
to navigation.

29.—(1) In case of injury to or destruction or decay of the works or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Life-Saving Apparatus.

Life saving
apparatus may
be attached to
pier.

30. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Lifebuys to
be kept.

31. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuys and lifelines in good order and fit and ready for use.

Miscellaneous.

Powers not to
be exercised
unless under-
taking is trans-
ferred to a
registered
company.

32.—(1) The powers given by this Order shall not be exercised unless within six months or such extended period not exceeding in the whole twelve months as the Board of Trade allow after the commencement of this Order the Undertakers transfer the undertaking to a limited company registered under the Companies Acts 1862 to 1900 and approved by the Board of Trade for the purpose.

(2) Within that period the Undertakers may transfer and the company to whom the transfer is to be made may take a transfer of the undertaking with the consent of and on such terms and conditions as may be approved by the Board of Trade.

(3) On any such transfer the rights powers authorities obligations and liabilities of the Undertakers in respect to the undertaking shall be transferred to and may be exercised by and shall attach to the company to whom the transfer is made and that company shall subject to the provisions of this Order become as from the date of such transfer the Undertakers for the purposes of this Order.

33. The Undertakers shall not without the consent of the Great Yarmouth Port and Haven Commissioners use the pier or permit the pier to be used for the purpose of embarking or landing passengers or their luggage or personal effects or for any other purpose than that of promenade and recreation.

A.D. 1903.

Gorleston.

Pier to be used for promenade and recreation only.

34. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Recovery of penalties.

35. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Extension of 10 & 11 Vict. c. 27. (ss. 28 and 99) to all Government departments.

36. Nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving rights of Crown.

37. Nothing in this Order contained shall take away or abridge any right privilege power jurisdiction or authority given or reserved to the Corporation and the Great Yarmouth Port and Haven Commissioners by any Act of Parliament charter or otherwise howsoever.

Saving rights of Corporation.

38. The pier shall for all purposes be deemed and taken to be within the parish of Gorleston in the county borough of Great Yarmouth in the county of Norfolk.

Pier and works to be deemed within parish of Gorleston.

39. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Undertakers.

Costs of Order.

A.D. 1903.

The SCHEDULE to which the foregoing Order refers.

Gorleston.

	s.	d.
For every person using the pier for each time any sum not exceeding	0	2
For any dog taken on the pier for each time any sum not exceeding...	0	1
For any bath chair (including the person in charge) taken on the pier for each time any sum not exceeding... .. .	0	4
For any perambulator or cycle taken on the pier (including the person in charge) for each time any sum not exceeding	0	4

HERNE BAY PIER.

Herne Bay. Provisional Order for authorising the Herne Bay Pier Company Limited to widen and extend their Pier at Herne Bay and for other purposes connected therewith.

Preliminary.

Short title commencement and interpretation.

1.—(1) This Order may be cited as the Herne Bay Pier Order 1903 and shall be construed as one with the Herne Bay Pier Order 1891 (in this Order referred to as “the Order of 1891”) as amended by the Herne Bay Pier Order 1896 (in this Order referred to as “the Order of 1896”) and by this Order and also with the Order of 1896 as amended by this Order and those Orders so amended and this Order may be cited together as the Herne Bay Pier Orders 1891 to 1903.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as “the commencement of this Order.”

(3) In this Order unless the context otherwise requires the following words and expressions shall have the meanings herein-after assigned to them namely:—

- “The Company” means the Herne Bay Pier Company Limited;
- “Existing” means existing at the commencement of this Order;
- “The pier” means as well the existing pier and works as the works authorised by this Order.

Undertakers.

Undertakers.

2. The Company shall be the Undertakers for carrying this Order into execution.

Limits.

Limits.

3. The limits within which the Company shall have authority and within which the powers of the pier-master may be exercised and which

shall be deemed the limits to which this Order and the Order of 1891 and the Order of 1896 for all purposes extend shall comprise the pier and a distance of one hundred and fifty yards from the seaward extremity thereof which limits are in this Order termed "the limits of this Order."

A.D. 1903.

*Herne Bay.**Works and Powers.*

4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are incorporated with and form part of this Order.

Incorporation
of Lands
Clauses Acts.

5. For the purposes of the works authorised by this Order the Company may by agreement enter on take and use such of the lands shown on the plans deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Power to
acquire addi-
tional lands
by agreement.

6. The Company may subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order.

Power to exe-
cute works.

7. The works authorised by this Order comprise the following works with all necessary conveniences connected therewith:—

Description
of works
authorised.

An extension and widening of the existing pier constructed under the Order of 1891 and the Order of 1896—

(i) On both sides of the pier head commencing at the northern end of the pier head and terminating at a point ten yards or thereabouts from such end measured in a northerly direction from such end;

(ii) On both sides of the existing pier at or near Shore End Bay commencing at a point one hundred and thirty-two yards or thereabouts from the pier entrance and terminating at a point one hundred and sixty-five yards or thereabouts measured in a northerly direction from the pier entrance.

The works will be open works and will be situate in the parish and urban district of Herne Bay in the county of Kent and on the foreshore and bed of the sea adjoining or near thereto.

8.—(1) The Company may in connexion with the works authorised by this Order and the existing pier and works construct and provide within the limits of this Order all such shelters seats lamps lamp-posts gas lighting apparatus electric lighting apparatus and any other apparatus for lighting tramways sheds offices cranes hydraulic lifts buoys moorings mooring posts groynes roads approaches sewers drains and other works and conveniences as they may deem necessary or proper.

Incidental
works.

A.D. 1903.
Herne Bay.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

(3) Any electric lighting apparatus constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraph line of the Postmaster-General or with telephonic communication by means of any apparatus of the National Telephone Company Limited.

Power to construct groynes.

9. The Company may with the consent of the Board of Trade construct such groynes as may be necessary for preventing the pier and foreshore being damaged or injured by the movement of shingle or other debris.

Powers of deviation.

10. The Company in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plans and may with the like consent deviate vertically to any extent.

Penalty for obstructing works.

11. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

12.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Consent of Board of Trade to works below high-water mark.

13. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with such consent.

Power to erect pavilions and other buildings.

14.—(1) The Company may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission thereto pavilions saloons assembly

concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories swimming and other baths and the Company may let the pavilions and other works and conveniences constructed under this section or any of them for such period not exceeding seven years and upon such terms and conditions as they think fit.

A.D. 1903.

Herne Bay.

(2) The Company may at any time and as and when they think proper close any of the pavilions and other works and conveniences constructed under this section to the general public.

15.—(1) No vessel or boat shall anchor or be moored within the limits of this Order without the consent of the Company or their pier-master.

Restrictions
on mooring.

(2) The Company shall erect and maintain on the shore at a distance of one hundred and fifty yards from each side of the pier a conspicuous post or other mark and shall affix thereto a notice stating that it marks the distance of one hundred and fifty yards from the pier.

(3) No vessel or boat of any kind shall be moored to or alongside the pier without the consent of the pier-master.

Rates.

16. Subject to the provisions of this Order the works by this Order authorised shall for the purpose of the rates which may be demanded and received by the Company and for all other purposes be deemed part of the pier and works authorised by the Order of 1891 and the Order of 1896.

Rates.

17.—(1) Notwithstanding anything contained in the Orders of 1891 or 1896 or this Order the Company may charge for every person using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. any sum not exceeding sixpence.

Power to
charge higher
rates at certain
times.

