



Harbours and Passing Tolls, &c. Act 1861

1861 CHAPTER 47

PART VII

MAINTENANCE OF RAMSGATE, DOVER, WHITBY, AND BRIDLINGTON HARBOURS

Ramsgate Harbour

22 Transfer of Ramsgate Harbour to Board of Trade.

On and after the First Day of *January* One thousand eight hundred and sixty-two the Harbour of *Ramsgate* and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Leases, Contracts, Charges, or other Liabilities affecting the same, shall be transferred to and are hereby vested in the Board of Trade.

23 Transfer of Powers to Board of Trade.

All Powers, Eights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Ramsgate*, or the Property belonging thereto, which may by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Trustees of *Ramsgate* Harbour, shall be transferred to and are hereby vested in the Board of Trade.

24 Debts, &c. of Trustees enforceable against Board of Trade.

All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Trustees of *Ramsgate* Harbour, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board of Trade, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board of Trade, and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the

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Non-performance thereof, shall be enforceable by or against the Board of Trade, to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Trustees of *Ramsgate* Harbour.

25 Accounts of Trustees of Ramsgate Harbour to be made up.

The Accounts for the Trustees of *Ramsgate* Harbour for the Period antecedent to the said Transfer shall be finally made up, and shall be audited, settled, allowed, approved, and transmitted to the Honourable the House of Commons, as required by the Acts relating to the Harbour ; and thenceforth the Trustees and all Persons who at any Time shall have been Trustees of the Harbour, and their respective Representatives, shall be freed from all Liabilities whatsoever, under or by virtue of the Acts relating to the Harbour or any of them.

26 Indemnification of Trustees of Ramsgate Harbour.

The Board of Trade shall out of the *Ramsgate* Harbour Fund indemnify the Trustees of *Ramsgate* Harbour and their respective Representatives from all Liabilities not arising from their own personal wrongful Act or Default, to which the Trustees at the Time of this Act coming into operation are or but for this Act would become subject.

27 Rates to be taken in Ramsgate Harbour.

On and after the First Day of *January* One thousand eight hundred and sixty-two the Board of Trade may, for the Purpose of maintaining and improving the Harbour of *Ramsgate*, in lieu of the Rates heretofore levied, impose and levy Rates on Vessels entering and using the said Harbour, and on Goods shipped or unshipped in the said Harbour, not exceeding the Rates specified in the Schedule (A.) annexed to " The Burgh Harbours (*Scotland*) Act, 1853," with the Exceptions and Modifications hereinafter mentioned ; that is to say,

- (1) In the Case of any Vessel carrying Passengers the Board of Trade may, instead of levying a Tonnage Rate on the Vessel, levy on every Passenger embarking from or landing on the Pier or Piers of the said Harbour on or from the said Vessel, a Rate not exceeding Threepence, to be paid if demanded before the Passenger is allowed to embark or land :
- (2) On every Ton of Coal, Coke, or Culm shipped or unshipped in the said Harbour, the Board of Trade may levy a Rate not exceeding Sixpence :
- (3) Whenever any Vessel enters the Harbour in distress, and for the Purpose of repairing the said Vessel any Goods are unshipped therefrom, and the Rates upon the Unshipment of such Goods are duly paid, then if such Goods are afterwards re-shipped in the said Harbour without any Change in the Ownership thereof having taken place, no further Rates shall be leviable upon the said Goods in respect of such Reshipment:
- (4) No Rates shall be levied on Fishing Boats belonging to *Ramsgate* :
- (5) No Rate shall be levied on Vessels using the said Harbour solely as a Harbour of Refuge, and remaining therein not more than Sixty Hours:

And the Board of Trade may from Time to Time vary such Rates by reducing or raising the same, so that they do not exceed the Rates herein-before authorized.

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28 Board of Trade to receive Percentage on Salvage.

