



CHAPTER xxxiii

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Caernarvon.

[28th July 1950.]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 24 & 25 Vict. 1861 is not of any validity or force whatever until c. 45. confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act as set out in the schedule to this Act be confirmed by Act of Parliament:

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

2. This Act may be cited as the Pier and Harbour Order Short title. (Caernarvon) Confirmation Act 1950.

SCHEDULE

CAERNARVON HARBOUR

Provisional Order to increase certain of the maximum rates leviable by the Caernarvon Harbour Trustees to authorise the levying of additional rates and for other purposes.

Short and
collective titles.

1.—(1) This Order may be cited as the Caernarvon Harbour Order 1950.

(2) The Act 33 Geo. 3. c. 123 the Act 49 Geo. 3. c. xxiv the Carnarvon Harbour Order 1877 the Carnarvon Harbour Order 1903 and this Order may be cited together as the Caernarvon Harbour Acts and Orders 1793 to 1950.

Commencement
of Order.

2. This Order shall come into operation on the first day of October nineteen hundred and fifty.

Interpretation.

3.—(1) In this Order unless the context otherwise requires—

“the Act of 1793” means the Act 33 Geo. 3. c. 123 ;

“the Act of 1809” means the Act 49 Geo. 3. c. xxiv ;

“the existing Acts and Orders” means the Act of 1793 the Act of 1809 the Order of 1877 and the Order of 1903 ;

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

“the Minister” means the Minister of Transport ;

“the Order of 1877” and “the Order of 1903” mean the Carnarvon Harbour Orders of those respective years ;

“the port” means the port of Caernarvon ;

“rates” includes duties and tolls ;

“the Trustees” means the Caernarvon Harbour Trustees.

(2) (a) In the existing Acts and Orders and this Order unless there be something in the context repugnant to such construction—

“vessel” includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind however navigated propelled or moved and any seaplane on the surface of the water ;
and

“seaplane” includes a flying boat and any other aircraft designed to float or manoeuvre on water.

(b) Nothing in the Harbours Clauses Act 1847 shall in any circumstances require or authorise the harbour-master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(3) (a) In the application to this Order of the Harbours Clauses Act 1847 the expression “the special Act” shall mean this Order and the expression “vessel” shall have the meaning assigned to it by subsection (2) of section 3 of this Order.

Order (Caernarvon) Confirmation Act, 1950

(b) The following sections of the Harbours Clauses Act 1847 shall not be incorporated with this Order (namely):—

Sections four to thirteen ;

Sections sixteen to twenty-three ;

Sections twenty-five to twenty-seven ;

Sections twenty-nine to forty-eight ;

Sections sixty-six to ninety-eight ;

Sections one hundred and one to one hundred and four.

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

5. Schedule (A) to the Act of 1809 is hereby repealed and Schedule (A) to this Order is hereby substituted in place of Schedule (A) to the Act of 1809 and the Trustees may (subject to the provisions of the existing Acts and Orders) demand collect receive and take the rates specified in Schedule (A) to this Order from the person liable for payment of the same and all the provisions of the existing Acts and Orders relating to Schedule (A) to the Act of 1809 shall be read and have effect as if Schedule (A) to this Order had formed part of the Act of 1809 and had been the Schedule (A) referred to in that Act. Substitution of new Schedule (A) to Act of 1809.

6. The maximum amounts of the rates specified in Schedule (B) to the Act of 1809 which the Trustees are authorised by that Act to demand collect receive and take are hereby increased in respect of the following items by the amounts shown below (namely):— Increase of rates in Schedule (B) to Act of 1809.

Bricks and pantiles the thousand 100 per centum.

Slates according to the customary calculation the ton 200 per centum.

7. The maximum amounts of the rates specified in Schedules (C) and (D) to the Act of 1809 which the Trustees are authorised by that Act to demand collect receive and take are hereby respectively increased by one hundred per centum. Increase of rates in Schedules (C) and (D) to Act of 1809.

8.—(1) Subject to the provisions of the Civil Aviation Act 1949 the Trustees may demand receive and recover on and in respect of seaplanes entering or using the port such reasonable rates as may from time to time be approved by the Minister. Rates on seaplanes. 12 13 & 14 Geo. 6. c. 67.

(2) The rates authorised by this section in respect of seaplanes shall be paid by or be recoverable from either the owner or other person in charge of such seaplane as the Trustees may determine.

9.—(1) The Trustees may (so far as the rates specified in Schedules (A) (B) (C) (D) and (E) to the Act of 1809 as amended by this Order do not extend) demand collect receive and take such reasonable rates as they may from time to time determine for the use of any sheds buildings yards weighing machines moorings works and conveniences belonging to or provided by the Trustees or in respect of any services rendered by them in connection with the port. Rates for services and accommodation not otherwise provided for.

(2) All such rates shall be respectively recoverable from the owner of the goods or other articles dealt with or from the owner of any vessel using or applying for the use of such plant conveniences or services or from any person who may so apply.