(2) Any person who having already paid twopence for using the pier remains on the pier after 6 p.m. on any such day as in the preceding subsection mentioned shall have credit for the twopence already paid by him and shall be liable in addition thereto to pay fourpence only.

(3) The Company shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier or jetty and that reserved passage shall be open for use by those persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage and do not remain upon it.

18. No pass ticket or payment of rates payable under the Order of 1891 and this Order for the use of the pier shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the pier or any of them unless the Company otherwise determine.

Payment of
rates not to
confer right to
use buildings.

A.D. 1903.

*Byelaws.**Herne Bay.*Power to make
byelaws.

19.—(1) Without prejudice to the power of making byelaws conferred by section 83 of the Harbours Docks and Piers Clauses Act 1847 the Company may make byelaws for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the rates tolls and charges authorised by this Order ;

For regulating the loading discharging and handling of goods and traffic within the limits of this Order ;

For regulating the mooring of vessels and boats within the limits of this Order ;

For regulating the user of any portion of the pier and any of the buildings and conveniences erected thereon or connected therewith ;

For preventing injury to and protecting the pier and the said buildings and conveniences ;

For regulating the conduct of persons frequenting the pier and the said buildings and conveniences and for preserving order thereon and therein ; and

For regulating the sale of refreshments on the pier and in the said buildings.

(2) The byelaws may provide for imposing a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw.

(3) A byelaw under this section or under the enactments incorporated herewith shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

(5) Section 24 of the Order of 1891 is hereby repealed.

*Finance.*Borrowing
powers.

20.—(1) Section 26 of the Order of 1891 shall be read and construed as if it had authorised and shall be deemed to have authorised the Company to borrow on mortgage as therein mentioned sums of money not exceeding in the whole at any one time thirty thousand pounds instead of the sum of ten thousand pounds therein mentioned.

(2) The sum of fifteen thousand pounds borrowed by the Company on first mortgage debentures and now outstanding shall have priority as a charge on the rates authorised by the Order of 1891 the Order of 1896 and this Order over all sums by this Order authorised to be borrowed in addition to the said sum of fifteen thousand pounds.

(3) The Company may from time to time borrow and reborrow at interest on the security of the rates authorised by the Order of 1891 the Order of 1896 and this Order such a sum as together with the sum of thirty thousand pounds so borrowed as aforesaid under section 26 of the Order of 1891 as by this Order amended and any other sums which before the commencement of this Order have been borrowed by the Company on the security of the rates for the time being authorised shall not exceed the total aggregate sum of thirty-five thousand pounds.

A.D. 1903.

Herne Bay.

(4) Every part of the money borrowed under this Order shall be applied only for the purposes of the Order of 1891 the Order of 1896 and this Order to which capital is properly applicable and not otherwise.

(5) Sections 28 and 29 of the Order of 1891 shall extend and apply to all sums borrowed under this Order but in order to authorise the appointment of a receiver in respect of arrears of principal of any moneys borrowed under this Order the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Accounts.

21. Section 16 of the Order of 1891 shall be read and construed as if the thirty-first day of March were therein substituted for the twenty-fifth day of March and after the commencement of this Order the annual account in that section mentioned shall be made up to the end of the thirty-first day of March in each year.

Amendment of
s. 16 of Order
of 1891.*Lights.*

22.—(1) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any direction given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

As to lights
during con-
struction of
works.

(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights
after comple-
tion of works.

23.—(1) After completion or permanent discontinuance or abandonment of the works by this Order authorised the Company shall at the outer extremity of the pier or the completed portions thereof or in such other places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

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Herne Bay.

(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision
against danger
to navigation.

24.—(1) In case of injury to or destruction or decay of the works authorised by the Order of 1891 the Order of 1896 and this Order or any part of those works the Company shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

*Miscellaneous.*Recovery of
penalties.

25. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Extension of
10 & 11 Vict.
c. 27. (ss. 28
99) to all
Government
departments.

26. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order and the Order of 1879 shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Saving rights
of Crown.

27. Nothing in this Order shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Costs of Order.

28. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company.

Pier to be in
parish and urban
district of Herne
Bay.

29. The pier shall be deemed for all purposes to be within the parish and urban district of Herne Bay in the county of Kent.

AVOCH HARBOUR.

A.D. 1903.

*Provisional Order for the Construction Maintenance and Regulation
of a Pier and Works at the Harbour of Avoch in the County
of Ross and Cromarty.*

Avoch.

Preliminary.

1.—(1) This Order may be cited as the Avoch Harbour Order 1903.

Short title and
commence-
ment.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as “the commencement of this Order.”

2. In construing this Order and the Acts incorporated with this Order the following words and expressions shall have the meanings herein-after assigned to them namely:—

Interpretation.

“The proprietor” means James Douglas Fletcher Esquire of Rosehaugh in the county of Ross and Cromarty and his successors in title to the estate of Rosehaugh;

“The works” means as well the existing pier and quay at Avoch as the works authorised by this Order;

“The harbour” means the works and the area lying below high-water mark which is comprised within the limits of this Order.

3. The Avoch Harbour Trustees as incorporated by this Order (in this Order called “the Trustees”) shall be the Undertakers for carrying this Order into execution.

Undertakers.

Limits.

4. The limits within which the powers of the harbour master may be exercised and within which the power to levy rates may be exercised shall comprise the works and also an area lying below high water and within 200 yards of any part of the works and those limits are in this Order called “the limits of this Order.”

Limits of
Order.

Incorporation and Constitution of Trustees.

5. For the purpose of carrying this Order into execution there shall be a body of Trustees not exceeding seven in number to be constituted as by this Order provided and those Trustees are hereby incorporated by the name of “the Avoch Harbour Trustees” and by that name shall be a body corporate with perpetual succession and a common seal and have power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

Incorporation
of Trustees.

6. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers or other

Incorporation
of Commis-
sioners Clauses
Act.

A. D. 1903.

Avoch.

First Trustees
named.

like class of electors and except as expressly varied by or inconsistent with this Order.

7.—(1) The following seven persons shall be the first Trustees:—

James Douglas Fletcher Esquire of Rosehaugh in the county of Ross and Cromarty;

John Henderson factor for Rosehaugh Fortrose;

The Reverend Alfred Morrison Philip minister of the parish of Avoch;

The Reverend Thomas Kerr Congregational minister Avoch;

Donald McLeman coal merchant Avoch;

Donald Sutherland fisherman John Street Avoch;

George Jack fisherman 33 High Street Avoch.

(2) The first Trustees shall come into office at the expiration of fourteen days after the commencement of this Order and shall go out of office on the third Friday of December one thousand nine hundred and five.

Constitution of
Trustees.

8.—(1) As on and from the third Friday of December one thousand nine hundred and five there shall be three nominated Trustees and four elected Trustees.

(2) Three Trustees (in this Order called "Rosehaugh Trustees") shall be nominated by the proprietor.

(3) The following persons (herein-after called "the electors") are hereby constituted an elective body for the purposes of this Order and shall elect four Trustees (in this Order called "Elective Trustees") in manner by this Order provided viz.—

All persons resident for the time being within the parish of Avoch who are owners or part owners of fishing vessels or boats using the harbour and all persons resident for the time being within the parish of Avoch who are owners or part owners of vessels not being fishing vessels in respect of which not less than five pounds of harbour rates shall have been paid during the twelve months immediately preceding the first day of November one thousand nine hundred and five and the first day of November in every third year thereafter and all traders and other persons resident for the time being in the same parish who have paid not less than five pounds in respect of harbour rates during the same period of twelve months.

