



## CHAPTER lxxviii.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Gott Bay and Truro. A.D. 1928.  
[3rd August 1928.]

**W**HEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25  
Vict. c. 45.

And whereas it is expedient that the Provisional Orders made by the Minister of Transport under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Orders as set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirma-  
tion of  
Orders in  
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act 1928. Short title.

A.D. 1928.

The SCHEDULE of Orders.

1. GOTT BAY.—Increase of rates &c.
2. TRURO.—Increase of rates &c.

SCHEDULE.

A.D. 1928.

GOTT BAY PIER.

*Provisional Order to amend the Gott Bay Pier Order 1908.* *Gott Bay.*

PRELIMINARY.

1. This Order may be cited as the Gott Bay Pier (Amendment) Short title.  
Order 1928.

2. The Order of 1908 as amended by this Order and this Construction.  
Order shall be construed and read together as one Order except  
so far as might be inconsistent with or repugnant to the purposes  
thereof.

3. This Order shall come into operation upon the day Commence-  
when the Act confirming this Order is passed and that day ment.  
is in this Order referred to as the commencement of this  
Order.

4. In this Order the following words and expressions Interpretation.  
shall have the meanings hereinafter assigned to them tion.  
namely :—

“The Order of 1908” means the Gott Bay Pier Order  
1908;

“The Trustees” mean the Gott Bay Pier Trustees as  
incorporated by the Order of 1908;

“Authorised rates” and “authorised rate” mean respec-  
tively the rates or rate which the Trustees are for  
the time being authorised to levy demand and recover  
in pursuance of the Order of 1908 as amended by  
this Order.

5. From and after the commencement of this Order the Maximum  
maximum rates authorised by section 30 (Power to levy rates) rates.  
section 35 (Rates for water) and section 36 (Ballast for vessels)  
of the Order of 1908 are hereby respectively increased by the  
amount equal to one hundred per centum and the Order of 1908  
shall be read and have effect accordingly.

6.—(1) If it is represented by application in writing to Revision  
the Minister of Transport (in this section referred to as “the of rates  
Minister”)—

(a) by any chamber of commerce or shipping or any  
representative body of traders or any person who  
in the opinion of the Minister is a proper person for  
the purpose; or

(b) by the Trustees;

that under the circumstances then existing the authorised  
rates or any of them should be revised the Minister if he

[Ch. lxviii.] *Pier and Harbour* [18 & 19 GEO. 5.]  
*Orders Confirmation Act, 1928.*

A.D. 1928. *Gott Bay.* thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

[18 & 19 GEO. 5.] *Pier and Harbour* [Ch. lxviii.]  
*Orders Confirmation Act, 1928.*

7. Notwithstanding the provisions of section 58 (Application of revenue) of the Order of 1908 the Trustees shall have power to use all money received by them from the rates dues and charges authorised by that Order as amended by this Order towards the formation and maintenance of the reserve fund authorised by this Order before paying interest or instalments of loans or creating a sinking fund as provided for in subsections (3) and (4) of the said section 58.

A.D. 1928.

—  
*Gott Bay.*

Application  
of revenue.

8. The Trustees may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of three thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the undertakers or to meet any extraordinary claim or demand in respect of the harbour undertaking or for payment of the cost of renewing any part of the works forming part thereof appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under the Order of 1908 and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Trustees) until required for any of the purposes aforesaid.

Reserve  
fund.

9.—(1) The Trustees shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Trustees and any and every such accounts.

Annual  
account to  
be sent to  
Ministry of  
Transport.

(2) The Trustees shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Trustees referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

10. Section 41 (Revision of rates) section 56 (Contingency fund) and section 60 (Accounts) of the Order of 1908 are hereby repealed.

Repeal.

11. All costs charges and expenses of and incident to the preparing and obtaining and confirming of this Order and otherwise incurred in reference thereto shall be paid by the Trustees.

Costs of  
Order.

A.D. 1928.

TRURO HARBOUR.

*Truro.*

*Provisional Order for the amendment of the Truro Harbour Orders 1883 to 1920 and for conferring further powers upon the mayor aldermen and citizens of the city of Truro in the county of Cornwall in relation to Truro Harbour.*

Short title  
commence-  
ment and  
interpre-  
tation.

1.—(1) This Order may be cited as the Truro Harbour Order 1928 and shall be read together with the Truro Harbour Orders 1883 to 1920 as amended by this Order which Orders and this Order may together be cited as the Truro Harbour Orders 1883 to 1928.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as “the commencement of this Order.”

