

**CHAPTER xlviii.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Cork, Devonport, Dover, Milford-on-Sea, and Worthing. A.D. 1889.
[5th July 1889.]

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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal; and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The 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 Commissioners and undertakers respectively mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent of the Local Government Board in England, or of the Local Government Board for Ireland in Ireland, as the case may be, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, or in Ireland in any urban sanitary district as defined by the Public Health (Ireland) Act, 1878, as the case may be, ten or more houses Special provision as to houses of labouring classes.
41 & 42 Vict.
c. 52.

A.D. 1889. which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section, the expression "labouring class" includes 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.

Short title. **3.** This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act, 1889.

THE SCHEDULE OF ORDERS.

1. CORK.—Amendment of former Acts and Order.
 2. DEVONPORT.—Construction of landing pier.
 3. DOVER.—Construction of promenade pier.
 4. MILFORD-ON-SEA. Construction of promenade pier.
 5. WORTHING.—Maintenance of pier.
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CORK.

A.D. 1889.

*Order for amending the Cork Harbour Acts, 1820 to 1883, in
relation to the debt of the Commissioners and the Lands of
Carrigrennan.*Cork.

1. This Order may be cited as the Cork Harbour Order, 1889, and shall be construed with the following Acts and Order (so far as same are not repealed hereby or are not inconsistent herewith) as one Act, that is to say:—

- 1st. George IV., cap. 52 (local).
- The Cork Harbour Amendment Act, 1866.
- The Cork Harbour Order, 1871.
- The Cork Harbour Act, 1875.
- The Cork Improvement Act, 1875.
- The Cork Harbour Act, 1877.
- The Cork Harbour Act, 1883.

2. In and for the purposes of this Order, the expression "the former Acts" means the Acts and Order mentioned in the last preceding section; the expression "the Commissioners" means the Cork Harbour Commissioners; and terms to which meanings are assigned by the former Acts or any of them shall have the same respective meanings in this Order, unless there be something in the subject or context repugnant to or inconsistent with such construction.

3. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and the Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

4. The Harbours, Docks and Piers Clauses Act, 1847, except the parts and sections mentioned in the First Schedule to the Cork Harbour Act, 1875, shall be incorporated with this Order.

APPLICATION AND AMENDMENT OF CORK HARBOUR ACT, 1875.

5. Sections 31 to 35 (both included) of the Cork Harbour Act, 1875, shall extend to authorise and empower the Commissioners to convert into consolidated stock all or any moneys raised on the security of any mortgages or bonds for the time being outstanding under the Cork Harbour Act, 1877; and also to raise by the creation and issue of consolidated stock all or any moneys which the Commissioners are for the time being authorised to raise by borrowing under the last mentioned Act, and which shall not have been raised at the date of the resolution authorising such creation and issue; and all the provisions of the said sections of the said Act of 1875 shall be read and applied so as to give effect to the foregoing enactment: Provided that all stock created and issued by the Commissioners under the authority of this Order shall be redeemable by the Commissioners at par at such time not being more than 60 years from the confirmation of this Order and in such manner as the Commissioners by the resolution creating the stock shall declare, and that with respect to the dividend or interest on such stock the word "perpetual" shall be deemed to be omitted

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Cork.

from section 31 of the Act of 1875 : Provided also, that whenever the Commissioners shall have redeemed any redeemable stock otherwise than by means of the sinking fund they may re-borrow the moneys represented by that stock either by the issue of fresh redeemable stock or on mortgage or bond if required for the purposes of the said Act of 1877.

Description of
stock as
redeemable.

6. The conditions of redemption applicable to any stock created under this Order shall be stated on the certificates of proprietorship of such stock, and all such stock shall be termed Cork Harbour Redeemable Consolidated Stock.

General
powers as to
issue of stock.

7. The Commissioners may, subject to the other provisions of this Order, create and issue redeemable consolidated stock at such times and to such persons, and on such terms and conditions, and in such manner as they think advantageous to the interests of the port, and they may create and issue stock from time to time to such nominal amounts as in the aggregate will, according to the price of issue, produce the actual amount of money which for the time being the Commissioners are entitled to raise or re-borrow on security of redeemable consolidated stock, or will suffice for the conversion into stock of any moneys outstanding on the security of mortgages or bonds under the said Act of 1877, and the powers of borrowing and re-borrowing conferred on the Commissioners by the Act of 1877 and this Order shall be construed accordingly : Provided always that the Commissioners shall not issue any redeemable consolidated stock under this Order at a discount of more than five per cent. upon its nominal value.

Power to
borrow
money at a
lower rate of
interest.

8. If the Commissioners can at any time, or from time to time, raise any sum of money at a lower rate of interest than that which their redeemable consolidated stock, or any portion thereof, may at such time bear, it shall be lawful for the Commissioners to raise, by the creation and issue of redeemable consolidated stock at such lower rate of interest, such money as may be necessary for the purpose of, and in order to pay off or otherwise discharge the stock bearing such higher rate of interest, and to pay to the holder thereof such reasonable compensation as the Commissioners may think fit for the payment off or discharge of his security : Provided that the moneys so raised shall be applied only in paying off or discharging the stock bearing such higher rate of interest and payment of such compensation as aforesaid, and that the purchasers of the stock bearing such lower rate of interest shall not be bound to see to the application of the money paid for the same, and that nothing in this section shall empower the Commissioners to pay off or discharge any stock otherwise than by agreement with the holders thereof or in accordance with the conditions of redemption applicable thereto.

Stock to be
issued by
tender.

9. The Commissioners shall be bound to offer all redeemable consolidated stock (other than stock required for the conversion of the debt existing at the date of the Act confirming this Order) for public subscription by means of public advertisements or notices inviting tenders for the stock on terms specified in the advertisements or notices.

As to
payment of
commission.

10. If the Commissioners find it desirable on the conversion into stock of any mortgages or bonds granted under the Act of 1877 and for the time being outstanding to pay or allow a commission to any person for the purpose of facilitating such conversion, it shall be lawful for them for that purpose to pay out of their revenue or other funds or out of any money at any time to be raised or borrowed by them any sum not exceeding in any case two pounds per centum upon the amount of the mortgages or bonds so to be converted.

11. Nothing in this order shall relieve the Commissioners from providing any sinking fund or funds for the repayment of moneys borrowed by them required to be set apart by any of the former Acts, but such fund or funds shall continue to be provided, and shall, in addition to the paying off of mortgages and bonds, be applicable to the redemption of redeemable consolidated stock.

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Cork.
Preserving
sinking fund.

AS TO CARRIGRENNAN.

12. The Commissioners may, at any time, sell the lands and premises of Carrigrennan, acquired by them under the provisions of the Cork Harbour Act, 1877, or any of the said lands or any part thereof, either together or in parcels, and either by public auction or private contract, and may execute and do all such assurances and things for effectuating any such sale as they shall think fit, and the receipt of the Commissioners under their common seal for the purchase moneys of the lands and premises sold shall effectually discharge the purchaser therefrom, and from being concerned to see to the application thereof; and the Commissioners shall apply the moneys arising from any such sale, after paying thereout the costs and expenses incurred on such sale, in or towards the repayment of the moneys expended on the purchase of the said lands and premises, and the proceedings incidental thereto, and subject thereto to the reduction of the price of supply to and removal from ships of ballast supplied and removed under the provisions of the Cork Harbour Order, 1871.