Nomination of
Rosehaugh
Trustees.

9.—(1) Not later than the first Friday in December one thousand nine hundred and five and not later than the first Friday in December in every third year thereafter the proprietor shall by notice in writing addressed to and deposited with the sheriff clerk for the county of Ross and Cromarty at Dingwall nominate three persons being of the age of twenty-one years or upwards to be Trustees and the nomination may include the nominator as one of the three persons so nominated and the Trustees so nominated shall come into office on the third Friday of December one thousand nine hundred and five and shall go out of office on the third Friday of December one thousand nine hundred and eight and so from time to time at the expiration of each successive period of three years.

(2) In the event of any Trustee nominated by the proprietor refusing to accept office dying resigning or becoming disqualified or incompetent to act

as or ceasing to be a Trustee from any other cause than that of going out of office in regular course the proprietor shall within one month after receiving notice from the clerk to the Trustees of the vacancy by notice in writing addressed to the clerk of the Trustees nominate another person to fill the vacancy and the person so nominated shall continue in office for the same period as the person in whose place he is nominated would in ordinary course have continued and shall go out of office at the same time but shall be eligible to be re-nominated.

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Avoch.

(3) In case the proprietor shall be incapacitated by reason of minority lunacy or unsoundness of mind from exercising the power of nomination by this section conferred on the proprietor all such powers shall during such incapacity be exercised by his tutor guardian or curator as the case may be.

(4) If the proprietor or the person for the time being exercising the powers of the proprietor during his incapacity shall at any time or from time to time fail to nominate Trustees or a Trustee in accordance with this section the sheriff shall upon the application of the other Trustees nominate Trustees or a Trustee to fill the vacancies or vacancy in the Rosehaugh Trustees and the persons or person so nominated shall continue in office for the same period as the persons or person in whose place they or he are or is nominated would in the ordinary course have continued and shall go out of office at the same time but shall be eligible to be re-nominated.

10. The first election of Elective Trustees shall take place on the first Friday in December one thousand nine hundred and five and all future elections shall take place on the first Friday in December in every third year thereafter and the Trustees so elected at the first election shall come into office on the third Friday in December one thousand nine hundred and five and shall go out of office on the third Friday in December one thousand nine hundred and eight when the Trustees elected in their room shall come into office and so on in every third year thereafter.

Provisions for
election of
future Trustees.

11.—(1) The electors whose names appear on the election roll hereinafter provided for shall alone be qualified to vote at the election of Trustees.

Mode of elect-
ing Trustees.

(2) The election of Trustees shall take place at a meeting of the electors to be held at a convenient place within the parish of Avoch to be specified by the Trustees.

(3) The Trustees shall cause the hour and place of such meeting to be made public not less than seven clear days before such meeting by affixing notices written or printed to the door of every church or place of public worship at Avoch or on such other conspicuous place in Avoch as the Trustees may direct.

(4) The election at such meeting shall be by a show of hands.

(5) Every candidate for the office of Elective Trustee shall be proposed at such meeting by two electors and only male persons bonâ fide resident in the parish of Avoch and being of the age of twenty-one years or upwards shall be eligible for the office of Elective Trustee If four persons only are

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Avoch.

proposed as candidates the chairman shall declare them elected without taking a show of hands.

(6) The chairman of the Trustees or in his absence such one of the Trustees as shall be nominated for that purpose by the chairman or if no Trustee be present then a person to be elected at the meeting shall act as chairman of the meetings of the electors and shall declare the number of votes given by show of hands to each candidate and in case his decision is challenged shall cause the number of votes for each candidate to be ascertained by a poll.

(7) At each and every election at which a poll is taken every elector shall be entitled to four votes and may distribute them among the candidates as he may think fit but in no case shall he be entitled to give more than one vote to any one candidate.

(8) The four candidates having the greatest number of votes at any contested election shall be elected and in every case of equality the chairman of the meeting shall have a casting vote in addition to the vote (if any) to which he may be entitled as an elector.

(9) Any question or dispute regarding the election of a candidate shall be determined at the meeting by the chairman of the meeting whose decision shall be final.

(10) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct.

(11) The result of the poll shall be declared by the chairman of the meeting and his declaration shall be final and unimpeachable.

(12) The chairman of the meeting shall report in writing to the Trustees and to the sheriff clerk at Dingwall the names of the persons elected as Trustees.

(13) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Trustees.

Roll of electors
to be prepared
and publicly
exhibited.

12. The Trustees shall before the first day of November one thousand nine hundred and five and before the first day of November in every third year thereafter cause to be prepared a roll of the electors entitled to vote at the election of Trustees which list shall be publicly exhibited in manner herein-before provided with regard to notice of meetings of the electors for election of trustees on and after the first day of November one thousand nine hundred and five and on and after the first day of November in every third year thereafter until the next succeeding election of Trustees and any elector whose name does not appear in the said roll but who claims enrolment shall within ten days after publication of the said roll lodge his claim with the clerk or chairman of the Trustees in writing and produce such evidence as the Trustees think sufficient to substantiate his claim and upon production of such evidence the Trustees may order his name to be added to the roll Any such additions must be made prior to the first day of December following the publication of the said roll.

13.—(1) A retiring Trustee may be re-elected.

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(2) The quorum for a meeting of Trustees shall be three.

Avoch.

(3) A Trustee may resign office at any time by giving notice in writing of his resignation to the Trustees or their clerk and in the case of a Rosehaugh Trustee by giving notice in writing also to the proprietor.

Re-election
quorum and
resignation.

14.—(1) In the event of a casual vacancy occurring in the office of Elective Trustee by reason of death resignation failure to make a valid election or otherwise from any cause other than retirement from office in the regular course the other Trustees shall as soon as may be thereafter at a meeting of the Trustees elect a person qualified as aforesaid to fill the vacancy and the Trustee so elected shall continue in office for the same period and retire from office at the same time as the person whose vacancy he fills would in ordinary course have continued in or retired from office but shall be eligible for re-election.

Casual vacan-
cies among
Elective
Trustees.

(2) In case of an equality of votes at any such election the chairman for the time being of the Trustees shall have a second or casting vote.

15.—(1) The Trustees may act notwithstanding any vacancy in their body but if the number of the Trustees is reduced below five they shall act only for the purpose of causing vacancies in their body to be filled up.

Validity of acts
of Trustees.

(2) Every act of the Trustees or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

16.—(1) The Trustees need not hold monthly meetings but they may hold meetings at any time and place they think fit.

Meetings.

(2) The Trustees shall hold at least two meetings in every year.

(3) The first meeting of the Trustees shall be held on the third Wednesday after the commencement of this Order at twelve o'clock noon at the office of the Trustees or other convenient place within the village of Avoch.

(4) The annual meeting of the Trustees shall be held at such time and place in the parish of Avoch in the last week of November as may be fixed by the Trustees.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(6) The clerk to the Trustees on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any two of the Trustees shall cause a special meeting to be called within forty-eight hours and to be held within seven days after the receipt of such requisition.

(7) Two shall form a quorum for any committee of the Trustees.

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Acquisition of Lands.

Avoch.
Power to
Trustees to
acquire existing
harbour.
Transfer of
existing
harbour.