On and after the First Day of *January* One thousand eight hundred and sixty-two, the Board of Trade shall be entitled to receive a Per-centage of Five Pounds in the Hundred on all Salvage paid or liable to be paid in respect of any Ship or Boat, or Cargo or Apparel of any Ship or Boat, or any "Wreck or other Property, which may be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the Board of Trade before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

29 Gross Sum of 2,000l. to be paid to Mayor, &c. of Sandwich in lieu of annual Payment of 200l.

From and after the First Day of *January* One thousand eight hundred and sixty-two, the Sum of Two hundred Pounds a Year heretofore paid to the Mayor, Aldermen, and Burgesses of Sandwich out of the Revenues of the Harbour of *Ramsgate* shall cease, and in lieu thereof there shall be paid to them, on or before that Day, by the Board of Trade, out of the *Ramsgate* Harbour Fund hereinafter mentioned, a single Sum of Two thousand Pounds.

30 Application of the said Sum of 2,000l.

The said Mayor, Aldermen, and Burgesses shall apply the said Sum of Two thousand Pounds in Payment or Part Payment of any Debts lawfully charged on the said annual Sum of Two hundred Pounds, heretofore paid to them either alone or in common with other Property or Income of the said Mayor, Aldermen, and Burgesses; and the Remainder, if any, of such Debts, shall be paid by the said Mayor, Aldermen, and Burgesses out of any Rate or Rates they may have Power to levy in respect of the Harbour of Sandwich; and the said Mayor, Aldermen, and Burgesses may, notwithstanding any Prohibition contained in any Act of Parliament as to the maximum Amount of such Rate or Rates, raise the same to such Amount as may be necessary for satisfying such Debts as aforesaid.

31 Income of Ramsgate Harbour to be carried to Ramsgate Harbour Account.

All Money and Income received by the Board of Trade in pursuance of this Act shall be carried to a separate Account, entitled " The *Ramsgate* Harbour Fund Account," and, subject to any other Charges specified in this Act, the same shall be applied to the Management, Maintenance, and Improvement of the said Harbour.

32 Ramsgate Harbour Accounts to be rendered to the Treasury and signed by Accountant of Board of Trade.

The Board of Trade shall, whilst *Ramsgate* Harbour remains in their Hands, render to the Commissioners of Her Majesty's Treasury periodical Accounts of the whole of the Receipts and Expenditure in respect thereof, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose, and the said Commissioners shall cause the same to be examined and audited in such Manner as they think fit. 3

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33 Such Accounts to be laid before Parliament.

The Board of Trade shall as soon as practicable after the Meeting of Parliament in every Year, cause the Accounts of *Ramsgate* Harbour for the preceding Year to be laid before both Houses of Parliament.

34 Board of Trade may continue Ramsgate Harbour Superannuation Fund or wind up the same.

Whereas the Trustees of *Ramsgate* Harbour have established a Benefit or Superannuation Fund for Persons employed by them at weekly Wages, by means of Contributions from the Workmen, and of Sums added out of the Be venues of the Harbour: And whereas there is a considerable Capital now standing to the Credit of the said Fund: Be it enacted, That the Board of Trade shall either continue the said Benefit or Superannuation Fund in accordance with the Regulations now in force with respect to the same, or such other Regulations as may from Time to Time be approved by them, or shall wind up the said Fund in such a Manner that every Pension granted by the Trustees before the Fifteenth Hay of *March* One thousand eight hundred and sixty-one, or granted by them after that Day and allowed by the Board of Trade, shall be fully paid, and that every Contributor not in receipt of a Pension granted before such Time as aforesaid shall be repaid the Amount he has contributed, with Interest at Three *per Centum per Annum*: In case the said Fund is wound up, the Capital of the said Fund now in the Hands of the Trustees shall be employed in satisfying its Liabilities; if the said Capital is insufficient for the Purpose, the Deficiency shall be made up out of the *Ramsgate* Harbour Fund, but if the said Capital is more than sufficient for the Purpose, any Surplus shall be carried to the Credit of the last-mentioned Fund.