(3) In this Order unless the context otherwise requires—

“The Corporation” means the mayor aldermen and citizens of the city of Truro acting by the council of that city;

“The city” means the city of Truro;

“The Order of 1903” “the Order of 1909” and “the Order of 1920” mean respectively the Truro Harbour Order 1903 the Truro Harbour Order 1909 and the Truro Harbour Order 1920;

“Authorised rates” and “authorised rate” mean respectively the rates tolls or dues or rate toll or due which the Corporation are for the time being authorised to levy demand and recover in pursuance of section 4 of the Order of 1920 and the schedule in that section referred to and by this Order;

“The harbour” has the same meaning as that assigned to it by the Order of 1903.

Undertakers.

2. The Corporation shall be the undertakers for carrying this Order into execution.

Revival of  
powers for  
construction  
of works  
under Orders  
of 1903 1909  
and 1920.

3. The powers conferred by the Order of 1903 the Order of 1909 and the Order of 1920 upon the Corporation with respect to the construction of works and all the provisions of those Orders in relation thereto shall be and the same are hereby revived and may be exercised and enforced and shall have effect in like manner and subject to the like restrictions and with the same consequences whether as to commencement or cesser of powers execution or completion of works or otherwise as if such powers and provisions had been contained in this Order.



4. As and from the commencement of this Order the provisions of the Order of 1920 shall be read and have effect as if the rates tolls and dues prescribed by section 4 (Repeal of rates under Orders of 1903 and 1909 and substitution of other rates) of the Order of 1920 and the schedule to that Order were in each case increased by fifty per centum.

A.D. 1928

*Truro.*

Increase of rates.

5. Section 5 (Revision of rates) of the Order of 1920 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof :—

Revision of rates.

(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")—

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Corporation;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an Order revising the authorised rates referred to in the application or any of them and may fix the date as from which such Order shall take effect and thenceforth such Order shall remain in force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this section. Provided that before making an Order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section :

(2) Where upon an application for revision of authorised rates or an authorised rate an Order has been made or the Minister has decided not to make an Order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such Order or decision as the case may be :

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade ;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of

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*Orders Confirmation Act, 1928.*

A.D. 1928.

*Truro.*

the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board":

- (4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Rates for  
tugs.

6. In addition to the rates tolls and dues prescribed by the Order of 1920 and the schedule thereto as increased by this Order the Corporation may demand recover and receive the following rates in respect of tugs using the harbour that is to say:—

	s.	d.
Tugs under twenty tons register with no tow either way or with a tow one way only		
each entry	3	0
Tugs under twenty tons register with a tow both ways - - - - -		
each entry	6	0
Tugs over twenty tons register with no tow either way or with a tow one way only		
each entry per ton register	0	2
Tugs over twenty tons register with a tow both ways - - - - -		
each entry per ton register	0	4

Further  
amendment  
of paragraph  
VI of  
Schedule  
to Order  
of 1920.

7.—(1) The limits within which the Corporation may demand recover and receive the rates on timber bricks cement lime limestone stone merchandise and minerals prescribed by paragraph VI of the schedule to the Order of 1920 as increased by this Order shall be and the same are hereby extended so to include those parts of the Truro River and the Tresillian River respectively as lie to the westward and northward of the boundary hereinafter in this section referred to and the heading to the said paragraph VI shall accordingly be amended by substituting for the words "above Victoria Point in the Truro River or above the Ferry House in the Tresillian River" the words "in the Truro



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“ River or the Tresillian River above an imaginary line drawn  
“ across the former river between Malpas Point and Kea Wood  
“ and following the parliamentary county union and rural district  
“ boundary as marked upon the 25-inch Ordnance map Cornwall  
“ Sheet LXV.1 Second Edition 1907.”

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—  
*Truro.*

(2) The provision contained in paragraph VI of the schedule to the Order of 1920 entitling the owner or charterer of any vessel to compound for the tonnage rates leviable thereon shall from and after the thirty-first day of December one thousand nine hundred and twenty-eight be and the same is hereby amended by the substitution of the words “ an amount equal to ten times the tonnage rates on such vessel ” for the words “ an amount equal to five times the tonnage rates on such vessel ” and such provision shall be read and have effect accordingly.

8.—(1) The Corporation shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such accounts.

Annual  
account to  
be sent to  
Ministry of  
Transport.

(2) The Corporation shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Corporation referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

(4) Section 26 (Annual account to be sent to Board of Trade) of the Order of 1903 is hereby repealed.

9. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Corporation out of the harbour revenue or out of moneys to be borrowed for the purpose under the Order of 1920.

Costs of  
Order.

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1. *Chlorophyll *a** and *Chlorophyll *b** were determined by the method of Arar and Collins (1971) using a Shimadzu 1601 UV-Visible Spectrophotometer. The concentration of chlorophylls was expressed in mg/L.