17. The Trustees may by agreement acquire or may accept a transfer of the existing harbour of Avoch and the piers buildings works lands and conveniences connected therewith belonging to the proprietor and as from the date of the completion of the transfer of the said existing harbour and the piers buildings works lands and conveniences connected therewith to the Trustees the same shall be held and used by the Trustees for the purposes and according to the provisions of this Order.

Power to take
lands by agree-
ment.

18. For the purposes of the works authorised by this Order the Trustees may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited with reference to this Order as they may think requisite for the purposes of those works.

Lands for
extraordinary
purposes.

19. The Trustees may (in addition to the lands by the two last preceding sections authorised to be acquired or taken by them under this Order) by agreement purchase feu lease acquire and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Trustees from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Owners may
grant servi-
tudes &c.

20. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (herein-after called "the Lands Clauses Acts") to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Incorporation
of Lands
Clauses Acts.

21. The Lands Clauses Acts (except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) shall be incorporated with this Order.

Works.

Power to
construct and
maintain works
&c.

22. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plans and sections deposited with reference to this Order as the Board of Trade may require from time to time before completion of the works the Trustees may on the lands and in the lines and situations and according to the levels and within the limits of deviation shown on the deposited plans and sections execute and maintain the works authorised by this Order.

Description of
works.

23. The works authorised by this Order comprise—

- (1) A pier commencing with a connexion with the existing pier at or near the south-west corner thereof and extending seaward in the

direction of south fifty degrees east for a distance of one hundred and eighty feet or thereabouts and thence in the direction of east fifteen degrees north for a distance of one hundred and fifty-five feet or thereabouts and there terminating in the sea. The said pier is to be a solid structure throughout :

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Avoch.

- (2) A breakwater commencing at the retaining wall of the public road from Avoch to Fortrose at or near high-water mark of spring tides at a point four hundred feet or thereabouts in the direction of east thirty-four degrees north from the landward end of the pier forming the west side of the existing harbour thence extending seaward in the direction of south twenty-seven and a half degrees east for a distance of one hundred and ninety feet or thereabouts thence in the direction of south two degrees east for a distance of one hundred and forty-five feet or thereabouts and thence in the direction of south thirty-three and a half degrees west for a distance of one hundred feet or thereabouts and there terminating in the sea. The said breakwater will be a solid structure throughout or partly a solid structure and partly of timber piling and framework.

24. The Trustees may with the consent of the Board of Trade in writing deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to deviate.

25.—(1) Subject to the provisions of this Order the Trustees may from time to time construct and maintain and with the consent of the Board of Trade alter improve and extend the works and may in connexion with the works construct maintain alter and improve embankments landing places piers quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the harbour works and land connected therewith and may take down or remove portions of the existing pier and works.

Power to maintain and improve works.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

26.—(1) The Trustees may within the limits of this Order deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the works for vessels using the same.

Dredging.

(2) All sand mud and materials dredged up under the powers contained in the preceding subsection shall be the property of the Trustees who may from time to time sell or otherwise dispose of the same or remove or deposit the same within the harbour. Provided that no sand mud or other material

A.D. 1903. shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Avoch.

Power to construct warehouses &c.

27. The Trustees may subject to the provisions of this Order purchase construct and maintain or take on lease any houses warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connexion with the harbour and the works for the accommodation of vessels using the harbour and the traffic landed at or embarked from the works and the convenient handling thereof.

Power to Trustees to purchase or hire dredgers and apparatus.

28. The Trustees may for the purposes of the harbour and the works from time to time provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money thereby realised shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Consent of Board of Trade to works.

29. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in accordance with such consent.

Penalty for obstructing works.

30. If any person wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works by this Order authorised or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or defaces or destroys the said works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Rates.

Power to levy rates.

31. When in addition to the certificate to be granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required by this Order or otherwise necessary to the due construction of the harbour works have been given the Trustees may subject and according to the provisions of this Order demand recover and receive for the use of the harbour and the works and in respect of vessels boats goods animals fish persons and things and also in respect of services rendered described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned.

Rates may be levied though works incomplete.

32. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Trustees that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking or shipping of passengers animals or goods by means of such works the Trustees may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847

and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

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Avoch.

33.—(1) The master or owner of every vessel or boat with a take or cargo of fish shall on the arrival of the vessel in the harbour furnish to the collector of rates a true and correct statement of his take or cargo of fish and the name of any person obtaining delivery thereof.

Masters of fishing boats to report take of fish.

(2) If the master or owner of a vessel fails to comply with this section he shall be liable for each offence to a penalty not exceeding ten pounds.

34. The harbour-master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which or of the goods imported or exported therein any rates or dues are payable until evidence shall have been produced to him of the payment of such rates or dues to the collector of rates and in the case of a vessel or boat with a take or cargo of fish until the master or owner of the vessel or boat has given in a statement of his take or cargo of fish in accordance with this Order.

Harbour-master may prevent sailing of vessels.

35. The Trustees may from time to time confer vary or extinguish exemptions from and compound with any person or persons with respect to the payment of rates or dues authorised by this Order but so that no preference be in any case given to any person over any other person using the harbour under like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Powers to vary exemptions from and compound for rates.

36. The Trustees may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings yards beaching grounds for boats weighing machines cranes works and conveniences belonging to or provided by the Trustees for the use of which rates are not specifically fixed in the schedule to this Order.

Rates for use of warehouses &c.

37. The rates and charges payable for or in respect of the use of steam or other tugs provided maintained or let by the Trustees shall be paid by the owner master consignee or other person having charge of the vessel obtaining the assistance of the tug to the Trustees or their lessee and those rates and charges shall be due and payable whether the tug shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having command of the tug.

Charges for use of tugs.

38. If and so long as the Trustees shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charges not exceeding the rate specified in the schedule to this Order for pure and wholesome water supplied by them.

Rates for water.

39. The Trustees may supply and remove ballast for the accommodation of vessels within the harbour or permit the master or owner of any vessel

Ballast for vessels.

A.D. 1903.

Avoch.

within the harbour to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Trustees of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order.

Revision of rates.

40.—(1) The rates to be levied by the Trustees for the time being under this Order shall be adjusted by the Trustees within the maximum rates specified in the schedule to this Order in such a manner that so far as possible the income of the harbour shall not for the time being be more than is sufficient for the purposes of this Order.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the harbour on the average of the three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums specified in the schedule to this Order.

Extension of 10 & 11 Vict. c. 27 (ss. 28 99) to all Government departments.

41. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Certain fishing vessels under stress of weather exempt from rates.

42. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crews.

43. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of a lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the harbour works without payment.

Power to lease rates.

44. The Trustees may from time to time lease the rates authorised by this Order for any period not exceeding seven years from the date of the lease and for such rent and consideration and on such terms and conditions as they may think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are made subject under this Order.

Partial incorporation of Harbours and Passing Tolls Act 1861 24 & 25 Vict. c. 47.

45. Part V. of the Harbours and Passing Tolls Act 1861 shall be incorporated with this Order.

Life-Saving Apparatus.

A.D. 1903.

Avoch.

46.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Portions of
Harbours &c.
Clauses Act
excepted.

(2) The Trustees shall at their own expense whenever required by the Board of Trade provide to the satisfaction of the Board of Trade a site in or near the harbour and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Trustees shall fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

47. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time and without payment attach or cause to be attached to any part of the harbour or the works spars and other apparatus for saving life and may also either in course of using or exercising the apparatus for saving life fire rockets over such works or the harbour.

