



General Pier and Harbour Act 1861, Amendment Act 1862

1862 CHAPTER 19

Rates

Pier, &c. open to Public on Payment of Rates.

- 13** On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

Power to Board of Trade to revise Rates.

- 14** Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten per Centum per Annum on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten per Centum per Annum the Company may, with the Sanction of the Board of Trade again raise the said Rates to an Amount not exceeding the Amount authorised by the Provisional Order.

Company to send Copy of annual Account in abstract as to Rates, Vessels, &c. to Board of Trade.

- 15** Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: 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.

As to Audit of Accounts on Complaint to Board of Trade.

16 If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

- (1) The Board of Trade may appoint an Auditor to audit and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters':
- (2) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same :
- (3) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company :
- (4) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:
- (5) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be equally levied.

17 All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

Mode of Recovery of Rates.

18 Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction.