

**CHAPTER vii.**

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Cattle-water and Neyland. A.D. 1929.
[26th July 1929.]

WHEREAS 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 amended and 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 1929. Short title.

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The SCHEDULE of Orders.

1. CATTEWATER.—Increase of rates &c.
2. NEYLAND.—Construction of a landing stage &c.

SCHEDULE.A.D. 1929.
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CATTEWATER HARBOUR.

Provisional Order for amending the Cattewater Harbour Orders 1915 and 1925 and for conferring further powers on the Cattewater Commissioners. Cattewater.

Preliminary.

1. This Order may be cited as the Cattewater Harbour Order 1929 and shall be read and construed with the Cattewater Harbour Orders 1915 and 1925 (in this Order called the Orders of 1915 and 1925) as if the Orders of 1915 and 1925 and this Order were one Order. Short title and construction.

2. In this Order—

“The Commissioners” means the Cattewater Commissioners as in the Order of 1915;

Interpretation.

“Authorised rates” and “authorised rate” mean respectively the rates or rate which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Order of 1915 and of this Order.

3. This Order shall come into operation 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. Commencement.

Finance.

4. From and after the commencement of this Order the Commissioners may within the harbour and subject and according to the provisions of the Orders of 1915 and 1925 and this Order demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels goods and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule in lieu of the rates specified in the Second and Third Parts of the schedule to the Order of 1915 and the Commissioners may receive and recover payment accordingly Except as varied by the schedule to this Order the rates specified in the schedules to the Order of 1915 shall remain in force. Power to levy rates.

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Cattewater.
Revision of
rates.

5.—(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 Commissioners;

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 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. A.D. 1929.
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6. All costs charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto (as taxed by the proper officer) shall be paid by the Commissioners. Costs of
Order.

The SCHEDULE to which the foregoing Order refers.

PART I.

RATES ON VESSELS USING OR ENTERING THE HARBOUR AND LYING AT OR LOADING OR DISCHARGING CARGO AT THE MOORINGS OF THE COMMISSIONERS.

A.—Rates for the use of the moorings of the Commissioners.

	<i>s.</i>	<i>d.</i>
On all vessels of and under two hundred tons register per day - - - - -	1	0
And on all vessels above two hundred tons for every one hundred tons register or part thereof per day	0	6

B.—Rates on vessels discharging or loading cargo at the moorings of the Commissioners in addition to the rates under Part I A of this schedule but inclusive of the rates payable under Part I of the schedule to the Order of 1915.

On all vessels loading or discharging cargo :—

	<i>s.</i>	<i>d.</i>
(1) Exceeding 75 per cent. of the net registered tonnage of such vessels while lying at the moorings of the Commissioners per net registered ton - - - - -	0	4
(2) Not exceeding 75 per cent. of net registered tonnage of such vessels per registered ton -	0	3

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PART II.

Cattewater

RATES ON GOODS SHIPPED OR UNSHIPED WITHIN THE HARBOUR.

									s.	d.
Horses	-	-	-	-	-	-	-	each	1	0
Cattle	-	-	-	-	-	-	-	each	0	6
Dogs	-	-	-	-	-	-	-	each	0	2
Sheep pigs and calves	-	-	-	-	-	-	-	each	0	1
Wild beasts	-	-	-	-	-	-	-	each	5	0
All other animals	-	-	-	-	-	-	-	each	0	6
Caged birds	-	-	-	-	-	-	-	each	0	1
Geese	-	-	-	-	-	-	-	per dozen	0	1½
Unworked stone or lime and sand	-	-	-	-	-	-	-	per ton	0	0¼
Rubble ballast	-	-	-	-	-	-	-	per ton	0	0⅙
Bullion or specie in cases	-	-	-	-	-	-	-	per 2 cwt.	0	4
Silver in bars	-	-	-	-	-	-	-	per 1 cwt.	0	2
All kinds of timber or wood goods loaded or discharged by vessels using or entering the harbour and not using the moorings of the Commissioners										
per load of 50 cubic feet									0	1½
All kinds of timber or wood goods loaded or discharged by vessels using the moorings of the Commissioners										
per load of 50 cubic feet									0	2
All other merchandise goods articles and things loaded or discharged—										
(i) By vessels using or entering the harbour and not using the moorings of the Commissioners										
per ton									0	1½
(ii) By all vessels while lying at the moorings of the Commissioners										
per ton									0	2

NEYLAND LANDING STAGE.

