



# Harbours and Passing Tolls, &c. Act 1861

1861 CHAPTER 47 24 and 25 Vict

## PART V.—POWER TO TOWN CORPORATIONS, &C. TO TRANSFER SHIPPING DUES TO HARBOUR AUTHORITIES

### 17 Power to transfer dues.

Any body corporate or person having power to levy shipping dues may, with the consent of Her Majesty in Council, by deed transfer, upon such terms as they or he think fit, all or any portion of the shipping dues leviable by them or him to any authority entrusted with the duty of constructing, maintaining, or improving any public harbour within which such dues or any portion thereof may be levied; and the transferees of such dues shall be possessed of all the rights and privileges in respect of such dues of which the transferors were possessed previously to such transfer, and shall apply the said dues to shipping purposes within the said harbour.

### 18 Notice of intended transfer to be given.

Previously to making any such transfer as aforesaid, the parties proposing to make the same, herein-after called the transferors, shall give notice of the terms on which it is proposed to be made, by publishing such terms twice at least in some local newspaper or newspapers, or by issuing advertisements naming a time and place at which a copy of the proposed terms may be inspected; and it shall be lawful for any persons or body of persons interested in the matter, to lay before them in writing such objections or observations with reference thereto as they think expedient; and it shall be the duty of the transferors and of the said harbour authority to take the same into consideration and to make such modifications in or additions to the said terms (if any) as they may think fit to adopt; and it shall likewise be their duty, in applying for the consent of Her Majesty in Council, to forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council.

### 19 Evidence of transfer.

Upon the completion of the transfer, a copy of the Order in Council approving of the transfer, accompanied with a copy of the instrument of transfer, shall be published in

*Changes to legislation: There are currently no known outstanding effects for the Harbours and Passing Tolls, &c. Act 1861, Part V.—Power to Town Corporations, &c. to Transfer Shipping Dues to Harbour Authorities. (See end of Document for details)*

the London Gazette; and the production of the London Gazette containing such copy shall be evidence that the said transfer has been effected.

## **20 Power to borrow money in order to effect such transfer.**

Every harbour authority may from time to time borrow at interest, on the security of any property belonging to them or of any rate or rates which they have power to levy, any sum or sums they may require for procuring any such transfer as aforesaid to be made to them; and for the purposes of such borrowing, the clauses of the <sup>M1</sup>Commissioners Clauses Act 1847, with respect to the mortgages to be executed by the commissioners (except the clause numbered 84) shall be incorporated with this Act. The said transferors shall hold and apply all monies paid to them by way of consideration for any such transfer as aforesaid upon the same trusts, if any, and for the same purposes, upon and for which the said shipping dues, if not so transferred, would have been held and applied.

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### **Marginal Citations**

**M1** 1847 c. 16.

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