Power to sell.

13. In lieu of selling such lands and premises, or until the same shall be sold, the Commissioners may from time to time demise the same, or any part or parts thereof, for such purposes, at such rents and for such terms as they may think fit, and shall apply any rent or rents received under any such leases after paying thereout all expenses of the leases and otherwise incurred in relation thereto to the same purposes, as the money received on any sale of such lands and premises are directed to be applied.

Power to lease.

14. The Commissioners may upon any such sale or lease, either include in such sale or lease the mines and minerals within and under the said lands and premises, or reserve the same out of the sale or lease in such manner and upon such terms and conditions as they think fit, and the Commissioners may themselves work and dispose of any such mines and minerals at the time belonging to them, or may enter into any contract or agreement with any other persons for the working and disposal thereof, and may do all such assurances, acts and things, and apply such of their funds as may be necessary for those purposes, and shall apply all moneys received from or in respect of such mines and minerals to the same purposes as rents under any such leases as aforesaid are herein-before made applicable.

Mines and
minerals.

15. The Commissioners may purchase, acquire, or take on lease, by agreement but not otherwise, and use any lands which may be required, for the purpose of making an approach to the said lands of Carrigrennan, or for any of their authorised purposes or duties under the former Acts, or any of them, or this Order, but not exceeding in the whole two acres.

Power to
take land
by agreement.

16. This Order, or anything herein contained, shall not exempt the Commissioners from any proceedings on account of any nuisance caused by them on any land acquired by them under this Order.

Nuisance not
authorised.

17. A copy of the annual account in abstract of the Commissioners, a copy whereof is required to be sent to the Clerk of the Peace, shall be sent at the same time to the Board of Trade.

Accounts to be
sent to the
Board of
Trade

A.D. 1889. 18. All costs, charges, and expenses of and incidental to preparing, obtaining, and confirming this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners.

Costs of Order.

Devonport.

DEVONPORT.

Order for the Construction and Maintenance of a Landing Pier and Breakwater and other Works in the Borough of Devonport in the County of Devon.

Definition of Undertakers.

1. The Mayor, Aldermen, and Burgesses of the Borough of Devonport in the county of Devon (in this Order called The Corporation) by their Council shall be the Undertakers for carrying this Order into execution, and shall have and exercise the powers and privileges conferred by this Order.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement), are hereby incorporated with this Order.

Power to take lands by agreement.

3. For the purposes of the works authorised by this Order, the Corporation may from time to time by agreement enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order and of the conveniences connected therewith.

Power to execute works.

4. Subject to the provisions of this Order and subject also to such alterations, vertical or lateral (if any), in the plans and sections deposited with reference to this Order as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Corporation may, 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.

Description of works authorised.

5. The works authorised by this Order comprise the following :—

(a.) A landing-pier, about seventy-five feet in length and about twenty feet in breadth, to be placed in the Harbour of Hamoaze at a distance of about thirty-two feet at its eastern end and about twenty-two feet at its western end southward from the quay or wharf at Mutton Cove, together with a pier, about thirty feet long and fourteen feet wide, carrying an approach road in a northerly direction from the centre of the pier to the existing quay or wharf at Mutton Cove :

(b.) A pier or breakwater thirteen feet wide to the westward of the first-mentioned works commencing at the outer corner of the eastern side of the present entrance to Mutton Cove and running from thence in a south-easterly direction for a distance of about sixty-five feet, together with all necessary or appropriate works, moorings, approaches, toll-houses, toll-gates, buildings, and other conveniences for the embarking and landing of passengers, animals, and goods of every description.

Power to erect toll-houses, &c.

6. The Corporation may from time to time erect, maintain, and use upon or near to the works authorised by this Order toll-houses, toll-gates or barriers, and

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waiting-rooms, and may provide and use steam engines, cranes, dredging machines, boats, buoys, and other apparatus and conveniences, and may so far as necessary dredge, deepen, or otherwise improve or remove portions of the foreshore at or near the sites of the proposed works.

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7. The Corporation, in constructing the works authorised by this Order, may, within the limits of deviation marked on the deposited plans, alter and deviate such works to any extent with the consent in writing of the Board of Trade.

Power to deviate.

8. Any person who wilfully obstructs in any manner the execution of any of the works authorised by this Order, or wilfully damages in any manner any of the works authorised by this Order, shall, without prejudice to any other proceeding or penalty, be liable to a penalty not exceeding five pounds.

Obstruction of and damage to works.

9. When 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 construction of the works authorised by this Order, have been given, the Corporation may, subject and according to the provisions of this Order, for the use of the landing-pier and works connected therewith, demand, recover, and take in respect of the vessels, goods, and animals described in the Schedules to this Order any tolls and dues not exceeding the rates in that Schedule mentioned.

Power to take rates in Schedule.

10. 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 Corporation, that works authorised by this Order have been so far completed as to afford increased accommodation by means of such works to vessels or boats, the Corporation may, notwithstanding the 25th 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, recover, and take such of the rates or such proportion of all or any of the rates specified in the Schedules to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Proportion of rates may be levied though works not completed.

11. The Corporation may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person, corporation, or company with respect to the payment of the tolls and dues authorised by this Order but so that no preference be in any case given to any person, corporation, or company, and that anything done under this section shall not prejudice the other provisions of this order, and that anything in this Order shall not be construed to prejudice or affect any agreement that has been made between the Corporation and Lord St. Levan respecting the use of the said landing-pier and works by himself and his heirs and assigns, and his and their families and friends.

Power to enter into compositions.

12. 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 to the end of the day on the 25th day of March in each year), shall send a copy of the same to the Board of Trade, and the 16th 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 £20.

Annual account to be sent to the Board of Trade.

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*Devonport.*Separate
accounts to be
kept and rates
to be revised.

13. The Corporation shall keep separate accounts of the moneys received and expended by them under this Order, and shall from time to time revise the rates received by them under this Order so that the income of the Corporation under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order, and if at any time and from time to time the clear annual income derived from the works on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such extent as will be sufficient to provide the amount aforesaid, and the 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 by this Order.

Works to be
deemed within
borough of
Devonport.

14. The works authorised by this Order shall be deemed to be within the jurisdiction of the justices and the civil and criminal courts of the Borough of Devonport to the exclusion of all other jurisdiction.

Certain fishing
vessels under
stress of
weather
exempt from
rates.

15. 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
Custom House
officers from
rates.

16. Officers of the Board of Trade, and of Customs, being in the execution of their duty, shall at all times have free ingress to and passage and egress on, along, through, and out of the harbour and works by land, and with their vessels and otherwise without payment.

Lifeboat crew
exempt from
tolls.

17. 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 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 from the works without payment.

Life-saving
apparatus may
be attached
to the pier.

18. 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 without payment attach or cause to be attached to any part of the piers and 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 piers and works.

Power to
borrow.

