General Pier and Harbour Act 1861

1861 CHAPTER 45 24 and 25 Vict

[F1 15 Board of Trade may grant provisional orders, subject to provisions herein named.

After such inquiries as the Board of Trade may think expedient, and after the consent . . . F2 of the [F3 Crown Estate Commissioners,] and, if required, of the persons mentioned in the last preceding section, shall have been obtained, and the same shall have been certified to the Board of Trade in such manner as they may require, the Board of Trade may settle and make a provisional order; and every such order shall be made and shall take effect subject and according to the following provisions:—

It shall specify who are to be the undertakers of the works, and may provide (where requisite) for the election or appointment of Commissioners as undertakers of the works, and may (where requisite) incorporate the undertakers into a body corporate, with an appropriate name, perpetual succession, and a common seal:

It may empower the undertakers to make and alter byelaws for the management of such works, subject in . . . F4 Ireland to the approval of the court of quarter sessions of the peace for the county in which the works are situated, and in Scotland to the approval of the sheriff or sheriff substitute of such county:

It may empower the undertakers to take land on lease or otherwise, to an extent limited by the order, by agreement:

It may empower the undertakers to levy and to recover rates at such works, and may provide for the application of the monies accruing from these rates to be levied, and (where requisite) may provide for the due audit of the accounts of receipt and expenditure at such works:

It may empower the undertakers for the purposes of such works to borrow on mortgage or bond, at a maximum rate of interest to be therein specified, upon security of the rates, to an extent limited by the order, with provisions for payment of interest and repayment of principal:

It may incorporate by reference the M1 Commissioners Clauses Act 1847, the M2 Companies Clauses Act 1845, the M3 Companies Clauses (Scotland) Act 1845, the M4 Harbour, Docks, and Piers Clauses Act 1847, the M5 Lands Clauses Consolidation Act 1845, the M6 Lands Clauses Consolidation (Scotland) Act 1845, or any part of such Acts, except so much of the said two last-mentioned Acts as relates to the purchase of land otherwise than by agreement; the expression the

"special Act" used in such incorporated Acts shall be deemed to apply to such provisional order.**]**

Textual Amendments

F1 Act repealed (E.W.S.) (15.7.1992) by Transport and Works Act 1992 (c. 42), ss. 65(1)(a), 68(1), **Sch. 4 Pt. 2**; S.I. 1992/1347, art. 2, **Sch.** (with art. 3)

F2 Words repealed by Harbours Transfer Act 1862 (c. 69), **s. 11**

F3 Words substituted by virtue of Crown Lands Act 1885 (c. 79), **s. 2**, S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), art. 1, Crown Estate Act 1956 (c. 73), **s. 1** and Crown Estate Act 1961 (c. 55), **Sch. 2 para. 4(1)**

F4 Words repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

Modifications etc. (not altering text)

C1 S. 15 restricted by Harbours, Piers and Ferries (Scotland) Act 1937 (c. 28), **ss. 4**, 5(2)

C2 Reference to "sheriff or sheriff substitute of such county" to be construed as reference to sheriff principal or sheriff of the sheriffdom: Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4, **Sch. 1 para. 1**

Marginal Citations

M1 1847 c. 16.

M2 1845 c. 16.

M3 1845 c. 17.

M4 1847 c. 27.

M5 1845 c. 18.

M6 1845 c. 19.

Changes to legislation:
There are currently no known outstanding effects for the General Pier and Harbour Act 1861, Section 15.