Revision
of rates

10.—(1) If it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or shipowners; or

(b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application; or

(c) by the Trustees;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Trustees where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Trustees or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Trustees being insufficient or more than sufficient to enable the Trustees with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their undertaking including interest on loan capital (regard being had by him to any capital which the Trustees may reasonably be expected to expend) making good depreciation providing for any

Order (Caernarvon) Confirmation Act, 1950.

contributions which the Trustees may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue :

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Trustees being insufficient to enable the Trustees to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Trustees were authorised to demand collect receive and take under or by virtue of the existing Acts and Orders.

(7) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Trustees were a local authority. 23 & 24 Geo. 5. c. 51.

(8) The power of the Minister to make an order under this section shall be exercisable by statutory instrument.

(9) In this section the expression "authorised rates" means the rates which the Trustees are for the time being authorised to demand collect receive and take in pursuance of the existing Acts and Orders as amended by this Order or any order made under this section.

11.—(1) Section 40 (Byelaws may be made at general meetings) of the Act of 1809 shall have effect as if the words "five pounds sterling" were substituted for the words "forty shillings" in that section. Amendment of section 40 of Act of 1809.

(2) No byelaw made by the Trustees after the coming into operation of this Order under section 40 (Byelaws may be made at general meetings) of the Act of 1809 shall have effect unless and until it is confirmed by the Minister and the provisions of subsections (3) to (6) of section 250 and section 252 of the Local Government Act 1933 shall apply to all byelaws so made and in the application of such last-mentioned provisions the Minister shall be the confirming authority.

12. Section 15 (Power to regulate vessels lying in the harbour) of the Act of 1793 is hereby repealed. Repeal of section 15 of Act of 1793.

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

SCHEDULE (A)

RATES AND TOLLS ON VESSELS AND PASSENGERS ENTERING USING
LEAVING OR PASSING THROUGH THE PORT

PART I VESSELS

	Per net register ton
	s. d.
1. On every vessel with cargo unloading the entire cargo or if with passengers disembarking any passengers	1 0
2. On every vessel with cargo unloading part of the cargo only and proceeding to another port in the United Kingdom with the remainder	0 9
3. On every vessel loading cargo or embarking passengers...	1 0
4. On every vessel entering in ballast and leaving in ballast	0 6
5. On every vessel entering for the purpose of obtaining stores for ships use bunkering dry docking or repairs only	0 6
6. On every vessel entering in distress or for shelter orders or medical assistance only	0 4
7. On every vessel other than a tugboat fishing craft yacht or similar vessel passing or sailing through the port with cargo	0 8
8. On every vessel other than a tugboat fishing craft yacht or similar vessel passing or sailing through the port unladen	0 4
9. On every tugboat fishing craft yacht and similar vessel passing or sailing through the port	0 3

PART II VESSELS NOT INCLUDED UNDER PART I

10. On every vessel not chargeable to rates under the preceding heading making fast alongside a quay wharf pier or landing place or lying up or taking up moorings in the port—

(a) vessels not exceeding 20 feet over all in length the sum of one shilling for each week or five shillings for a year commencing on the 1st day of January in any year ;

(b) vessels exceeding 20 feet over all in length but not exceeding 45 feet over all in length the sum of two shillings for each week or part of a week or one pound for a year commencing on the 1st day of January in any year ;

- (c) vessels exceeding 45 feet over all in length but not exceeding 75 feet over all in length the sum of five shillings for each week or part of a week or two pounds for a year commencing on the 1st day of January in any year ;
- (d) vessels exceeding 75 feet over all in length the sum of three-pence per net register ton for each week or part of a week.

PART III ADDITIONAL RATES ON VESSELS

In addition to the rates charged above—

- (a) every vessel loading or unloading cargo or embarking or disembarking passengers which shall remain in the port otherwise than with the express permission in writing of the harbour-master for a longer period than twenty-eight days after coming into the port ; and
- (b) every vessel arriving at the port by stress of weather or otherwise without unloading all or any part of its cargo or disembarking passengers within the port which shall remain in the port after the weather has ceased to give cause for remaining or such other cause which justified the coming into the port has ceased to exist ;

shall be liable to rates at the rate of fourpence per net register ton for each week or part of a week during which the vessel shall remain in the said port after the expiration of such twenty-eight days or after the stress of weather or other cause has ceased to exist.

PART IV PASSENGERS

On every passenger embarking or disembarking per person ... 2d.

Ch. xxxiii

Pier and Harbour
Order (Caernarvon) Confirmation Act, 1950

14 GEO. 6

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 9d. net

PRINTED IN GREAT BRITAIN

(75072)

Pier and Harbour Order (Great Yarmouth) Confirmation Act, 1950

14 GEO. 6 Ch. xxxiv

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

GREAT YARMOUTH PORT AND HAVEN

1. Short and collective titles.
2. Commencement of Order.
3. Interpretation.
4. Undertakers.
5. Application of Harbours Clauses Act 1847.
6. Increase of tolls.
7. River tolls on vessels animals fish and goods.
8. Revision of tolls.
9. Annual accounts to be sent to Minister.
10. Repeal.
11. Costs of Order.

SCHEDULE.