19. The Corporation may from time to time borrow at interest for the purposes of this Order such sums as they may require not exceeding in the whole three thousand five hundred pounds on the security of the rates leviable under this Order and on the security of the rates and sums leviable by the Corporation under the powers of a local Act passed in the fifty-fourth year of the reign of His Majesty King George the Third, chapter 172, intituled An Act to repeal an Act passed in the twenty-first year of His present Majesty for better maintaining and regulating the poor within the town of Plymouth Dock

and parish of Stoke Damarel in the county of Devon, and for other purposes, and granting further powers in lieu thereof for lighting, watching, and otherwise improving the said town or parish and regulating porters and watermen therein, (which Act, as amended by a Provisional Order confirmed in the year 1867, is herein-after referred to as the Local Act); and the Corporation may from time to time assign by way of mortgage all or any of the said rates and sums and may execute and do any deeds, acts, and things necessary or proper for that purpose: Provided that the rates leviable under this Order shall be primarily liable as security for all moneys so borrowed, and all sums required for payment of interest on and repayment of the principal moneys so borrowed shall be defrayed out of the said rates so far as the same will extend, and the rates and sums received under the Local Act shall only be applied to make good any deficiency in any year in the rates received under this Order, and then only so far as may be necessary for making good such deficiency.

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20. All sums borrowed by the Corporation under the powers of this Order shall be repaid within a period not exceeding thirty years after the same are respectively borrowed, either by annual instalments or by means of a sinking fund created and invested and with the accumulations thereof from time to time applied by the Corporation in such manner as to secure the discharge of the sums borrowed within such period as aforesaid, and all sums paid into any such sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised by law to invest trust moneys.

Period for
repayment of
borrowed
moneys.

21. If the Corporation decide to borrow in manner provided by the Local Loans Act, 1875, any moneys which they are authorised by this Order to borrow, they may create and issue debenture stock and may secure the discharge of any moneys borrowed by any of the methods provided by that Act, including a sinking fund, and for the purposes of such discharge thirty years shall be deemed to be the prescribed period.

Borrowing
under Local
Loans Act.

22. Any moneys borrowed by the Corporation under this Order, and repaid otherwise than by instalments or by means of a sinking fund in manner provided by this Order, may be from time to time re-borrowed by the Corporation, but so that the same shall be repaid within the period limited by this Order.

Re-borrowing.

23. All moneys borrowed by the Corporation under the powers of this Order shall be applied in payment of the costs, charges, and expenses preliminary to and of and incidental to obtaining this Order and for the purposes of this Order to which capital is properly applicable and not otherwise.

Application
of borrowed
moneys.

24. Any moneys arising from the sale of lands or property of the Corporation, and not by any Act of Parliament directed to be applied to any specific fund or purpose, or not otherwise in any manner appropriated to any specific purposes, may from time to time be applied by the Corporation in repayment of principal moneys borrowed by them under this Order.

Power to apply
moneys arising
from sale of
lands to
discharge
of borrowed
moneys.

25. When and so soon as all moneys borrowed under this Order have been repaid, all rates authorised by this Order other than rates in respect of vessels and boats shall cease to be demanded and taken, but the Corporation may continue to demand, recover, and receive the rates authorised by this Order in respect of vessels and boats, and shall apply the same from time to time in defraying the expenses of maintenance, repair, and improvement of the works authorised by this Order.

Cesser of
rates on re-
payment of
borrowed
money.

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*Devonport.*Resolution
of Town
Council
authorising
works, expen-
diture, or
borrowing.Application
of receipts.

26. The works authorised by this Order shall not nor shall any of them be commenced nor shall any money be expended by the Corporation on any of such works nor shall any money be borrowed by the Corporation for the purposes of any of such works except in pursuance of a resolution first passed at a special meeting of the Town Council after ten days' notice at which not less than two-thirds of the whole number of the Council shall be present, and carried by an absolute majority of the whole number of the Council.

27. The Corporation shall apply all the rates received under this Order for the purposes and in the order following, and not otherwise (that is to say);—

- (1) In paying the costs of and connected with the preparation and making of this Order so far as the same may not be paid out of moneys borrowed under this Order;
- (2) In paying the expenses of the maintenance, repair, management, and regulation of the landing pier and works and approaches thereto and other works authorised by this Order;
- (3) In paying year by year the interest accruing on money borrowed under this Order or otherwise becoming a charge on the rates and dues authorised by this Order;
- (4) In payment of principal money borrowed or in creating a sinking fund for that purpose in the manner directed by this Order;
- (5) In paying the costs of the works authorised by this Order.

Power to make
and alter
byelaws.

28. The Corporation may make and from time to time alter byelaws with reference to the levying of the rates payable under this Order and for the regulation and control of the persons, animals, vessels, and goods authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes, and a copy of such byelaws, signed by a Secretary or Assistant Secretary of the Board of Trade, shall be conclusive evidence in all courts of the existence of such byelaws.

Restriction
on mooring
vessels to
landing-pier.

29. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the landing-pier without the consent of the Corporation or their officer duly authorised in that behalf, and no vessel or boat is to be moored at any time so as to prevent free ingress and egress to and from Mutton Cove.

Portion of
Harbours
Clauses Act
excepted.

30. Sections sixteen to nineteen inclusive of the Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Meters and
weighers.

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

As to lights
during the
construction
of works.

32. Before commencing the works authorised by this Order the Corporation shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any direction given on such application, or afterwards from time to time given, as to lights by the Board during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Corporation refuse or neglect to observe any directions of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

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33. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Corporation shall, at the outer extremity of the pier and works, exhibit for all or any part of the time from sunset to sunrise, and according to the seasons of the year and the requirements of the traffic, such light or lights (if any) 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 lighting, and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

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Devonport.
 As to lights after completion of works.

34. In case of injury to or destruction or decay of the pier or works or any part thereof, the Corporation shall lay down such buoys, exhibit such lights, or take such other means for preventing, so 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, and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

35. In the following cases (that is to say) :

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced : or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months :

Powers to cease in certain events.

the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade :

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 calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

36. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Saving rights under Crown Lands Act, 1866.

37. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property, rights, powers, authorities, or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Saving of rights of Duchy of Cornwall.

38. All the costs, charges, and expenses of and incidental to preparing and obtaining this Order or otherwise in relation thereto shall be paid by the Corporation.

Costs of Order.

39. This Order may be cited as The Devonport Landing Pier and Breakwater Order 1889.

Short title.

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Devonport.

SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

Rates upon Goods landed on and shipped from the Landing Pier.

	£	s.	d.
Bacon or hams - - - - - per cwt.	0	0	1
Beef, mutton, or pork - - - - - „	0	0	1
Beer and cider - - - - - for every 54 gallons	0	0	0½
Bricks and tiles - - - - - per thousand	0	0	6
Bulls, oxen, cows, heifers, horses, mares, and geldings - each	0	0	6
Calves, pigs, sheep, and lambs - - - - - each	0	0	1
Clay - - - - - per ton	0	0	1
Coals - - - - - per ton	0	0	2
Culm, every quarter of a ton (not being stone coal) - - - - -	0	0	0½
Deal ends - - - - - per hundred	0	0	3
Deals - - - - - per hundred	0	0	6
Earthenware - - - - - per dozen	0	0	0¼
Earthenware - - - - - per cwt.	0	0	3
Flour - - - - - for every 280 lbs.	0	0	0¼
Hay and wood - - - - - per ton	0	0	2
Hoops - - - - - per bundle of 50	0	0	0½
Slates - - - - - per thousand	0	0	1
Spirits, per six gallons or any less quantity - - - - -	0	0	1
Staves :—Single pipe - - - - - per thousand	0	1	6
Hogshead - - - - - „	0	1	0
Barrel - - - - - „	0	0	9
Stone, sand, lime, and dung - - - - - per ton	0	0	2
Timber - - - - - per 40 cubic feet	0	0	3
Wheat, malt, and barley - - - - - per quarter	0	0	0½
Wine - - - - - for every 108 gallons	0	0	1
Every quarter of a ton of goods not above enumerated - - - - -	0	0	1

SCHEDULE B.