35 Board of Trade may allow Compensation to Persons deprived of Offices.

The Board of Trade shall allow Compensation or Superannuation Allowance to any Person in the Employ of the Trustees of *Ramsgate* Harbour not having Claims on the Benefit or Superannuation Fund herein-before mentioned, whose Salary or Emoluments are by reason of the passing of this Act abolished or made less than they were before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or who being continued in the Employ of the Board of Trade afterwards retires from the Service, so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service, and so that no such Compensation or Superannuation Allowance shall be granted, except in the Oases and upon the Conditions in and upon which the same would or might be granted if such Persons had been employed in the Public Civil Service; and any Compeusation or Superannuation Allowance so allowed shall be paid out of the *Ramsgate* Harbour Fund.

36 Deficiency of Income to be supplied by Monies voted by Parliament.

If at any Time whilst the Harbour of *Ramsgate* is vested in the Board of Trade, the Income and Revenue applicable to the Purposes of managing, maintaining, and improving the said Harbour of *Ramsgate* are insufficient for such Purposes, or for the other Purposes to which the said *Ramsgate* Harbour Fund is applicable, it shall be lawful for the Commissioners of Her Majesty's Treasury to advance such Sums as may be requisite for the said Purposes out of Monies to be provided for the Purpose by Parliament.

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37 Harbour to be free from Rates.

The Harbour of *Ramsgate* shall not be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses; and *Ramsgate* Harbour, and all Property and Income vested in or belonging to the Board of Trade in respect of the said Harbour, and all Premises or Property used or applied by the Board of Trade for the Purpose of the said Harbour, and all Instruments or Writings used by the Board of Trade in respect of the said Harbour, shall be exempted from all public Taxes and Duties of every Kind ; save only that Parochial or other local Rates shall still be payable on those Parts of the said Property at *Ramsgate* on which they have heretofore been paid.

38 Town Dues on Coal not to be levied in certain Cases.

No Dues shall be levied by the Commissioners for paving, lighting, watching, and improving the Town of *Ramsgate* on Coal, Culm, and Coke imported, landed, or shipped within the Parish or Harbour of *Ramsgate* in the following Cases; that is to say,

- (1) When the same are wholly and in good Faith consumed in and for the Purposes of the said Harbour or in Vessels lying in the said Harbour :
- (2) When the same are wholly and in good Faith consumed by the Engines or on the Premises of any Railway Company having Access by means of a continuous Line of Railway or Tramway to the said Harbour:
- (3) When the same are conveyed on any such Railway to and delivered from the same at any Place beyond the Parish of *Ramsgate*, and the adjoining Parish of Saint Lawrence, and are not thereafter delivered within either of those Parishes:

And if, in any of such Cases, Dues have in the first instance been paid to the said Commissioners, the Parties who have paid them shall be allowed a Drawback or Return thereof, to be paid by the said Commissioners out of any Funds under their Control; but if any Person fraudulently obtains or endeavours to obtain the said Drawback without being legally entitled to the same, he shall be liable for every such Offence to a Penalty not exceeding Fifty Shillings; and such Penalty may be recovered and shall be applied in the same Manner as Penalties are recovered and applied under the Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of Ramsgate in the County of Kent*³, and for regulating the Police thereof.

39 Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

For the Purposes of *Ramsgate* Harbour, "The Harbours, Docks, and Piers Clauses Act, 1847," shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be " the Special Act; " the Rates and Monies hereby made leviabie on account of the Harbour of *Ramsgate* shall be deemed to be " the Rates authorized to be levied by the Special Act; " and the Board of Trade shall be deemed to be " the Undertakers."

40 Certain Parts of Property of Trust to be within Ramsgate Police Jurisdiction.

So much of the Sea Shore belonging to the Trustees of *Ramsgate* Harbour, and lying either to the Eastward or Westward of the said Harbour as is for the Time being used as a public Highway, or as lies between High and Low Water Mark, shall be deemed to be a public Highway within the Parish, so far and so far only as relates to any Offences

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committed thereon contrary to the Provisions of the said Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of Ramsgate in the County of Kent, and for regulating the Police thereof*, for which the Offenders would have been liable to Fine, Penalty, or Forfeiture in case the same Offences had been committed on any other public Highway within the said Parish of *Ramsgate*.