



# General Pier and Harbour Act 1861, Amendment Act 1862

1862 CHAPTER 19 25 and 26 Vict

[<sup>F1</sup>An Act to amend “The General Pier and Harbour Act 1861.” [16th May 1862]

Whereas it is expedient to amend “The <sup>M1</sup>General Pier and Harbour Act 1861,” herein-after called the principal Act:

## Textual Amendments

- F1** Act repealed (E.W.S.) (15.7.1992) by [Transport and Works Act 1992 \(c. 42\), s. 68\(1\), Sch. 4 Pt. 2](#); [S.I. 1992/1347, art. 2, Sch.](#) (with [art. 3](#))

## Modifications etc. (not altering text)

- C1** Act extended with modifications by (E.W.) [Fishery Harbours Act 1915 \(c. 48\), s. 2](#) and (S.) [Harbours, Piers and Ferries \(Scotland\) Act 1937 \(c. 28\), s. 5](#); extended by [S.I. 1972/971, art. 4, Sch. 1](#)
- C2** Functions of Board of Trade under this Act now exercisable by Secretary of State: (a) [Ministry of Transport Act 1919 \(c. 50\), s. 2](#), [S.R. & O. 1919/1440 \(Rev. XV, p. 211: 1919 II, p. 849\)](#) and [S.I. 1970/1681, art. 2\(1\)](#); (b) [Ministers of the Crown \(Emergency Appointments\) Act 1939 \(c. 77\), s. 5](#), [S.R. & O. 1939/1470 \(Rev. XV, p. 214: 1939 II, p. 3051\)](#), [art. 1 1941/654 \(Rev. XV, p. 228: 1941 I, p. 1221\)](#), [art. 2, Ministers of the Crown \(Transfer of Functions\) Act 1946 \(c. 31\), s. 1\(2\)](#), [S.R. & O. 1946/375 \(Rev. XV, p. 230: 1946 I, p. 1009\) art. 2](#) and [S.I. 1970/1681, art. 2\(1\)](#)
- C3** Functions of Board of Trade in relation to fishery harbours under this Act now exercisable by (E.) Minister of Agriculture, Fisheries and Food: [Fishery Harbours Act 1915 \(c. 48\), s. 2\(1\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1](#) and [S.I. 1955/554 \(1955 I, p. 1201\), art. 3](#); (W.) Secretary of State or Minister of Agriculture, Fisheries and Food and Secretary of State jointly: [Fishery Harbours Act 1915 \(c. 48\), s. 2\(1\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c.91\), s. 1](#), [S.I. 1955/554 \(1955 I, p. 1201\), art. 3](#) and [1978/272, art. 2\(1\), Sch. 1](#)
- C4** Reference to Ireland to be construed as exclusive of Republic of Ireland: [S.R. & O. 1923/405 \(Rev. X, p. 298: 1923, p. 400\), art. 2](#)
- C5** This Act is not necessarily in the form in which it has effect in Northern Ireland

## Marginal Citations

- M1** [1861 c. 45.](#)

*Changes to legislation: There are currently no known outstanding effects for the General Pier and Harbour Act 1861, Amendment Act 1862. (See end of Document for details)*

**PRELIMINARY**

**1 Construction of Act. Short title.**

This Act shall be read (as far as may be) together with the principal Act as one Act, and may be cited as “The General Pier and Harbour Act 1861, Amendment Act.”

**I.—FUTURE APPLICATIONS FOR PROVISIONAL ORDERS**

F2 .....  
.....

**Textual Amendments**  
F2 S. 2 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**3 Notice by advertisement as in Schedule (B.) Part I.**

Any persons intending to make application to the Board of Trade for a provisional order relative to a pier or harbour, which persons are herein-after called the promoters, shall in the months of October and November, or either of them, immediately preceding the application for the provisional order, publish notice of their intention by advertisement according to the regulations contained in schedule (B.) part I. to this Act.

**4 Deposit of documents, in Schedule (B.) Part II.**

On or before the thirtieth day of November, immediately preceding the application for the provisional order, the promoters shall deposit the documents described in schedule (B.) part II. to this Act, according to the regulations therein contained.