Rates on Vessels landing and embarking Passengers or Goods at the
Landing Pier.

	£	s.	d.
1. For all vessels from or to foreign parts - per register ton	0	0	4
2. For all vessels employed in the coasting trade or to or from Ireland :			
Exceeding 50 tons - - - - - per register ton	0	0	1
Not exceeding 50 tons - - - - - per register ton	0	0	0½

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	£	s.	d.	A.D. 1889.
3. For all vessels employed in fishing exceeding 20 tons register				<u>Devonport.</u>
per annum	1	1	0	
Exceeding 10 tons and not exceeding 20 tons register				
per annum	0	10	0	
Exceeding 5 tons and not exceeding 10 tons register				
per annum	0	5	0	
Not exceeding 5 tons register - - - - - per annum			free.	
4. For all barges, lighters, and other similar craft exceeding 20 tons register - - - - - per annum	1	0	0	
Not exceeding 20 tons register - - - - - per annum	0	16	0	
5. And in addition, for the use of mooring chains for every vessel exceeding 250 tons register - - - - - per week	0	5	0	
Exceeding 200 tons and not exceeding 250 tons register				
per week	0	4	0	
Not exceeding 200 tons register - - - - - per week	0	3	0	

SCHEDULE C.

Dues for Cranes and Weighing Machines.

	£	s.	d.
For all dry goods in quantities not exceeding ten tons - per ton	0	0	8
For all dry goods in quantities exceeding ten tons - - - per ton	0	0	6
For wines, spirits, and other liquids not exceeding 2,160 gallons			
for every 216 gallons	0	1	0
For wines, spirits, and other liquids exceeding 2,160 gallons			
for every 216 gallons	0	0	8
For any single article :—			
For every quarter of a ton not exceeding one ton, per quarter of a ton	0	0	2
Exceeding one ton and not exceeding two tons - - - per ton	0	1	6
Exceeding two tons and not exceeding two-and-a-half tons - per ton	0	1	6
Exceeding two-and-a-half tons and not exceeding three tons per ton	0	2	0
Exceeding three tons and not exceeding three-and-a-half tons per ton	0	2	6
Exceeding three-and-a-half tons a special agreement must be made with the Corporation.			

A.D. 1889.

DOVER.

Dover.*Order for the Construction, Maintenance, and Regulation of a
Pier and Works at Dover, in the Parish of Saint James the
Apostle, in the County of Kent.*

Undertakers.

1. The Dover Promenade, Pier, and Pavilion Company, Limited (in this Order called The Company), shall be the Undertakers for carrying this Order into execution, and shall have and may exercise the several powers, privileges and authorities conferred by this Order, and may carry this Order in all respects into effect.

Incorporation
of Lands
Clauses Acts.

2. The Lands Clauses Consolidation Acts, 1845 and 1860, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to take
lands by
agreement.

3. For the purposes of the works authorised by this Order, the Company may from time to time by agreement enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Power to con-
struct works.

4. 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 require from time to time, before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands acquired by them, and in the line and situation, and according to the levels shown on the deposited plan and sections, so far as the same are shown thereon and within the limits of deviation shown on the plan, make and maintain the pier and works authorised by this Order.

Power to
deviate.

5. The Company, in constructing the works authorised by this Order, may alter and deviate the same to any extent laterally within the limits of deviation, and vertically not exceeding five feet, but in any case only with the approval in writing of the Board of Trade first obtained.

Description
of works.

6. The works authorised by this Order include—

A pier of open pile work, commencing on the foreshore opposite Clarence Lawn, and extending thence for a distance of three hundred and thirty yards or thereabouts into the sea.

All proper landing-stages, landing-places, toll-houses, toll-gates, and other works and conveniences connected with the pier, and applicable to the purposes of a promenade and landing pier.

Power to
construct
offices and
other buildings
and to main-
tain and
improve pier.

7. Subject to the provisions of this Order, the Company may construct and maintain all offices and other works, buildings, and conveniences which may be found necessary in connexion with the pier for the accommodation of passengers landed at or embarked from the same, and they may also from time to time dredge, scour, deepen and maintain any channels forming an approach to the pier, and may from time to time alter and maintain any of the works and con-

conveniences connected therewith. Provided that works authorised by this section below high-water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.

A.D. 1889.

Dover.

8. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works by this Order authorised, or who 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, shall, for every such offence, be liable to a penalty not exceeding five pounds.

Penalty for
obstructing
works.

9. The limits within which the Company shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the pier and works authorised by this Order, with all the works, accesses, and conveniences connected therewith, and a space of twenty-five yards seaward from every part of the pier, which limits are in this Order and in the schedule thereto termed "the limits of this Order."

Limits of
Order.

10. The Company may, subject to the provisions of this Order, erect, construct and maintain on the pier, pavilions, or assembly rooms, concert, lecture, reading, refreshment, and other rooms, buildings, and conveniences (all which matters and things are in this Order included in the word "buildings"), and may from time to time make and recover such charges for the use of the buildings, or any of them, or any part or parts thereof respectively, as they from time to time think fit, and may from time to time let or lease the said buildings, or any or them, or any part or parts thereof respectively, for any period not exceeding seven years, to such person, Company or Corporation upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

Further
powers as to
buildings.

11. One month at least before depositing at the Harbour Department of the Board of Trade the working drawings of the works authorised by this Order, the Company shall deposit the plans, sections, and working drawings of the same at the office of the Registrar of the Dover Harbour Board, for approval by that Board, but the power of the Board of Trade to deal as they think fit with such working drawings is not to be thereby altered or abridged, and any alteration or extension of plans, sections, and working drawings not made with the approval or by direction of the Board of Trade shall also be submitted for the approval of the Harbour Board in like manner.

Plans, &c. to
be submitted
for approval
of the Dover
Harbour
Board.

If any work be commenced, constructed, altered, or extended otherwise than in accordance with the plans, sections, or working drawings, or any alteration or extension of the same approved by the Board of Trade, the Harbour Board may, with the consent of the Board of Trade, at the expense of the Company, abate and remove such work or any part thereof, and restore the site thereof to its former condition.

Provided that the plans and elevations of any buildings to be erected on the pier or works, and on any property belonging to or acquired from the Harbour Board, shall be first submitted to and approved by the Harbour Board, and their approval shall be signified in writing under the hand of their registrar for the time being, and buildings shall not be erected otherwise than in accordance with the plans and elevations so approved.

12. When 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

Power to levy
rates.

A.D. 1889.

Dover.

Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand, recover, and receive in respect of persons, matters, and things described in the schedule to this Order any sums not exceeding the several rates in that schedule specified.

Power to close pier on special occasions, &c.

13. The Company may, on any special occasions, but not exceeding twelve days in any one year, close the pier against the public, and may on such occasions charge such special rates of admission, not exceeding one shilling for each person, as the Company may from time to time think fit.