Apparatus for
saving life may
be attached to
pier.

48. The Trustees shall at all times keep in convenient places and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and life lines in good order and fit and ready for use.

Lifebuoys &c.

Finance.

49. The Trustees may from time to time borrow at interest not exceeding five per cent. per annum such money as may be required for the purposes of this Order not exceeding in the whole the sum of eight thousand pounds on the security of the rates dues and charges authorised by this Order or they may accept and take from any bank or banking company credit to such amount as they may deem expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of eight thousand pounds on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland but so that the whole sums owing by the Trustees on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of eight thousand pounds exclusive of interest and the Trustees may subject to the provisions of this Order convey and assign the rates dues and charges authorised by this Order in security for the repayment of the sum or sums so borrowed or of the sums advanced on such cash account with interest thereon respectively and may grant mortgages or bonds and assignations in security in the forms contained in the Commissioners Clauses Act 1847 incorporated with this Order or otherwise and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund may be re-borrowed from time to time if required for the purposes of this Order.

Power to
borrow.

A.D. 1903.

Avoch.
Lenders'
protection.

50. Any person advancing money to the Trustees shall not be bound to require any further or other evidence as to the power of the Trustees to borrow the money advanced by him than such as is afforded—

- (a) by a certificate signed by the clerk of the Trustees and countersigned by at least two of the Trustees that the Trustees are not exceeding the power of borrowing conferred on them by the last preceding section; and
- (b) by the production of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Trustees.

Application of
money bor-
rowed.

51. All money borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable and not otherwise.

Appointment
of judicial
factor.

52.—(1) The mortgagees of the Trustees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five hundred pounds in the whole.

(3) In sections 86 and 87 of the Commissioners Clauses Act 1847 as incorporated with this Order the expression "receiver" shall mean judicial factor.

Sinking fund.

53. The Trustees shall every year appropriate and set apart out of the surplus income (if any) of the harbour such a sum as will be sufficient to pay off the whole of the principal moneys borrowed under this Order within forty years after the date when those moneys are respectively borrowed.

Contingency
fund.

54. The Trustees may if they think fit form and maintain a contingency fund not exceeding in amount for the time being the sum of two thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or the works or the buildings or conveniences connected therewith and for that purpose may appropriate and set apart (subject to the provisions of this Order as to the application of revenue) any amount which they think fit in any year and shall deposit in some joint stock bank of issue in Scotland or invest that amount in any security in which Trustees are by law authorised to invest trust money and accumulate the resulting income therefrom in the way of compound interest until required for any of the aforesaid purposes.

Annual state-
ment need not
be printed.

55. It shall not be obligatory on the Trustees under section 90 of the Commissioners Clauses Act 1847 as incorporated with this Order to cause the statement and accounts therein mentioned to be printed and notwithstanding anything in the said Act the same person may be both clerk and treasurer to the Trustees.

56. The Trustees shall apply all money received by them from the rates dues and charges authorised by this Order for the purposes and in the order following (that is to say):—

- (1) In paying the costs of and connected with the preparation obtaining and making of this Order ;
- (2) In paying any feu duties and rents payable in respect of the lands and property belonging and leased to the Trustees and the expenses of the maintenance management and regulation of the harbour and the works and of the lands and property connected therewith ;
- (3) In paying year by year the interest on any money borrowed and in payment of the instalments as they become due in discharge of any money borrowed and repayable by instalments ;
- (4) In creating a sinking fund in manner specified in this Order ;
- (5) In creating (if they think fit) a contingency fund in manner specified in this Order ;
- (6) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Trustees in the improvement of the harbour and the works and conveniences connected therewith.

A.D. 1903.

*Avoch.*Application of
revenue.

57.—(1) The Board of Trade unless they see special reason to the contrary shall appoint a person to be permanent auditor to examine and audit the accounts of the Trustees and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Trustees out of the rates or other income received by them under this Order.

Auditor.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon unless they see special reason to the contrary shall appoint another person as auditor.

(3) The Trustees shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Trustees refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they refuse or neglect so to comply.

58. The Trustees shall within one month after sending to the sheriff-clerk the copy of their annual account in abstract (which account is to be made up to the end of the day on the thirty-first day of March in each year) send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. If the Trustees refuse or neglect to comply with the provisions of this section they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Accounts.

Lights.

59.—(1) Before commencing the works authorised by this Order the Trustees shall apply to the Board of Trade for directions as to the lights to be

As to lights
during con-
struction of
works.

A.D. 1903.

Avoch.

exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2) The Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights
after comple-
tion of works.

60.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Trustees shall exhibit at the outer extremity of the pier or the completed portion thereof or in such other place as may be required for all or any part of the time from sunset to sunrise according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

Provisions
against danger
to navigation.

61.—(1) In case of injury to or destruction or decay of the works the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

*Miscellaneous.*Vessels not to
anchor within
certain limits.

62. No vessel or boat shall anchor within the harbour without the consent of the Trustees or the harbour master.

Meters and
weighers.

63. The Trustees shall have the appointment of meters and weighers within the harbour limits.

Byelaws.

64.—(1) The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour and the beaching of boats and for the providing and disposal of ballast and for the regulation of the fishermen and other persons using the harbour and the works and of goods and traffic embarked or disembarked loaded or unloaded at the works or within the harbour or on any land or property belonging to the Trustees and used for the purposes authorised by this Order.

(2) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of a breach or non-observance of any of the byelaws.

(3) No byelaw under this section or under the enactments incorporated with this Order shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. A.D. 1903.

65.—(1) If within two years after the commencement of this Order the works authorised by this Order shall not be substantially commenced the powers by this Order given for executing those works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade. Avoch.
Powers to
cease.

(2) If the works authorised by this Order after having been substantially commenced shall be virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

66. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act. Penalties.

67. The Trustees shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. Trustees to be a
local lighthouse
authority.

68. Nothing herein contained shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty. Saving rights
of Crown.

69. The Avoch Harbour Order 1894 is hereby repealed. Repeal of Avoch
Harbour Order
1894.

70. All the costs charges and expenses of and incidental to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees out of the funds at their disposal as such Trustees. Costs of Order.

71. The harbour and the works shall be deemed to be for all purposes within the parish of Avoch in the county of Ross and Cromarty. Works to be
in parish of
Avoch.

A.D. 1903.

Avoch.

The SCHEDULE to which the foregoing Order refers.

I.—RATES FOR VESSELS (OTHER THAN FISHING VESSELS) ENTERING OR USING THE HARBOUR EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.
(1) Vessels loading or discharging in the harbour per register ton	0	0	4
(2) Pleasure yachts not carrying goods or passengers for hire per register ton	0	0	3
(3) Vessels entering the harbour for safety or windbound and not loading or discharging any goods or cargo per register ton ...	0	0	2

Vessels remaining in the harbour beyond one month shall be liable to pay the above rates for every month or part of a month after the first month during which they remain in the harbour.

