

**CHAPTER cxiv.**

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Cowes. A.D. 1914.
—
[31st July 1914.]

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 Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the 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 Order set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation
of Order in
schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 1) Act 1914. Short title.

A.D. 1914.

SCHEDULE.

COWES HARBOUR.

*Cowes.**Order to authorise the Cowes Harbour Commissioners
to construct a Breakwater on the Shrape Mud at East Cowes
and for other purposes.**Preliminary.*

Short title.

1. This Order may be cited as the Cowes Harbour Order 1914.

Commence-
ment of
Order.

2. This Order shall come into operation 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.

Interpreta-
tion.

3. In this Order unless the context otherwise requires—

“The Act of 1897” means the Cowes Harbour Act 1897;

“The Commissioners” means the Cowes Harbour Commissioners incorporated by the Act of 1897;

“The Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

“The works” means the works authorised by this Order.

Undertakers.

Undertakers.

4. The Commissioners shall be the Undertakers for carrying this Order into execution.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

5. 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 hereby incorporated with this Order and for the purposes of that incorporation the term “special Act” in those Acts shall mean this Order.

Power to
take lands by
agreement.

6. For the purposes of the works the Commissioners may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Works.

A.D. 1914.

*Cowes.*Power to
construct
works.

7. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Commissioners may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the following works:—

A breakwater or groyne of solid construction on the foreshore at East Cowes commencing at the point of intersection of the line of the north side of Cambridge Road produced with the outer coping line of the esplanade wall and extending in a north-north-westerly (magnetic) direction across the Shrape Mud and terminating at a point nine hundred feet or thereabouts from the point of commencement above described and one thousand five hundred and twenty feet or thereabouts from the eastern face of the Jubilee Pontoon Pier or Fountain Pier measured in an east by north (magnetic) direction.

Description
of works.

8. In constructing the works the Commissioners may with the consent in writing of the Board of Trade 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.

9. No part of the works below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Consent of
Board of
Trade to
works.

10. Any person who willfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for
obstructing
works.

11.—(1) If within two years from the commencement of this Order the works 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 the commencement of the works be extended by the special direction of the Board of Trade.

Powers to
cease in cer-
tain events.

(2) If the works after having been substantially commenced are 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 has then been completed unless those powers are by the special direction of the

A.D. 1914. Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

Cowes.

(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.

Finance.

Commis-
sioners may
apply revenue
or borrowed
money to pur-
poses of this
Order.

12. The Commissioners may apply to the purposes of this Order any of their rates tolls and revenues as if the said purposes had been mentioned specifically in the fourth head of section 54 (Application of revenue) of the Act of 1897 and any moneys not exceeding the sum of eight thousand pounds hereafter borrowed by the Commissioners under the authority of that Act Provided that the consent of the Board of Trade under the Act of 1897 shall not be required to the borrowing of money for the purposes of this Order.

Protection of
lenders.

13. Any person advancing money to the Commissioners shall not be bound to require any further or other evidence of the powers of the Commissioners to borrow without the consent of the Board of Trade the money advanced by such person than such as is afforded—

- (A) By a certificate signed by the clerk to the Commissioners and two of the Commissioners that the Commissioners are not exceeding the powers of borrowing without the consent of the Board of Trade conferred on them by this Order; and
- (B) By an inspection of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Commissioners.

Auditor.

14.—(1) Section 28 of the Act of 1897 (Audit of accounts) is hereby repealed.

(2) 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 Commissioners and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of such salary and expenses (if any) shall be paid by the Commissioners out of moneys received by them on revenue account.

(3) 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.

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

A.D. 1914.

Cowes.

(5) If the Commissioners 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.

Life-Saving Apparatus.

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

Provision for
life-saving
apparatus.

(2) The Commissioners 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 works and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Commissioners 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.

16. The officers of the coastguard and all other persons for the time being actually employed in connection 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 works 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 works.

Life-saving
apparatus
may be
attached to
works.

17. The Commissioners shall at all times keep at convenient places on the works and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Life-buoys to
be kept.*Lights.*

18.—(1) Before commencing the works the Commissioners 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 from time to time 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 lights during the construction of the works.

Lights during
construction
of works.

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Confirmation (No. 1) Act, 1914.

A.D. 1914.

Coves.

(2) The Commissioners 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 or comply with any direction so given.

Lights after completion of works.

19.—(1) After completion or permanent discontinuance or abandonment of the works the Commissioners shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of 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 such directions.

(2) The Commissioners 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 or comply with any such direction.

As to buoys and lights in case of decay of works.

20.—(1) In case of injury to or destruction or decay of the works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing (so far as may be) danger to navigation as may 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 Commissioners 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 or comply with any such direction.

Miscellaneous.

Exclusion of sections 25 and 26 of 10 & 11 Vict. c. 27.

21. Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Application of Act 10 & 11 Vict. c. 27.

22. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of penalties.

23. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Saving rights of Crown.

24. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners 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 His 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 the said Commissioners and Board are hereby respectively authorised to give).

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Cowes.

25. The works shall be deemed to be for all purposes within the parish and urban district of East Cowes in the county of Southampton.

Works to be
in parish of
East Cowes.

26. 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 Lords or of the House of Commons shall be paid by the Commissioners out of moneys received by them on revenue account or out of moneys borrowed under the authority of the Act of 1897 Provided that any moneys borrowed by the Commissioners for the purposes of this section shall be repaid within five years from the commencement of this Order.

Costs of
Order.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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