Provided that on all such occasions the Company shall reserve a sufficient passage along the pier from the landing steps to the shore for persons landing or embarking at the pier, such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates, so long only as they use the pier as a passage and do not remain upon it.

Rates may be levied though works not completed.

14. 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 Company, that the works authorised by this Order have been so far completed as to afford accommodation either for persons walking on the pier, or for the landing and embarking of passengers, the Company 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, recover, and receive 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 reasonable.

Board of Trade may reduce rates

15. If at any time and from time to time the clear annual income derived from the pier and works on the average of the then three last preceding years (after payment of all expenses and outgoings other than payments of principal or interest in respect of money borrowed) shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in constructing the pier and works, the Board of Trade may, if in their discretion they think fit, reduce the said rates to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, and the 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 the amounts specified in the schedule to this Order.

The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserve fund, to meet contingencies or for equalising dividends, or for repairing, improving, and maintaining any of the property of the Company, and for such other purposes as the directors shall think conducive to the interests of the Company, and they may invest the several sums so set aside in any of the modes in which trustees are by law authorised to invest trust money, and may from time to time deal with and vary such investments, and dispose of all or any part of the said several sums and the investments thereof, in paying off any mortgage or mortgages upon property of the Company, or otherwise for the benefit of the Company.

The income arising from the securities upon which the reserve fund shall be from time to time invested may either be added to the reserve fund or carried to and be deemed to form part of the general revenue of the Company.

A.D. 1889.

Dover.

16. The Company 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 to the end of the day on the 25th 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 Undertakers 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.

Annual
account to be
sent to the
Board of Trade.

17. The Company may grant to passengers, promenaders, and others pass-tickets for the use of the pier and works at such prices, on such terms and conditions, and for such periods not exceeding one year, as may be agreed upon, but so that no preference be given to any person. If any person use or attempt to use, or permit to be used, any such ticket in contravention of the terms and conditions upon which it is granted, or use or attempt to use any false or counterfeit pass-ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847.

Pass-tickets
for use of pier.

18. It shall be lawful for the Company on any Sunday, between such hours as they may think fit, either to close the pier or to open it free of charge to the public or to holders of tickets or passes.

Use of pier on
Sundays.

19. The Company may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of rates authorised by this Order, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Powers to vary
exemptions
from rates
and to enter
into compo-
sitions, &c.

20. The Company 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, to take effect in possession at the best rent to be reasonably obtained without fine, and on such other terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same power of levying and recovering rates and dues as the Company have or might exercise under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Company are made subject by this Order.

Power to
lease rates.

21. 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 pier and works and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing
vessels under
stress of
weather
exempt from
rates.

22. Officers of the Board of Trade, of Customs, and of the Dover Harbour Board, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, from, over, along, and through and out of the pier and works by land, and with their vessels and otherwise without payment.

Exemption of
certain
officers from
rates.

A.D. 1889.

Dover.
Lifeboat crew
to be exempt
from rates.

23. 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 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 from the pier and works without payment.

Life-saving
apparatus may
be attached to
pier.

24. 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 without payment attach or cause to be attached to any part of the pier or 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 pier.

Power to make
byelaws.

25. The Company may make byelaws for the regulation and control of vessels and boats to take effect below high-water mark and seaward within twenty-five yards of any part of the pier or works, and also for the regulation and control of persons embarking, disembarking, frequenting, or resorting to, or employed at the pier, approaches, and other works authorised by this Order, and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Limiting use
of pier.

26. This Order shall not be deemed to authorise the use of the pier or works for shipping or discharging general merchandise or goods (except stores and provisions for use on passenger steamers or yachts which may resort to the pier for obtaining the same or other small articles), or for the landing or embarkation of passengers from or to any port out of the United Kingdom, except in connexion with daily pleasure trips or excursions.

Vessels not to
moor alongside
pier without
consent.

27. No vessel or boat, except steamboats or pleasure boats embarking or disembarking passengers and their luggage, and steamboats or boats belonging to Her Majesty or Her Majesty's Government (which shall in all cases have precedence), shall be moored alongside the pier without the consent of the Company or their piermaster.

Restriction on
vessels
anchoring.

28. No vessel or boat shall anchor within twenty-five yards of any part of the pier or works without the consent of the Company or their piermaster.

Pier to be
deemed to be
within the
parish of
St. James.

29. The pier and works shall for all purposes be deemed and taken to be within and form part of the parish of St. James the Apostle, in the borough of Dover and county of Kent.

Application of
rates received.

30. The rates received under this Order, whether by the Company or any receiver to be appointed under the provisions of this Order, shall be applicable for the purposes and in the order following, and not otherwise:—

- (1.) In paying the expenses of the maintenance and repair, management, and regulation of the pier and works:
- (2.) In payment year by year of the interest accruing on any money borrowed by the Company:
- (3.) The surplus revenue (if any) of the pier and works after providing for the purposes aforesaid shall belong to the Company.

31. The Company may from time to time borrow and reborrow on mortgage at interest on the security of the rates authorised by this Order such sums of money as they may from time to time think requisite, not exceeding in the whole at any one time six thousand pounds.

A.D. 1889.

Dover.

Power to borrow money.

32. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable.

Application of money borrowed.

33. If within six months after the interest on any mortgage granted by the Company has become due, or after the period prescribed for the payment of the principal sum in any such mortgage has expired, such interest or principal, as the case may be, shall not be paid, the holder of such mortgage may without prejudice to any rights, remedies, or securities otherwise competent to or held by him, apply for the appointment of a receiver as herein-after provided.

Payment of arrears of interest and principal may be enforced by appointment of a receiver.

34. Every application for the appointment of a receiver under the provisions of this Order shall be made to a justice of the peace for the county of Kent, and on any such application the justice may, by order in writing, after hearing the parties, appoint some person as a receiver to receive the whole or a competent part of the rates authorised by this Order until all the arrears of interest, or of principal and interest as the case may be, then due on the outstanding mortgages, with all costs, including the charges of receiving the said rates, be fully paid, and upon such appointment being made the rates shall be paid to and received by the receiver, and so soon as the full amount of interest, or of principal and interest as the case may be, and costs has been so received, the power of the receiver shall cease, and after payment of the said costs the receiver shall distribute among all the holders of the said mortgages to whom interest or principal shall be in arrear the rates and other moneys which shall have been received by him, having regard in such distribution to the priorities (if any) of such mortgages.

Appointment of a receiver.

35. The amount to authorise the application for appointment of a receiver shall be one thousand pounds, in one or more mortgages.

Amount to authorise application for receiver.

36. Sections 16 to 19 inclusive of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Company shall, at their own expense, when directed by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the pier, and build on such site a house and other proper accommodation for a lifeboat rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation, after having been required so to do by the Board of Trade.

Portion of Harbours Clauses Act excepted.

37. 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 shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights 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. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights during the construction of works.

[Ch. xlviii.] *Pier and Harbour Orders* [52 & 53 VICT.]
Confirmation (No. 2) Act, 1889.

A.D. 1889.

Dover.
As to lights
after comple-
tion of works.

38. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Company shall at the outer extremity of the pier and works, or the completed portion thereof, exhibit during all or any part of the time, from sunset to sunrise, and according to the season of the year and the requirements of the traffic, such light or lights (if any) 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 lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Provision
against danger
to navigation.

39. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Company shall lay down such buoys, exhibit such lights, or take such other means for preventing so 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, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse to obey any direction given in reference to the means to be taken.

Powers to
cease in certain
events.

40. In the following cases, that is to say :—

(1.) If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced ; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months

the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

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 calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Government to
have right to
purchase.

41. Her Majesty or any Department of Her Majesty's Government may at any time purchase, and the Company shall sell, the pier and works of the Company at a price to be fixed by agreement, or if no agreement can be made, then at a price to be fixed by two arbitrators, one to be appointed by or on behalf of Her Majesty, and the other by the Company, and by an umpire to be appointed by the arbitrators before they proceed on the reference, and the award in writing of any two of such arbitrators and umpire as to the price to be paid is to be final and conclusive, and the sale and purchase shall be completed accordingly at that price. If the Company neglect or refuse to appoint an arbitrator for twenty-one days after notice in writing left for them at their registered office requiring them so to do, the arbitrator appointed by or on behalf of Her Majesty is alone to fix the price and his decision is to be final and binding on the Company.

Saving rights
under Crown
Lands Act,
1866.

42. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers,

[52 & 53 VICT.] *Pier and Harbour Orders* [Ch. xlviii.]
Confirmation (No. 2) Act, 1889.

authorities, or privileges without the consent of the Board of Trade having been first obtained. A.D. 1889.

43. Except as in this Order expressly provided, nothing contained in this Order shall alter or diminish any rights or jurisdiction of the Dover Harbour Board, or of the mayor, aldermen, and burgesses of the borough of Dover. Dover.
Saving rights
of the Dover
Harbour
Board and the
Corporation
of Dover.

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

45. This Order may be cited as The Dover-Promenade Pier Order 1889. Short title.

SCHEDULE to which the foregoing Order refers.

I. RATES ON VESSELS USING THE PIER.

		s.	d.
For every vessel not exceeding the burden of fifteen tons - per ton	0	4	
For every vessel exceeding the burden of fifteen tons and under fifty tons per ton register	0	6	
For every vessel of the burden of fifty tons and under one hundred tons per ton register	0	8	
For every vessel of the burden of one hundred tons and under one hundred and fifty tons - - - - per ton register	0	10	
For every vessel of the burden of one hundred and fifty tons and upwards per ton register	1	0	
All boats of steamers or yachts using the pier for taking in stores and provisions - - - - - each	0	6	

II. RATES FOR USE OF PIER.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any vessel, for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each time any sum not exceeding - - - - -	0	0	2
For every bath or sedan chair, including driver, taken on the pier, for each time any sum not exceeding - - - - -	0	0	4
For every perambulator, including driver, taken on the pier, for each time any sum not exceeding - - - - -	0	0	3
For every master of any vessel or boat using the pier for the purpose of going to or returning from his own vessel or boat an annual sum not exceeding - - - - -	1	0	0

A.D. 1889.

Dover.

III. RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR
 TRANSHIPPED AT THE PIER.

	s.	d.
For every trunk, portmanteau, box, parcel, or package within the description of luggage and not borne by the passenger, not exceeding twenty-eight pounds	0	2
Over twenty-eight pounds and not exceeding eighty-four pounds	0	4
Over eighty-four pounds and not exceeding one hundred and twelve pounds	0	5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds	0	6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds	0	7
Over one hundred and ninety-six pounds and not exceeding two hundred-weight	0	8
If amounting to or exceeding two hundredweight, for every hundredweight	0	4
And for every twenty-eight pounds weight in addition	0	1
For every bicycle or tricycle for each and every time	0	3

Milford-on-Sea.

MILFORD-ON-SEA.

Order for the construction, maintenance and regulation of a Promenade Pier at Milford-on-Sea, in the County of Southampton.

Undertakers.

1. The Milford-on-Sea (Hants) Pier Company, Limited, shall be the Undertakers for carrying into execution the works authorised by this Order, and are in this Order referred to as The Undertakers.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Consolidation Acts, 1845 and 1860, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to acquire lands by agreement.

3. The Undertakers may from time to time by agreement enter upon, take, and use all such part of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the pier authorised by this Order, and the approaches, works, and conveniences connected therewith.

Lands for extraordinary purposes.

4. The Undertakers may purchase and hold for extraordinary purposes any lands not exceeding in the whole three acres; but anything in this Order contained shall not exempt the Undertakers from any proceedings on account of any nuisance caused by them on any land acquired by them under this Order.

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may, on the lands acquired by them under this Order, and 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, make and maintain the pier and works authorised by this Order.

A.D. 1889.

*Milford-on-Sea.*Power to
make works.

6. The works authorised by this Order comprise the following:—

Description
of works
authorised.

- (1.) A promenade pier, jetty, and landing and shipping places in the Parish of Hordle, and on the adjoining foreshore and bed of the sea, in the County of Southampton, commencing at a point on the cliff adjoining the sea shore opposite the southern end of Cornwallis Road, thence extending across the beach and foreshore and into the sea, and terminating at a point six hundred and twenty-two feet or thereabouts, measured in a southerly direction, from the said point of commencement;
- (2.) A jetty, and sea-walls, groynes, terraces, approaches, toll-houses, toll-gates, turnstiles, cranes, buoys, moorings, mooring-posts, and other buildings, erections, works, conveniences and appliances in connexion with the pier;
- (3.) Saloons, pavilions, waiting, refreshment, reading and other rooms, shops, bazaars, baths and other conveniences upon the pier, with suitable approaches thereto.

7. When 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 construction of the works authorised by this Order have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the pier and works, demand, recover, and receive in respect of the vessels, persons and, things in the Schedule to this Order specified any sums not exceeding the rates in that Schedule mentioned.

Power to
levy rates.

8. The Undertakers may grant to passengers and promenaders or others pass-tickets for the use of the pier on such terms and for such period not exceeding one year as are agreed on, but so that no preference shall be given to any person. A pass-ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Undertakers
may contract
with persons
for the use
the pier.

9. If at any time, and from time to time, the clear annual income derived from the pier and works authorised by this Order on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from

Board of
Trade may
reduce pier
rates.

A.D. 1889.
Milford-on-Sea.

time to time 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, on application in writing from six or more of the owners of vessels or boats resorting to the pier, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the Schedule to this Order.

Annual
account to be
sent to Board
of Trade.

10. The Undertakers, 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 to the end of the day on the 25th 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 Undertakers 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.

Certain fishing
vessels under
stress of
weather
exempt from
rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties 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 pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom
House Officers
exempt from
rates.

12. Officers of the Board of Trade and of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier and works by land, and with their vessels and otherwise without payment.

Lifeboat crew
exempt from
tolls.

13. 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 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 pier and works without payment.

Life-saving
apparatus may
be attached
to the pier.

14. 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 without payment attach or cause to be attached to any part of the pier or 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 pier and works.

Steam engines,
diving-bells,
lighters, &c.

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

16. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Undertakers might in any manner interfere with the use of the pier for recreation or for the embarking or landing of passengers.

A.D. 1889.
—
Milford-on-Sea.
Restriction on use of pier.

17. Sections sixteen to nineteen inclusive and twenty-one to twenty-three inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Undertakers shall at their own expense, when directed by the Board of Trade, provide, to the satisfaction of the Board of Trade, a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required to do so by the Board of Trade.