**5 Subsequent deposit of documents, in Schedule (B.) Part III.**

On or before the twenty-third day of December in the same year, the promoters shall deposit the documents mentioned in schedule (B.) part III. to this Act, according to the regulations therein contained.

**II.—FUTURE OR PENDING APPLICATIONS FOR PROVISIONAL ORDERS**

**6 Extent of Part II of Act.**

The provisions of this part of this Act shall apply to every provisional order of the Board of Trade on any application already made or to be hereafter made.

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## Works

### 7 Approval of works by Admiralty.

Before commencing the construction of any part of the works authorized by a provisional order, the undertakers shall deposit at the Admiralty Office working drawings of the whole works for the approval of the Admiralty: The works shall not be constructed otherwise than in accordance with such approval. After the same are commenced or constructed the undertakers shall not alter or extend the same without first obtaining the like approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the Admiralty may, at the expense of the undertakers, abate and remove it, or any part of it, and restore the site thereof to its former condition.

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**Modifications etc. (not altering text)**

- C6** Functions of Admiralty under ss. 7–11 (except so far as they relate to navigation) now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\)](#), [s. 14](#), [Ministry of Transport Act 1919 \(c. 50\)](#), [s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919 II, p. 849), [S.I. 1965/145](#), [arts. 2, 3](#), [Sch. 1](#) and 1970/1537, art. 2(1)

### 8 Abandonment, disuse, &c. of works.

If any work authorized by any provisional order be abandoned or suffered to fall into disuse or decay, the Admiralty may, if and as they think fit, at the expense of the undertakers, either repair and restore such work or any part of it, or abate and remove it or any part of it, and restore the site thereof to its former condition.

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**Modifications etc. (not altering text)**

- C7** Functions of Admiralty under ss. 7–11 (except so far as they relate to navigation) now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\)](#), [s. 14](#), [Ministry of Transport Act 1919 \(c. 50\)](#), [s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919 II, p. 849), [S.I. 1965/145](#), [arts. 2, 3](#), [Sch. 1](#) and 1970/1537, art. 2(1)

### 9 Power to Admiralty to cause local survey to be made.

The Admiralty may at any time, at the expense of the undertakers, cause to be made a local survey and examination of the works authorized by any provisional order, or of the site thereof.

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**Modifications etc. (not altering text)**

- C8** Functions of Admiralty under ss. 7–11 (except so far as they relate to navigation) now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\)](#), [s. 14](#), [Ministry of Transport Act 1919 \(c. 50\)](#), [s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919 II, p. 849), [S.I. 1965/145](#), [arts. 2, 3](#), [Sch. 1](#) and 1970/1537, art. 2(1)

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## 10 Recovery of expenses from undertakers.

Whenever the Admiralty, under the authority of this Act, do any act or thing in relation to any works authorized by any provisional order, which they are by this Act authorized to do at the expense of the undertakers, the amount of such expense shall be a debt to the Crown from the undertakers, and shall be recoverable as such, with costs; or the same may be recovered with costs as a penalty is or may be recoverable from the undertakers.

### Modifications etc. (not altering text)

- C9** Functions of Admiralty under ss. 7–11 (except so far as they relate to navigation) now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\), s. 14](#), [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919 II, p. 849), S.I. 1965/145, arts. 2, 3, [Sch. 1](#) and 1970/1537, art. 2(1)

## 11 Lights to be exhibited at night during construction of works.

During the construction of the works the undertakers shall, at their own expense, exhibit and keep burning every night from sunset to sunrise such lights for the guidance of vessels as the Admiralty shall from time to time require or approve of: If the undertakers refuse or neglect to comply with this provision, they shall for each offence be liable to a penalty not exceeding [<sup>F3</sup>level 1 on the standard scale].