Neyland. *Provisional Order authorising the County Council of the Administrative County of Pembroke to construct a landing stage within the Urban District of Neyland and for other purposes.*

Short title. 1. This Order may be cited as the Pembroke (Neyland Landing Stage) Order 1929.

Commencement. 2. This Order shall come into operation 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.—(1) In this Order unless the context otherwise requires—

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“The Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

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“The Council” means the county council of the administrative county of Pembroke;

Interpre-
tation.

“The undertaking” means the undertaking of the Council in connection with the landing stage;

“Authorised rates” and “authorised rate” mean respectively the rates or charges or rate or charge which the Council are for the time being authorised to levy demand and recover in pursuance of this Order;

“The existing landing stage” means the pontoon and bridge with the approaches thereto constructed at or near Neyland Point in the parish of Neyland in the county of Pembroke under the powers contained in the South Wales Railways Consolidation Act 1855;

“The works” means the works authorised by this Order or as the case may require any part thereof;

“The pier master” means the officer of the Council in charge for the time being of the landing stage and also his duly authorised assistants;

“The landing stage” means the landing stage at Neyland as authorised by this Order and the land buildings works plant property and conveniences connected therewith or any part thereof as the case may be.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions “packet boat or Post Office packet” and “Post Office bag of letters” used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

4. The Council shall be the undertakers for carrying this Order into execution. Undertakers.

5.—(1) The following Acts are incorporated with this Order except as expressly varied thereby:—

Incorpora-
tion of
Clauses Acts

The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking).

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(2) For the purposes of the incorporation of the said Acts and of the Harbours Clauses Act 1847 the expression "the special Act" in those Acts shall mean this Order.

Acquisition of Lands.

Power to
take lands
&c. by
agreement.

6. Subject to the provisions of this Order the Council may by agreement purchase and use such of the lands shown on the plan deposited for the purposes of this Order as may be requisite for the purposes of the works and they may further by agreement purchase and hold for the purposes of this Order any additional lands not exceeding in the whole three acres but with respect to such additional lands nothing in this Order or in the Acts incorporated therewith shall exempt the Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon. The Council may also by agreement take over the private road belonging to the Great Western Railway Company leading to the existing pontoon and bridge in the parish of Neyland in the county of Pembroke and thereafter maintain it for the purpose of providing access to the landing stage.

Power to
acquire
existing
pontoon and
bridge &c.

7. The Council may by agreement purchase and acquire the existing landing stage and may thereafter (1) reconstruct the existing landing stage in the same position as it now is or (2) remove the same with a view to facilitate the construction of the works. Provided that should the Council reconstruct the existing landing stage as aforesaid the powers of the Council for the construction of the works described in subsection (1) of the section of this Order of which the marginal note is "Description of works" shall cease but all the provisions of this Order so far as they are appropriate shall apply to and in respect of the existing landing stage as reconstructed as if it were the landing stage. Provided also that the removal of the existing landing stage shall be carried out in such manner and subject to such conditions as the Board of Trade approve.

Power to
grant ease-
ments.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may subject to the provisions of those Acts and of this Order grant to the Council for the purposes of this Order any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges respectively.

Power to
retain and
sell lands.

9. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell let

lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order which may not be required for the purposes thereof and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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Limits.

10.—(1) The limits within which the Council shall have authority and within which the powers of the pier master may be exercised shall comprise the works and an area below high-water mark within one hundred and fifty feet measured in any direction from any part of the works which limits are in this Order termed “the limits of the landing stage.”

(2) The limits within which the power to levy rates may be exercised hereinafter termed “the rating limits” shall comprise the landing stage.

Works and Powers.

11. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Council may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works.