Parts of Harbours, &c., Act, 1847, excepted.

18. Part V. of the Harbours and Passing Tolls, &c., Act, 1861, shall apply to the works authorised by this Order.

Part V. of 24 & 25 Vict. c. 47 to apply.

19. The Undertakers shall at all times keep at the outer extremity of the pier a life-buoy and line in good order, and fit and ready for use.

Life-buoy to be kept.

20. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognisance of any justices of the peace, be deemed and taken to be within and as forming part of the parish of Hordle, in the county of Southampton, and within the jurisdiction of any justices acting within and for the division of which that parish forms part.

Pier to be deemed within parish of Hordle.

21. Before commencing the works authorised by this Order, the Undertakers shall apply to the Board of Trade for directions as to lights to be exhibited, and shall in all respects obey any directions given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy, and be in place of every other statutory requirement as to lights during the construction of the works. If the Undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights during construction of works.

22. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the pier and works or the completed portion thereof, exhibit for all or any part of the time, from sunset to sunrise and according to the season of the year and the requirements of the traffic, such light or lights (if any) 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 lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

As to lights after completion of works.

23. In case of injury to or destruction or decay of the pier or works or any part thereof, the Undertakers shall lay down such buoys, exhibit such lights, or take such other means for preventing so 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

Provision against danger to navigation.

[Ch. xlviii. *Pier and Harbour Orders* [52 & 53 VICT.]
Confirmation (No. 2) Act, 1889.

A.D. 1889.
Milford-on-Sea.

Powers
cease in
certain events.

taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

24. In the following cases (that is to say):

1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or
2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months ;

the powers by this Order given for executing such works respectively or otherwise in relation thereto shall cease to be exercised except as to so much of such works as shall be then completed unless the time for completion shall be extended by the special direction of the Board of Trade.

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 calendar months shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

Saving rights
under Crown
Lands Act,
1866.

25. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities or privileges without the assent of the Board of Trade having been first obtained.

Costs of
Order.

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

Short title.

27. This Order may be cited as The Milford-on-Sea (Hants) Pier Order, 1889.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.
For every passenger or other person who shall land on the pier from, or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding - - -	0	4
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each and every time, any sum not exceeding - - -	0	2

	<i>s.</i>	<i>d.</i>	A.D. 1889.
For every bath or sedan-chair, including driver, taken on the pier, for each and every time, any sum not exceeding - - - - -	0	4	<u>Milford-on-Sea.</u>
For every perambulator, including driver, for each and every time, any sum not exceeding - - - - -	0	3	
For every master of any vessel, boat or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0	

II.—RATES ON PASSENGERS' LUGGAGE, &c.

For every trunk, portmanteau, box, parcel, or package, not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - - -	0	1

III.—RATES ON VESSELS USING THE PIER.

For every vessel under the burden of 15 tons register - per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons register per ton register	0	6
For every vessel of the burden of 50 tons and under 100 tons register per ton register	0	8
For every vessel of the burden of 100 tons and under 150 tons register per ton register	0	10
For every vessel of the burden of 150 tons register and upwards per ton register	1	0
For every lighter, for each trip - - - - - per ton	0	2

IV.—RATES FOR SUPPLYING WATER.

Fresh water on pier, per 100 gallons - - - - -	1	6
Sea water, per 3 gallons - - - - -	0	2

A.D. 1889.

WORTHING.

Worthing.*Order for authorising the maintenance of a Pier and other Works
at Worthing in the County of Sussex.*

Undertakers.

1. The Worthing Pier Company Limited (in this Order called the Company) shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers and privileges conferred by this Order.

Limits of
Order.

2. The limits within which the Company shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend shall be the pier and works as existing or by this Order authorised.

Order to apply
to existing
works.

3. This Order shall apply to the existing pier and works of the Company and the conveniences connected therewith in the same manner as if such pier and works had been constructed and completed under powers given by this Order.

Incorporation
of parts of Acts.

4. The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement) are incorporated with and form part of this Order For the purposes of such incorporation the term "Special Act" in the said Acts shall be construed to mean this Order.

Power to take
lands by
agreement.

5. For the purposes of the works authorised by this Order the Company may from time to time by agreement enter on take and use all or such parts of the land and foreshore shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order and of the conveniences connected therewith and may hold and use for those purposes such of the said land and foreshore as they may have acquired before the confirmation of this Order.

Power to
execute works.

6. Subject to the provisions of this Order the Company may maintain with enlargements and improvements as now in progress the existing pier at Worthing in the parish of Broadwater and county of Sussex in the situation and according to the levels shown on the deposited plans and sections together with all proper landing-places toll-gates toll-houses approaches works and conveniences connected therewith.

Further powers
as to buildings.

7. The Company may erect construct and maintain on the said pier pavilions or assembly rooms concert lecture reading refreshment and other rooms buildings and conveniences (all which matters and things are in this Order included in the word "buildings") and may from time to time make and recover such charges for the use of the buildings or any of them or any part or parts thereof respectively as they from time to time think fit and may from time to time let or lease the said buildings or any of them or any part or parts thereof respectively for any period not exceeding seven years to such person company or corporation upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

Power to close
pier on special
occasions &c.

8. The Company may on any occasions which they may deem special but not exceeding twelve days in any one year close the pier against the public and may

on such occasions charge such special rates of admission not exceeding one shilling for each person as the Company may from time to time think fit. Provided that on all such occasions the Company shall reserve a sufficient passage along the pier from the landing steps to the shore for persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates, so long only as they use the pier as a passage, and do not remain upon it.

A.D. 1889.

Worthing.

9. When 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 construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order for the use of the pier and works demand receive and recover in respect of persons matters and things described in the schedule to this Order any sums not exceeding the several rates in that schedule specified.

Power to levy rates.

10. If at any time and from time to time the clear annual income derived from the pier and works as already existing or as authorised by this Order on the average of the then three last preceding years (after payment of all expenses and outgoings other than payment of principal and interest of money borrowed) shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended in the construction of the pier and works the Board of Trade may if in their discretion they think fit reduce the rates authorised by this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the 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 the amounts specified in the schedule to this Order.

Board of Trade may reduce rates.

11. The directors may before recommending any dividend set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies or for equalising dividends or for repairing improving and maintaining any of the property of the Company and for such other purposes as the directors shall think conducive to the interests of the Company and they may invest the several sums so set aside in any of the modes in which trustees are by law authorised to invest or in any other manner directed by the Company in general meeting and may from time to time deal with and vary such investments and dispose of all or any part of the said several sums and the investments thereof in paying off any mortgage or mortgages upon property of the Company or otherwise for the benefit of the Company. The income arising from the securities upon which the reserve fund shall be from time to time invested may either be added to the reserve fund or be carried to and be deemed to form part of the general revenue of the Company.

Reserve fund.

12. The Company 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 to the end of the day on the 25th 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 Company 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.

Annual account to be sent to Board of Trade.

A.D. 1889.

Worthing.
Pass tickets for
use of pier.

13. The Company may grant to passengers promenaders and others pass tickets for the use of the pier and works at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person. A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit pass ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

As to life
tickets.

14. The Company having agreed to issue to persons who have subscribed or shall subscribe for not less than one hundred original shares in the Company non-transferable pass tickets enabling such persons subject to certain conditions to use the pier without payment and capital of the Company having been subscribed on that condition the Company may issue such tickets and such persons may use the pier accordingly.