### Textual Amendments

- F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

### Modifications etc. (not altering text)

- C10** Functions of Admiralty under ss. 7–11 (except so far as they relate to navigation) now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\), s. 14](#), [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919 II, p. 849), S.I. 1965/145, arts. 2, 3, [Sch. 1](#) and 1970/1537, art. 2(1)

## 12 Limitation of time for completion of works.

The works authorised by any provisional order shall be completed within five years after the passing of an Act confirming the provisional order, or within such other time as the provisional order may direct; and on the expiration of that period the powers by the order given to the undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

### Rates

## 13 Pier, &c. open to public on payment of rates.

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

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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.

#### **14 Power to Board of Trade to revise rates.**

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 authorized by the provisional order.

#### **15 Company to send copy of annual account in abstract as to rates, vessels, &c. to Board of Trade.**

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 [<sup>F4</sup>level 2 on the standard scale].

##### **Textual Amendments**

- F4** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

#### **16 As to audit of account on complaint to Board of Trade.**

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:

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- (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).

<sup>F5</sup>17 .....  
.....

**Textual Amendments**  
**F5** S. 17 repealed by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)

**18 Mode of recovery of rates.**

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.

*General Provisions*

**19 10 & 11 Vict. c. 27 incorporated.**

Subject to the provisions of the principal Act and this Act and any provisional order, the <sup>M2</sup>Harbours, Docks, and Piers Clauses Act 1847, shall be deemed to be incorporated with every provisional order.

**Marginal Citations**  
**M2** [1847 c. 27.](#)

**20 Water pipes.**

The undertakers may grant or allow to any persons the right of laying down or constructing and maintaining pipes or channels for the conveyance of water to, on, and within the pier or harbour, and may demand and receive such sums in consideration of such grant or allowance as they may think reasonable.

**21 Application of Merchant Shipping Act, &c.**

The undertaking authorized by any provisional order shall be subject to the provisions of the [<sup>F6</sup>Merchant Shipping Act 1995] and of every general Act relating to harbours or dues on shipping or on goods carried in ships, now in force or hereafter to be passed,

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and to any future revision or alteration under the authority of Parliament of the rates authorized by the order.

**Textual Amendments**

**F6** Words in s. 21 substituted (1.1.1996) by [1995 c.21, ss. 314\(2\)](#),316(2), Sch.13 para.1 (with s.312(1))

**22 Costs of the order.**

The costs of and connected with the preparation and making of each provisional order shall be paid by the promoters.

<sup>F7</sup>**23,** .....  
**24.** .....

**Textual Amendments**

**F7** Ss. 23, 24, Schs. (A), (C) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**IV.—GENERAL PROVISIONS**

**25 Order not to be made affecting powers under local Acts without consent.**

The Board of Trade shall not make any provisional order taking away or abridging any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or special Act of Parliament, without the consent in writing of such person or corporation; but, subject to this restriction, and to the provisions of the principal Act and of this Act, every provisional order, when duly confirmed by Parliament, shall be of full force and effect, any local or special Act to the contrary notwithstanding.

**26 Power to Board of Trade to impose terms, &c.**

Every provisional order of the Board of Trade on any application already made or to be hereafter made shall take effect subject and according to such restrictions and provisions and on such terms and conditions as may be therein specified, not being inconsistent with the provisions of the principal Act or this Act.

**27 Application of 7 Will. 4 & 1 Vict. c. 83.**

The provisions of the <sup>M3</sup>Parliamentary Documents Deposit Act 1837, shall (as far as may be) apply to all cases of deposit of documents made or to be made with any person under the principal Act or this Act.

**Marginal Citations**

**M3** [1837 c. 83.](#)

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## SCHEDULES

### <sup>F8</sup>SCHEDULE (A)

#### Textual Amendments

**F8** Ss. 23, 24, Schs. (A), (C) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

### SCHEDULE (B)

Section 3.