12. The works are Work No. 1 A landing stage consisting of—

- (a) A floating landing stage approximately 120 feet in length and approximately 40 feet in width supported by one or more pontoons thereunder the total width of the stage and pontoons not exceeding approximately 50 feet together with any necessary moorings and dolphins the north-west end of such stage being about 110 feet in an easterly direction from the existing coal tip belonging to the Great Western Railway Company at or near Neyland Point in the parish of Neyland in the county of Pembroke and the whole of the stage being

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to the west of the eastern boundary of the existing landing stage;

- (b) A steel bridge connecting the floating landing stage with the shore such bridge being approximately 150 feet in length and having a clear width of roadway of approximately 10 feet together with the necessary abutment or support and approach thereto the shore end of the bridge having the centre of its abutment between 100 feet and 150 feet in a southerly direction from the existing coal tip belonging to the said company.

Work No. 2 A fence wall and upright iron fencing to enclose the approach to the bridge and metalling of the approach area.

Power to deviate.

13. Subject to the provisions of this Order in constructing the works the Council may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to construct and maintain additional works.

14. Subject to the provisions of this Order in connection with the works the Council may erect construct and maintain and alter whether temporarily or permanently all such piles caissons cofferdams passageways landing stages breastworks moorings lights buoys beacons toll-houses gates shelters fences and other structures and other works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction maintenance and use of the works or the approaches thereto or for the purposes of this Order.

Penalty for obstructing works.

15. Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

16.—(1) If the works are not completed within five years from the commencement of this Order then on the expiration of that period the powers given by this Order to the Council for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

(2) If the works are not substantially commenced within two years from the commencement of this Order or such extended time as the Minister of Transport may in the circumstances by order direct the said powers shall cease.

(3) If the execution of the works after having been substantially commenced is virtually suspended for twelve consecutive months the said powers shall cease except as to so much of the works as is then completed unless the Minister of Transport by order direct that the said powers continue and remain in force but subject to the foregoing provision as to completion in any event within five years from the commencement of this Order.

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(4) A certificate of the Minister of Transport to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this section be conclusive evidence of the facts stated in such certificate.

17. The Council may construct and maintain on the landing stage and may furnish and equip waiting refreshment and other rooms automatic machines bicycle-stands lavatories and sanitary and other conveniences and may make such reasonable charges as they may determine for the use of such conveniences and for admission to such buildings or places as aforesaid.

Power to
erect
waiting
rooms &c.

18.—(1) The Council may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the landing stage for vessels using the same.

Power to
dredge.

(2) All sand mud and materials dredged up or removed shall be the property of the Council who may sell or otherwise dispose of or remove or deposit the same as they think fit provided that no sand mud stone or other materials shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All moneys arising from any sale or disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as in this Order the landing stage revenue is to be applied :

Provided that the powers of the Council under this section shall be exerciseable subject to the provisions of the section of this Order of which the marginal note is " Crown rights " and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Council to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Council under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be :

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Provided further that in the exercise of the powers of this section the Council shall not damage or affect the property and works of the Great Western Railway Company nor interfere with the access of vessels to and from the coal-tips of the company.

Power to
purchase
dredgers &c.

19. The Council may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the revenue of the undertaking and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Rates.

Power to
levy rates.

20. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Minister of Transport that all consents and approvals required under this Order or otherwise necessary for the due execution of the works have been given the Council may if they deem it desirable within the rating limits subject and according to the provisions of this Order levy and demand for the use of those works and the conveniences connected therewith and in respect of vessels boats persons and goods of every description any rates not exceeding those specified in the schedule to this Order and they may receive and recover payment accordingly.

Rates may
be levied
though
work not
completed.

21. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Minister of Transport but to be paid by the Council that the works have been so far completed as to afford accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Council may notwithstanding section 25 of the Harbours Clauses Act 1847 and although the whole of the works have not then been completed levy and demand such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Minister of Transport be commensurate with the accommodation afforded.

Power to
vary
exemptions
and
compound
for rates.

22. The Council may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that

anything done under this section shall not prejudice the other provisions of this Order. A.D. 1929.

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23. The Council may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connection with the landing stage. Rates for weighing machines &c.