II.—RATES ON BOATS AND OTHER FISHING VESSELS ENTERING OR USING THE HARBOUR OR THE HARBOUR WORKS EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.
(1) For each fishing boat or vessel loading or discharging herrings or other fish on entering the harbour each time—			
If above thirty-five feet in keel	0	2	6
If above twenty feet and under thirty-five feet in keel ...	0	2	0
If under twenty feet in keel	0	1	0
(2) For each fishing boat or vessel remaining or beached within the harbour after the expiration of two weeks from the date of arrival—			

For each week or part of a week in addition to the rates payable on arrival—

If above thirty-five feet in keel	0	4	0
If above twenty feet and under thirty-five feet in keel...	0	2	6
If under twenty feet in keel	0	1	0

Note.—The above rates for any one year may be compounded for by payment to the Trustees of the following sums—

In the case of fishing boats or vessels above thirty-five feet in keel	2	0	0
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[3 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 5) Act, 1903.

[Ch. cxxxii.]

	£	s.	d.	A.D. 1903
In the case of fishing boats or vessels above twenty feet and under thirty-five feet in keel	1	0	0	<u>Avoch.</u>
In the case of fishing boats or vessels under twenty feet in keel	0	10	0	
(3) For each fishing boat or vessel loading or discharging any other cargo than fish on entering the harbour each time—				
If under thirty tons register	0	3	0	
If thirty tons register or above same as other trading vessels.				
(4) For each fishing boat or vessel coming into the harbour for safety or windbound or for any other purpose and not paying rates as above each time—				
If under thirty tons register	0	1	0	
If thirty tons register or above	0	2	6	
If fifty tons register or above same as trading vessels.				
(5) For each fishing boat or vessel fitting out for or returning from other fishing stations and not paying rates as above including rates on furniture each time				
	0	2	6	

**III.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPPED IN THE
HARBOUR OR AT THE HARBOUR WORKS.**

Description of Goods.	Quantity.	Rate.
A.		
Ale and beer - - - - -	per 54 gallons - - - - -	s. d. 0 6
„ „ in bottles - - - - -	per ton - - - - -	2 6
Alkali - - - - -	per ton - - - - -	1 6
Alum - - - - -	per ton - - - - -	1 6
Ammonia water - - - - -	per ton - - - - -	1 0
Anchors - - - - -	per ton - - - - -	5 0
Animalised carbon - - - - -	per ton - - - - -	1 0
Ashes viz. :—		
Pot and pearl - - - - -	per ton - - - - -	2 0
Weed - - - - -	per ton - - - - -	1 0
Asphalte or bitumen - - - - -	per ton - - - - -	1 0
Aerated water all kinds - - - - -	per ton - - - - -	1 8

A.D. 1903.

Avoch.

Description of Goods.	Quantity.	Rate.
B.		
		s. d.
Bacon	per ton	1 6
Ballast	per ton	0 2
Barilla	per ton	1 6
Bark	per ton	1 8
Barley hulled	per ton	1 6
Barrels empty herring	each	0 1
Barytes	per ton	1 6
Baskets under 12 inches diameter	per dozen	0 6
" above " "	per dozen	1 0
Basket rods	per cwt.	0 2
Beef fresh and salted	per ton	2 0
Beer spruce or black	per 3 gallons	0 1
Biscuits	per ton	2 0
Blacking	per ton	2 0
Bleaching salts and powder	per ton	1 6
Blood of cattle	per ton	1 0
Blubber	per 250 gallons	3 0
Boats viz. :—		
12 to 14 feet keel	each	2 6
14 to 16 "	each	3 0
16 to 18	each	3 6
18 to 20 "	each	4 0
20 and above	each	5 0
Cobbles viz. :—		
12 to 14 feet long	each	2 0
14 to 16 "	each	2 6
16 to 18 "	each	3 0
18 to 20 "	each	3 6
Other cobbles in proportion.		
Bones of cattle bone ash and bone meal	per ton	1 0
" " ground	per ton or 48 bushels	1 0
Books and stationery	per cwt.	0 4
Boots and shoes	per cwt.	0 2
Bottles	per ton	2 0
" broken and cullet	per ton	0 4
Boxes empty salmon	each	0 1
Bran pollard and sharps	per ton	1 0
Brass	per ton	2 0
Bricks common fireclay and Bath	per ton	0 6
Brimstone	per ton	1 6
Butter	per cwt.	0 2
C.		
Calamine or zinc ore	per ton	1 0
Candles	per ton	2 0
Cane reeds	per ton	2 0
Carpets rugs and upholstery articles	per ton	2 6
Carriages with springs viz. :—		
Under 5 cwt.	each	2 6
5 cwt. and under 7½ cwt.	each	5 0
7½ cwt. and under 10 cwt.	each	7 6
10 cwt. and above	each	10 0

Description of Goods.	Quantity.	Rate.		A.D. 1903.
		s.	d.	<i>Avoch.</i>
Carrots - - - - -	per ton	1	0	
Carts and waggons with or without springs	per ton	2	6	
Casks boxes sacks and kits empty	per ton	2	6	
Cattle and live animals:—				
Asses and mules - - - - -	each	1	0	
Bulls cows and oxen - - - - -	each	1	0	
Calves - - - - -	each	0	3	
Sheep - - - - -	each	0	2	
Lambs - - - - -	each	0	1	
Goats - - - - -	each	0	1	
Horses - - - - -	each	1	0	
Horses and cattle (Orkney or Shetland breed)	each	0	6	
Ponies under 12 hands high	each	0	6	
Pigs - - - - -	each	0	3	
Dogs and foxes - - - - -	each	0	6	
Cement - - - - -	per ton	2	6	
Chalk - - - - -	per ton	0	9	
Charcoal and charcoal blacking	per ton	2	0	
Cheese - - - - -	per ton	2	0	
Chestnuts - - - - -	per ton	2	0	
Chimney tops or cans (clay)	each	0	1	
China - - - - -	per ton	2	0	
Chocolate - - - - -	per cwt.	1	0	
Chrome ore - - - - -	per ton	1	0	
Cider - - - - -	per gallon	0	0 $\frac{1}{4}$	
Clay viz.:—				
China or stone clay - - - - -	per ton	0	9	
Fire clay and loam clay - - - - -	per ton	0	6	
Pipe clay - - - - -	per ton	1	0	
Clocks - - - - -	each	0	6	
Clothing haberdashery and silk mercery	per ton	2	0	
Clover seeds - - - - -	per ton	1	0	
Coals - - - - -	per ton	0	6	
Coal dust or cinders - - - - -	per ton	0	4	
Cocoa - - - - -	per ton	2	0	
Coffee - - - - -	per ton	2	0	
Coke - - - - -	per ton	0	10	
Cochineal - - - - -	per cwt.	0	6	
Confections - - - - -	per cwt.	0	2	
Copper viz.:—				
Bars rods sheets and nails - - - - -	per ton	1	0	
Utensils for distilleries and other purposes	per ton	2	6	
Old - - - - -	per ton	2	0	
Ore - - - - -	per ton	1	0	
Copperas - - - - -	per ton	1	6	
Coprolites - - - - -	per ton	0	9	
Coral - - - - -	per cwt.	1	0	
Cordage and wire rope - - - - -	per ton	1	6	
Corks and corkwood - - - - -	per ton	2	0	
Corn viz.:—				
Barley or bere malt oats wheat rye beans peas and maize - - - - -	per ton	1	3	
Cotton seed - - - - -	per ton	1	0	
" wool - - - - -	per ton	2	0	

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Description of Goods.	Quantity.	Rate.
		s. d.
Cotton manufactured - - - - -	per ton - - - - -	3 0
Crystal - - - - -	per ton - - - - -	2 0
Currants raisins and dried fruits - - - - -	per ton - - - - -	1 9
Cutch and gambia - - - - -	per ton - - - - -	1 0
D.		
Drugs medicines and medicinal oils - - - - -	per cwt. - - - - -	0 4
Dung - - - - -	per ton - - - - -	0 4
E.		
Earthenware - - - - -	per ton - - - - -	2 0
" pipes glazed - - - - -	per ton - - - - -	1 0
Eggs - - - - -	per cwt. - - - - -	0 3
Esparto grass - - - - -	per ton - - - - -	1 0
F.		
Feathers - - - - -	per ton - - - - -	5 0
Felt - - - - -	per ton - - - - -	2 0
Fire-clay retorts flue covers quarls vent linings and other manufactures of fire-clay except bricks - - - - -	per ton - - - - -	1 0
Fish salted - - - - -	per cwt. - - - - -	0 2
" dry - - - - -	per cwt. - - - - -	0 3
" fresh haddocks cod ling and all fish not enumerated - - - - -	per cwt. - - - - -	0 2
Flax - - - - -	per ton - - - - -	2 0
" cordilla - - - - -	per ton - - - - -	1 6
" manufactured - - - - -	per ton - - - - -	2 6
Flint for potters - - - - -	per ton - - - - -	0 6
Flour - - - - -	per ton - - - - -	1 4
Fruit - - - - -	per ton - - - - -	2 0
Furniture - - - - -	per ton - - - - -	2 6
G.		
Game :—		
Hares - - - - -	each - - - - -	0 2
Rabbits - - - - -	each - - - - -	0 1
All others - - - - -	each - - - - -	0 2
Gelatine of scrows - - - - -	per ton - - - - -	2 0
Ginger - - - - -	per ton - - - - -	2 3
Glass window and plate - - - - -	per ton - - - - -	2 0
Grates stoves &c. - - - - -	per cwt. - - - - -	0 2
Grease - - - - -	per ton - - - - -	1 0
Groceries all kinds not otherwise enumerated - - - - -	per cwt. - - - - -	0 2
Guano - - - - -	per ton - - - - -	1 0
Gunpowder dynamite and other explosives - - - - -	per cwt. - - - - -	0 3
Gypsum ground - - - - -	per ton - - - - -	1 0
" unground - - - - -	per ton - - - - -	0 6

Description of Goods.	Quantity.	Rate.		A.D. 1903.
		s.	d.	Avoch.
H.				
Hair dry wet or plaster	per ton	2	0	
Hams	per ton	2	0	
Hardware	per cwt.	0	2	
Hats	each	0	0½	
Hay	per ton	1	8	
Hemp	per ton	2	0	
" dressed	per ton	2	0	
" cordilla	per ton	1	0	
Herrings viz. :—				
Fresh direct from sea	per 37½ gallons	0	2	
" (cured) exported	per 26⅔ gallons	0	2	
" cured or partially cured	per 37½ gallons	0	2	
" smoked partially smoked or preserved in bulk or in boxes	per ton	1	6	
Hides and skins raw and undressed	per ton	2	0	
Hoofs	per ton	2	0	
Hoops of wood	per 120	0	0½	
Hops	per cwt.	0	2	
Horns	per ton	2	6	
Horn tips sloughs shavings and waste	per ton	1	0	
Husbandry implements viz. :—				
Ploughs	each	0	9	
Harrows	per pair	0	9	
Wheelbarrows	each	0	4	
Other implements	per ton	2	6	
I.				
Ice	per ton	1	6	
Iron viz. :—				
Bar bolt angle rod plate sheet hoop nails and wire	per ton	1	0	
Forged ironwork and machinery	per ton	1	6	
Steam boilers whole or in pieces	per ton	2	0	
Grates stoves and tinned work pots and other hollow cast-iron work	per ton	1	6	
All other castings	per ton	1	6	
Rust	per ton	1	6	
Pig	per ton	0	6	
Old	per ton	0	6	
Ore	per ton	0	2	
J.				
Junk	per ton	1	0	
Jute	per ton	1	0	
" manufactured	per ton	2	6	
K.				
Kelp	per ton	1	0	

A.D. 1903.
Avoch.

Description of Goods.	Quantity.	Rate.
		s. d.
Paper - - - - -	per cwt. - - -	0 2
„ shavings - - - - -	per ton - - -	1 0
Paraffin oil and petroleum - - - - -	per ton - - -	1 3
Paste or mill boards - - - - -	per ton - - -	2 6
Pearl harding - - - - -	per ton - - -	1 6
Peats - - - - -	per ton - - -	0 6
Pepper and pimento - - - - -	per ton - - -	2 3
Pewter - - - - -	per ton - - -	2 0
Phosphates manufactured - - - - -	per ton - - -	1 0
Pictures viz. :—		
Under two feet square - - - - -	each - - -	0 4
Two feet and under four feet square - - - - -	each - - -	0 9
Four feet square and upwards - - - - -	each - - -	1 6
Pipes drain viz. :—		
Under three inches diameter - - - - -	per 1,000 - - -	0 6
Above „ „ „ - - - - -	per 1,000 - - -	0 9
All others - - - - -	per 1,000 - - -	0 9
Pipes tobacco - - - - -	per cwt. - - -	0 1
Pitch - - - - -	per ton - - -	2 0
Pitch oil - - - - -	per cwt. - - -	0 2
Plants trees and shrubs - - - - -	per ton - - -	2 0
Plaster of Paris - - - - -	per ton - - -	1 6
Pork (fresh and salted) - - - - -	per ton - - -	2 0
Porter - - - - -	per 54 gallons - - -	0 6
„ in bottles - - - - -	per ton - - -	2 6
Potatoes - - - - -	per ton - - -	0 6
Poultry all kinds - - - - -	each - - -	0 1
Preserved provisions - - - - -	per cwt. - - -	0 2
Pumice stones - - - - -	per ton - - -	2 6
Pyrites - - - - -	per ton - - -	0 6
„ burnt or spent - - - - -	per ton - - -	0 3
R.		
Rags - - - - -	per ton - - -	1 0
Rails composite or steel and iron - - - - -	per ton - - -	1 0
Rapeseed and rubenseed - - - - -	per ton - - -	1 0
Rice - - - - -	per cwt. - - -	0 2
Ropes all kinds - - - - -	per ton - - -	2 0
Rosin - - - - -	per ton - - -	1 6
Rye grass seeds - - - - -	per ton - - -	1 0
S.		
Saddlery articles - - - - -	per cwt. - - -	0 3
Sago - - - - -	per cwt. - - -	0 1
Sailcloth - - - - -	per ton - - -	2 0
Salmon - - - - -	per ton - - -	2 0
Saltpetre refined - - - - -	per ton - - -	2 0
Salt rock and white - - - - -	per ton - - -	0 9
„ in barrels (barrels included) - - - - -	per 26 $\frac{2}{3}$ gallons - - -	0 2
Salts muriates nitrates sulphates saltpetre and other salts for manures not otherwise enumerated - - - - -	per ton - - -	1 0
Sand - - - - -	per ton - - -	0 4

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Avoch.