#### PART I

##### *Advertisement in October or November of intended Application.*

- (1) Every advertisement is to state—
- (1) The objects of the intended application, specifying any of the following objects, when comprised among the objects of the application:
    - (a) Extension of time for the completion of any works already authorized:
    - (b) Power for a company to amalgamate with another:
    - (c) Power to sell, purchase, lease, or take on lease an undertaking:
    - (d) Amendment or repeal of any local or special Act of Parliament, or of any former provisional order:
    - (e) Power to levy any tolls, rates, or duties, or to alter any existing tolls, rates, or duties:
    - (f) The conferring, varying, or extinguishing of any exemption from tolls, rates, or duties, or of any other right or privilege:
    - (g) Constitution or alteration of constitution of any harbour authority.
  - (2) A general description of the nature of the proposed new works, if any.
  - (3) The [<sup>F9</sup>names of the parishes, townlands, townships, and extra-parochial places][<sup>F9</sup>name of place and of the area of the regional or islands council] in which the proposed new works, if any, will be made.
  - (4) The times and places at which the deposit under part II. of this schedule will be made.
  - (5) An office, either in London, or at the place to which the intended application relates, at which printed copies of the draft provisional order, when deposited, will be purchaseable as hereinafter provided.



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- (2) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking or application.
- (3) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the <sup>F10</sup>city, town, or] place where the proposed works will be made, or where the pier or harbour to which the intended application relates is situate; or if there be no such newspaper, then in some one and the same newspaper published <sup>F11</sup>in the county in which such city, town, or] <sup>F11</sup>or circulating in the area of the regional or islands council in which such] place, or some part thereof, is situate; <sup>F10</sup>or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.]
- (4) The advertisement is also in every case to be inserted once at least in the London Gazette if the place to which the intended application relates is situate in England or Wales, in the Edinburgh Gazette if such place is situate in Scotland, or in the <sup>F12</sup>Belfast] Gazette if such place is situate in Ireland.

#### Textual Amendments

- F9** Words from “name of” to “islands council” substituted (S.) for words from “names of” to “parochial places” by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 5\(a\)](#)
- F10** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F11** Words from “or circulating” to “which such” substituted (S.) for words from “in the county” to “town, or” by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 5\(a\)](#)
- F12** Words substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 424), art. 7(a)

#### Textual Amendments

- F9** Words from “name of” to “islands council” substituted (S.) for words from “names of” to “parochial places” by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 5\(a\)](#)
- F10** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F11** Words from “or circulating” to “which such” substituted (S.) for words from “in the county” to “town, or” by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 5\(a\)](#)
- F12** Words substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 424), art. 7(a)

## PART II

### *Deposit on or before 30th November*

- (1) The promoters are to deposit—
  - (1) A copy of the advertisement published by them.
  - (2) A proper plan and section of the proposed new works, if any; such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.
- (2) The documents aforesaid are to be deposited for public inspection—
  - (1) In England or Ireland, in the office of the clerk of the peace for every county, riding, or division; in Scotland, in the office of the principal sheriff clerk for every county, district, or division,—in which any proposed new work will

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be made, or in which the pier or harbour to which the intended application relates, or any part thereof, is situate.

(2) At the custom house, if any, of the port, sub-port, or creek to which the intended application relates.

(3) The documents aforesaid are also to be deposited in the offices of <sup>F13</sup>... the Board of Trade.

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**Textual Amendments**

**F13** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

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**Textual Amendments**

**F13** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

### PART III

#### *Deposit on or before 23rd December*

(1) The promoters are to deposit at the office of the Board of Trade—

(1) A memorial of the promoters, signed by them or one of them, headed with a short title descriptive of the undertaking or application (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a provisional order.

(2) A printed draft of the provisional order as proposed by the promoters.

(3) An estimate of the expense of the proposed new works, if any, signed by the person making the same.

(2) They are also to deposit printed copies of the draft provisional order for public inspection at the custom-house (if any) at the port, subport, or creek to which the application relates.

(3) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than [<sup>F14</sup>5p] each.

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**Textual Amendments**

**F14** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

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**F14** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

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<sup>F15</sup>SCHEDULE (C)

**Textual Amendments**

**F15** Ss. 23, 24, Schs. (A), (C) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

..... ]

**Changes to legislation:**

There are currently no known outstanding effects for the General Pier and Harbour Act 1861, Amendment Act 1862.