24. The pier master may prevent the removal or sailing from within the limits of the landing stage of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector. Pier master may prevent sailing of vessels.

25. No goods (passengers' personal luggage excepted) shall be landed on or at the landing stage otherwise than with the consent of the Council. Goods not to be landed without consent.

26.—(1) The Council may grant pass tickets or family tickets to passengers or others for the use of the landing stage (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Council may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person. Pass and family tickets.

(2) The Council shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

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of rates.

27.—(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 Council

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 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.

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*Neyland.**Powers of Sale and Leasing.*

28.—(1) At any time after the works have been completed the Council may with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister of Transport sell the undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Council by this Order or which the Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Order.

Power to
sell.

(2) The Council shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

29.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister of Transport lease to any company corporation or person (a) the undertaking or (b) the right to collect and retain the authorised rates.

Power to
lease under
taking or
rates.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Council by this Order which the Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport and the provisions of this Order with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

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(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to
lease rooms
&c.

30. The Council may let for hire or lease for any term not exceeding seven years any rooms lavatories sheds or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may determine.

Finance.

Power to
borrow.

31.—(1) The Council may independently of any other borrowing power from time to time borrow at a rate of interest not exceeding without the consent of the Minister of Transport six per centum per annum :—

(a) For and in connection with the construction of the works fifteen thousand pounds ;

(b) With the consent of the Minister of Transport such further sum or sums as may from time to time be required for any of the purposes of this Order ;

(c) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the county fund and the county rate as the revenue of the landing stage.

Period for
repayment
of money
borrowed.

32. The Council shall pay off all moneys borrowed by them under this Order within the respective periods following that is to say :—

As to money borrowed for the purpose (a) mentioned in the section of this Order of which the marginal note is “ Power to borrow ” within thirty years of the date of borrowing ;

As to money borrowed with the consent of the Minister of Transport within such period as that Minister may prescribe;

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As to money borrowed for the purpose (c) mentioned in the last preceding section within five years from the commencement of this Order.

33. The money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

Application
of money
borrowed.

34. The power of borrowing money given by this Order shall not be restricted by any of the regulations contained in subsection (2) of section 69 of the Local Government (England and Wales) Act 1888 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Order shall not be reckoned.

Section 69
ss. (2) of
Local
Government
(England
and Wales)
Act 1888
not to apply.

35. Any person advancing money to the Council shall not be bound to require any further or other evidence of the power of the Council to borrow the money advanced by such person than such as is afforded—

Protection
of lenders.

(a) by a certificate signed by the clerk to the Council and two of the members that the Council are not exceeding the powers of borrowing conferred on them by this Order and

(b) by an inspection of the register of mortgages by section 237 of the Public Health Act 1847 required to be kept by the undertakers.

36. The proceeds of sale of any lands of the Council under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council under this Order. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of
sale of
lands to be
treated as
capital.

37.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver.

Appoint-
ment of a
receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than 10 per centum of the total amount of the money then borrowed under this Order and not paid off.

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(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "Commissioners" shall mean the Council and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Reserve
fund.

38. The Council may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of one thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Council or to meet any extraordinary claim or demand in respect of the 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 this Order 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 Council) until required for any of the purposes aforesaid.

Application
of revenue.

39. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

- (1) In payment of the costs of and connected with the preparation and making of this Order;
- (2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith;
- (3) In payment year by year of the interest accruing on money borrowed under this Order;
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments;
- (5) In making such payments (if any) as the Council think fit into a reserve fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall either be applied to the general improvement of the landing stage or carried to the county fund.

Mode of
payment off
of money
borrowed.

40. The Council shall pay off all money borrowed by them under the powers of this Order by equal yearly or half-yearly instalments of principal or of principal and interest combined.

41.—(1) The Council shall have power—

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(a) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

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Power to
re-borrow.

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) Out of moneys derived from the sale of land; or

(c) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

42.—(1) The clerk to the Council shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under the authority of this Order.

Return to
Minister of
Health with
respect to
payment
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Health may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(3) If it appears to the Minister of Health by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Annual
account to
be sent to
Ministry of
Transport.