Description of Goods.	Quantity.	Rate.
Scrows of hides viz. :—		s. d.
Dry	per ton	2 0
Wet	per ton	1 0
Scythes	per ton	2 6
Sealskins	per score	0 4
Seeds not otherwise enumerated	per ton	2 0
Shakes of casks of 84 gallons capacity	each	0 2
Others in proportion.		
Sheepskins with wool	per cwt.	0 3
" pelts	per cwt.	0 2
Sheffield and Birmingham wares	per ton	2 6
Shumac	per ton	2 6
Sids or oak husks	per ton	0 6
Skins not otherwise enumerated	per ton	2 0
Slates	per ton	0 10
Slate slabs	per ton	1 6
Smalts and ultramarine	per ton	2 6
Snuff	per cwt.	0 2
Soap	per ton	1 6
Soda and soda ash	per ton	1 0
Soot	per ton	0 6
Spades and shovels	per dozen	0 1
Spanish and Italian juice	per ton	2 3
Spirits	per gallon	0 0½
Starch	per cwt.	0 3
Steel	per ton	1 6
Stones viz. :—		
Carriageway granite	per ton	0 2
Kerb pavement and building	per ton	0 5
Rubble and chips	per ton	0 2
Road metal	per ton	0 2
Freestone building	per ton	0 5
Rigging stones	per ton	1 6
Millstones grindstones and scythe stones	per ton	1 6
Marble stones	per ton	2 6
Flagstones Turin or Caithness	per ton	0 9
Polished granite stones	per ton	1 6
All other description of stones	per ton	1 0
Stoneware	per cwt.	0 2
Straw	per ton	1 8
Stucco	per ton	1 0
Sugar raw	per ton	1 6
" refined	per ton	2 0
T.		
Tallow and paraffin wax	per ton	2 0
Tanners' waste	per ton	0 9
Tar	per 31½ gallons	0 2
Tares	per ton	1 6
Tea	per cwt.	0 3
Terra alba or sulphate of lime	per ton	1 0
Tiles	per 1,000	1 0
Tin	per ton	2 0
" plates	per ton	2 0
Tobacco	per cwt.	0 2

[3 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 5) Act, 1903.

[Ch. cxxxii.]

A.D. 1903.

Description of Goods.	Quantity.	Rate.
s. d.		
Tongues viz. :—		
Smoked	per dozen	0 1½
Pickled	per cwt.	0 4
Tow	per ton	1 6
Toys	per cwt.	0 3
Turnips	per ton	0 6
Twine	per cwt.	0 3
U.		
Umber	per ton	1 0
V.		
Varnish	per cwt.	0 2
Vegetables of all kinds not specially mentioned	per ton	1 0
Vinegar	per gallon	0 0½
Vitriol and acids in carboys	per gallon	0 0½
W.		
Whalebone or whalefins	per ton	10 0
Wheels coach carriage or cart	per pair	0 9
Whitening	per ton	0 6
Wine in casks or in bottles	per gallon	0 1
Wood viz. :—		
Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided	per 50 cubic feet	1 0
Masts and spars	per 50 cubic feet	1 0
Fir deals planks and boards or battens	per 50 cubic feet	1 0
Railway sleepers	per 50 cubic feet	1 0
Lathwood sawn	per 1,000 super- ficial feet.	1 0
Cartwheel spokes and felloes	per 40 pieces	0 3
Wedges	per 1,000 pieces	1 0
Pitprops not exceeding 6 inches in average diameter	per 50 cubic feet	0 9
Wainscot	per 50 cubic feet	1 3
Deal ends 3 inches thick and under 4 feet in length and firewood	per 50 cubic feet	0 6
Rickers under 30 feet in length and under 4 inches diameter	per dozen	0 3
Oars	per dozen	0 4
Handspokes	per dozen	0 4
Treenails	per 1,000 lineal feet	0 6
Wood by weight :		
Bar wood box wood Brazil wood cam wood ebony fustic lignum vitæ logwood Ni- caragua wood red wood sassafras &c.	per ton	2 0
Mahogany	per 40 feet or ton	2 0
Wood staves and billets :		
Herring barrel billets	per 50 cubic feet	1 0
Herring barrel staves	per 1,000 super- ficial feet.	1 2
All other kinds not enumerated	per 1 <i>l.</i> value	0 4

Avoch.

A.D. 1903.

Avoch.

Description of Goods.	Quantity.	Rate.
		s. d.
Wood pulp - - - - -	per ton - - -	1 6
Wool sheep's - - - - -	per ton - - -	2 6
„ manufactured - - - - -	per ton - - -	2 6
Y.		
Yarn - - - - -	per ton - - -	3 0
Yeast - - - - -	per ton - - -	2 0
Z.		
Zinc - - - - -	per ton - - -	1 6
All goods not otherwise enumerated in the foregoing schedule - - - - -	per cwt. - - -	0 2

Notes with reference to the foregoing Schedule.

The ton mentioned in the foregoing schedule unless otherwise indicated is the ton of twenty hundredweight.

Goods of all descriptions rated by the ton shall be charged according to gross weight fractional parts of a ton shall be charged proportionately and the minimum charge for a single package shall be one penny Where rates shall have been paid for goods on importation and such goods shall be re-shipped in the original packages and shall not have changed ownership but shall continue to belong to the same owner as when imported such goods shall be exempt from the payment of rates on exportation.

If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded no rates shall be charged a second time for such goods on being re-loaded if they belong to the original owner.

Where any goods shall have been shipped and the rates therefor paid and such goods shall thereafter be re-landed within the harbour by reason of the detention therein of the vessel by stress of weather and shall not be re-shipped such rates shall be repaid.

EXEMPTIONS.

Empty boxes casks bags and pack sheets returned to the original shipper after importation or exportation with goods.

Empty casks or other stores shipped for or on being returned from the seal and whale fishing as also all ships' provisions necessary for the voyage.

IV.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES
WARPS OR PLANKS.

A.D. 1903.

Avoch.

These to be paid by persons using the same.

1.—*Sheds.*

For each ton or 40 cubic feet of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton or 40 cubic feet for each day during which such goods shall remain after the first 24 hours.

	s.	d.
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day after the first 24 hours ...	0	2

2.—*Cranes.*

All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
Exceeding 3 tons and not exceeding 4 tons	0	8
Exceeding 4 tons and not exceeding 5 tons	0	10
Exceeding 5 tons and not exceeding 6 tons	1	0
Exceeding 6 tons and not exceeding 7 tons	1	2
Exceeding 7 tons and not exceeding 8 tons	1	4
Exceeding 8 tons and not exceeding 9 tons	1	8
Exceeding 9 tons and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

3.—*Weighing Machines.*

For potatoes salt and coals each ton or part of a ton	0	4
Goods in quantities of 20 tons and upwards of same cargo per ton ...	0	3
Other goods per ton or part of a ton	0	6

4.—*Warps or Planks.*

Harbour warps all vessels per register ton	0	0¼
Harbour planks long per pair	3	0
Harbour planks short per pair	1	0

The long planks to be paid for by vessel and short planks by merchant.

V.—RATES FOR SUPPLYING WATER.

Pure and wholesome water per 25 gallons	0	1½
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A.D. 1903.

*Avoch.*VI.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE LANDED OR
EMBARKED IN THE HARBOUR OR AT THE HARBOUR WORKS.

	s.	d.
For every person above twelve years of age landing from or embarking in any vessel	0	2
For every person under twelve years of age with parent guardian master or servant	0	1
Children in arms free.		
Servants going for or with luggage not to be charged but the luggage to be paid for as below.		
Passengers' luggage each article unless carried by themselves ...	0	1

VII.—RATES FOR BALLAST.

For loading ballast into and removing ballast from vessels within the harbour and for conveying ballast to or from the place of deposit thereof as by agreement and failing agreement not exceeding per ton	2	0
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