Powers to vary
exemptions
from rates and
to enter into
compositions
&c.

15. The Company may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of rates authorised by this Order for such periods and on such terms as they may think fit but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Power to lease
rates.

16. The Company 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 to take effect in possession at the best rent to be reasonably obtained without fine and on such other terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same power of levying and recovering rates and dues as the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the same provisions as to accounts and otherwise to which the Company are made subject by this Order.

Certain fishing
vessels under
stress of
weather exempt
from rates.

17. 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 pier and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of
Custom House
officers from
rates.

18. Officers of the Board of Trade and of Customs being in the execution of their duty shall at all times have free ingress passage and egress to over and from the pier and works by land and from their vessels and otherwise without payment.

Lifeboat crew
to be exempt
from rates.

19. 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 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 over and from the pier and works without payment. A.D. 1889.

Worthing.

20. 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 without payment attach or cause to be attached to any part of the pier or 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 pier. Life-saving apparatus may be attached to pier.

21. The Company may make byelaws for the regulation and control of vessels and boats to take effect below high-water mark within one hundred yards of any part of the pier or works and also for the regulation and control of persons embarking disembarking frequenting or resorting to or employed at their pier and works and for protecting the pier buildings and works and for protecting the property thereon and for ensuring the safety and comfort of persons frequenting the same and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes. Power to make byelaws.

22. The rates received under this Order shall be applicable for the purposes and in the order following and not otherwise :— Application of rates received.

- (1.) In paying the expense of the maintenance and repair management and regulation of the pier buildings and works ;
- (2.) In payment year by year of the interest accruing on money borrowed by the Company ;
- (3.) The surplus revenue (if any) of the pier buildings and works after providing for the purposes aforesaid shall belong to the Company.

23. The Company may from time to time borrow and re-borrow on mortgage at interest on the security of the rates authorised by this Order such sums of money as they may from time to time think requisite not exceeding in the whole at any one time six thousand pounds. Power to borrow money.

24. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable. Application of money borrowed.

25. If within six months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum in any such mortgage has expired such interest or principal as the case may be shall not be paid the holder of such mortgage may without prejudice to any rights remedies or securities otherwise competent to or held by him apply for the appointment of a receiver as herein-after provided. Payment of arrears of interest and principal may be enforced by appointment of a receiver.

26. Every application for the appointment of a receiver under the provisions of this Order shall be made to a justice of the county of Sussex and on any such application the said justice may by order in writing after hearing the parties appoint some person as a receiver to receive the whole or a competent part of the rates authorised by this Order until all the arrears of interest or of principal and interest as the case may be then due on all the outstanding mortgages with all costs including the charges of receiving the said rates be fully Appointment of a receiver.

A.D. 1889.

Worthing.

paid and upon such appointment being made the rates shall be paid to and received by the receiver and so soon as the full amount of interest or of principal and interest as the case may be and costs has been so received the power of the receiver shall cease and after payment of the said costs the receiver shall distribute among all the holders of the said mortgages to whom interest or principal shall be in arrear the rates and other moneys which shall have been received by him having regard in such distribution to the priorities (if any) of such mortgages.

Amount to
authorise
application for
receiver.

27. The amount to authorise the application for appointment of a receiver shall be one thousand pounds in one or more mortgages.

Portion of
Harbours
Clauses Act
excepted.

28. Sections sixteen to nineteen inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall at their own expense when directed by the Board of Trade provide to the satisfaction of the Board of Trade a site near the pier and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Undertakers
to be local
authority.

29. Within the limits of this Order the Company shall be a local authority within the meaning of the Merchant Shipping Act 1854 and the Acts amending the same and shall have all the powers conferred by those Acts on local authorities.

Pier to be
deemed within
the district of
Worthing.

30. The pier and works shall in respect of all matters crimes or offences arising or committed thereon requiring the cognizance of any justice of the peace be deemed and taken to be within and as forming part of the district of the local board of health for the district of Worthing and within the jurisdiction of the justices acting in and for the petty sessional division in which the said district is situate.

Vessels not to
anchor within
one hundred
yards.

31. No vessel or boat shall anchor within one hundred yards of any part of the pier or works without the consent of the Company or their piermaster.

Vessels not to
moor alongside
pier without
consent.

32. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the pier without the consent of the Company or their piermaster.

Meters and
weighers.

33. The Company shall have the appointment of meters and weighers within the limits of this Order.

As to lights
after comple-
tion of works.

34. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall at the outer extremity of the pier and works 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 light or lights (if any) 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 lighting and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

35. In case of injury to or destruction or decay of the pier or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so 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 and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

A.D. 1889.
Worthing.
Provision against danger to navigation.

36. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the consent of the Board of Trade having been first obtained.

Saving rights under Crown Lands Act 1866.

37. No merchandise or goods (passengers personal luggage excepted) shall be landed on or at the said pier or lands acquired by the Company otherwise than with the consent of the Company.

Goods not to be landed without consent.

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

Costs of Order.

39. This Order may be cited as the Worthing Pier Order 1889.

Short title.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every vessel not exceeding the burden of fifteen tons - per ton	0	4
For every vessel exceeding the burden of fifteen tons and under fifty tons - per ton register	0	6
For every vessel of the burden of fifty tons and under one hundred tons per ton register	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons - per ton register	0	10
For every vessel of the burden of one hundred and fifty tons and upwards - per ton register	1	0
All lighters for each trip - per ton	0	6
All boats entirely open landing or taking on board goods - each	0	6

[Ch. xlvi.] *Pier and Harbour Orders* [52 & 53 VICT.]
Confirmation (No. 2) Act, 1889.

A.D. 1889. **II.—RATES FOR GOODS AND ANIMALS SHIPPED OR UNSHIPED AT THE**
Worthing. **PIER.**

	s.	d.
Light goods - per cubic foot	0	1
Heavy goods - per ton	2	0
In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a portion of the respective rates shall be charged.		
Horses - each	1	6
Asses mules bulls cows and oxen - each	1	0
Calves sheep and pigs - each	0	3
Lambs dogs and other small animals - each	0	2

III.—RATES FOR USE OF PIER.

For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage-boat for each time any sum not exceeding	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding	0	2
For every bath or sedan chair including driver taken on the pier for each time any sum not exceeding	0	4
For every perambulator including driver taken on the pier for each time any sum not exceeding	0	4
For every person using the pier for the purpose of bathing any sum not exceeding	0	4

IV.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding twenty-eight pounds	0	2
Over twenty-eight pounds and not exceeding eighty-four pounds	0	4
Over eighty-four pounds and not exceeding one hundred and twelve pounds	0	5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds	0	6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds	0	7
Over one hundred and ninety-six pounds and not exceeding two hundredweight	0	8
If amounting to or exceeding two hundredweight for every hundredweight	0	4

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Pier and Harbour Orders
Confirmation (No. 2) Act, 1889.

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	<i>s.</i>	<i>d.</i>	A.D. 1889.
And for every twenty-eight pounds weight in addition	0	1	—
For every four-wheeled carriage	4	0	<i>Worthing.</i>
For every two-wheeled carriage	2	6	
For every bicycle or tricycle for each and every time	0	3	

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