43.—(1) The Council 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 Council and any such accounts.

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

Byelaws.

Byelaws.

44.—(1) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes. Provided that in the case of any byelaw which the Minister of Transport in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this subsection shall apply as if the Board of Trade were substituted for the Minister of Transport and the allowance and confirmation of any such byelaw by the Minister of Transport or the Board of Trade respectively shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Life-saving Apparatus.

Provision for
life-saving
apparatus.

45. Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

46. The Council shall at all times keep at convenient places on the landing stage and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

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Life-buoys
to be kept.

Lights.

47.—(1) After the completion of the works the Council shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Permanent
lights on
works.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

48. The Council shall within the limits of the landing stage be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Local
lighthouse
authority.

49. In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Council shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

Miscellaneous.

50. The Council may appoint officers for securing the observance of the byelaws and regulations made by the Council under this Order in respect of the landing stage and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Appoint-
ment of
officers to
enforce
byelaws and
regulations.

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*Neyland.*Application of
Act 10 & 11 Vict.
c. 27.Recovery of
penalties.Officers
exempt from
rates.Savings
rights of
Admiralty.

Crown rights.

Works to be
in parish of
Neyland.Costs of
Order.

51. Sections 12 and 13 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

52. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

53. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

54. Nothing in this Order contained shall prejudice or affect the powers conferred by the Dockyard Ports Regulation Act 1865 or interfere with any regulations or rules from time to time made or to be made thereunder by Order in Council.

55. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

56. The works shall be deemed to be for all purposes within the parish and urban district of Neyland in the county of Pembroke.

57. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto as taxed by the proper officer shall be paid by the Council.

SCHEDULE to which the foregoing Order refers.

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I.

RATES ON VESSELS ANCHORING OR MOORING AT THE LANDING
STAGE.

	Per registered ton.
	£ s. d.
For every vessel under 100 tons - per register ton	0 0 6
„ „ „ of 100 tons and upwards „	0 1 0

II.

RATES FOR USE OF LANDING STAGE.

For every passenger or other person landing on the
landing stage from or embarking from it on
board of any ship vessel boat packet or passage
boat for each time any sum not exceeding - - 0 0 2

For every person using the landing stage for the
purpose of walking for exercise pleasure or any
other purpose except for embarking or dis-
embarking for each time any sum not exceeding 0 0 2

The master and every member of the crew of any vessel
within the rating limits shall be entitled to use the landing stage
free of charge for the purpose of landing from or embarking on
board his vessel.

III.

RATES IN RESPECT OF GOODS SHIPPED UNSHIPPED OR TRAN-
SHIPPED AT THE LANDING STAGE.

Animals live :—

	s. d.
Asses - - - - - each	0 3
Bulls - - - - - each	0 3
Calves - - - - - each	0 2
Cows - - - - - each	0 3
Dogs - - - - - each	0 1
Goats - - - - - each	0 2
Horses - - - - - each	0 3
Lambs - - - - - each	0 1
Mules - - - - - each	0 3
Pigs - - - - - each	0 2
Sheep - - - - - each	0 2

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									<i>s.</i>	<i>d.</i>
Bicycle including rider	-	-	-	-	-	-	-	each	0	3
Handcart truck or barrow including person in charge thereof	-	-	-	-	-	-	-	each	0	3
Horse-drawn vehicles including driver and 1 horse :—										
Carriage	-	-	-	-	-	-	-	each	1	0
Cart van or lorry (including load)	-	-	-	-	-	-	-	each	1	0
Each additional horse	-	-	-	-	-	-	-	-	0	3
Motor vehicles including driver :—										
Car	-	-	-	-	-	-	-	each	1	0
Cycle	-	-	-	-	-	-	-	each	0	6
Cycle and side-car	-	-	-	-	-	-	-	each	0	9
Tri-car	-	-	-	-	-	-	-	each	0	9
Van or lorry including load	-	-	-	-	-	-	-	each	1	3
Goods—per 56 lbs. or part thereof	-	-	-	-	-	-	-	-	0	1½

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