

**CHAPTER cxlvi.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Berwick-upon-Tweed Lymington and Padstow. A.D. 1913.  
[15th August 1913.]

**W**HEREAS a Provisional Order made by the Board of Trade 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 several Provisional Orders made by the Board of Trade 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 several 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. Confirmation  
of Orders in  
schedule.

**2.** This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1913. Short title.

A.D. 1913.

---

**THE SCHEDULE OF ORDERS.**

---

1. BERWICK-UPON-TWEED—Construction of quay &c.
2. LYMINGTON—Authorising the Corporation of Lymington to maintain and improve the river and harbour to borrow money &c.
3. PADSTOW—Construction of works &c.

## BERWICK-UPON-TWEED HARBOUR.

A.D. 1913.

*Order authorising the Berwick Harbour Commissioners to construct a Quay and other works at Berwick-upon-Tweed in the County of Northumberland to amend the Acts relating to the Harbour of Berwick-upon-Tweed and for other purposes.*

*Berwick-upon-Tweed.**Preliminary.*

1. This Order may be cited as the Berwick-upon-Tweed Harbour Order 1913. Short title.

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." Commencement of Order.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings hereinafter assigned to them (namely):— Interpretation.

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847 ;

"The quay" means the quay and the works connected therewith by this Order authorised ;

"The Act of 1862" and "the Act of 1872" mean respectively the Berwick-upon-Tweed Harbour Act 1862 and the Berwick-upon-Tweed Harbour Act 1872 ;

"The principal Acts" means the Act of 1862 and the Act of 1872 ;

"The harbour" means the harbour of Berwick-upon-Tweed ;

"The harbour undertaking" means the undertaking authorised by the principal Acts and this Order and also the right to levy rates tolls and other charges and all other rights conferred upon the Undertakers by the principal Acts as amended by this Order and this Order ;

"The harbour revenue" means the revenue of the harbour undertaking ;

"The borough" means the borough of Berwick-upon-Tweed ;

"The Corporation" means the mayor aldermen and burgesses of the borough ;

"The town clerk" means the town clerk of the borough ;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough.



A.D. 1913.

*Berwick-  
upon-Tweed.*

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say) :—

The expressions “packet boat” and “Post Office packet” 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 the expression “Post Office bag of letters” means a mail bag as defined by the same Act. Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

*Undertakers.*

Undertakers.

4. The Berwick Harbour Commissioners incorporated and defined by the Act of 1862 shall be the Undertakers for carrying this Order into execution and are in this Order referred to as “the Undertakers.”

*Acquisition of Lands.*

Incorporation of Lands Clauses Acts.

5. 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) are hereby incorporated with this Order and for the purposes of that incorporation the term “special Act” in those Acts shall mean this Order.

Power to take lands by agreement.

6. For the purposes of the quay the Undertakers may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order and of any easements or rights held or enjoyed upon or in respect of those lands or any of them as they may think requisite for the purposes of those works.

Lands for extraordinary purposes.

7. The Undertakers may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Undertakers from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take easements &amp;c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands so far as the same are applicable

in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid. A.D. 1913.

9. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Undertakers 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 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.

*Berwick-  
upon-Tweed.*  
Power to  
retain and  
sell lands.

#### *Limits.*

10. As from the commencement of this Order section 21 (The limits of the harbour) of the Act of 1862 shall be read and have effect as if the words "two thousand yards" were substituted therein for the words "two miles" Provided that nothing in the principal Acts as amended by this Order or in this Order shall entitle the Undertakers to demand receive or recover—

(a) Any rates or dues on goods or ballast landed at or taken from any point within the limits of the harbour which is outside and southward of the mouth of the River Tweed and is at a greater distance than half a mile measured in a straight line in a southerly direction from the lighthouse at the east end of the existing pier; or

(b) Any rates or dues of tonnage on any ship or vessel entering or leaving the limits of the harbour but not entering or departing from the River Tweed unless such ship or vessel shall discharge or take on board any goods (including bunker coal) or ballast which shall be landed at or brought from any point within the limits of the harbour which is within the said river or northward of the mouth thereof or at a distance not exceeding half a mile measured in a straight line in a southerly direction from the said lighthouse.

#### *Works and Powers.*

11. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers may on the lands belonging to them or acquired under this Order and in the lines and according

Power to  
construct  
works.



A.D. 1913. to the levels and within the limits of deviation shown on the deposited  
*Berwick-* plan and section make and maintain the works authorised by this  
*upon-Tweed.* Order.

Description  
of works.

12.—(1) The works authorised by this Order are—

A quay on the south side of the River Tweed commencing at a point on or near low-water mark 90 yards or thereabouts measured in a south-easterly direction from the northern extremity of the pier known as “Carr Rock” and terminating 7 yards or thereabouts northward of low-water mark at a point 35 yards or thereabouts measured in a westerly direction from the northern extremity of the jetty used as a ferry landing situate eastward of the said pier.

(2) The quay shall be partly open work and partly of solid construction.

Further  
powers as  
to works.

13. The Undertakers may construct maintain and use temporarily or permanently piles groynes dolphins caissons cofferdams approaches landing stages and places moorings buoys toll-houses gates and such other works and conveniences as may be requisite or expedient for the purposes of or in connection with the quay or the construction maintenance and use thereof or for the purposes of this Order and may for or in connection with such construction maintenance and use as aforesaid encroach upon or otherwise interfere with the foreshore and channel of the River Tweed and cross alter stop up temporarily or permanently or otherwise interfere with all such roads streets passages ways sewers drains watercourses water and other pipes and apparatus as it may be necessary or expedient to interfere with for those purposes or any of them.

Power to  
deviate.

14. In constructing the quay the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to  
reclaim and  
level land.

15. The Undertakers may reclaim fill up and level any lands forming part of the bed channel or foreshore of the River Tweed or other lands contained within or situate on the landward side of the structure of the quay and on the north-eastern side of the road leading from Tweed Dock to Spittal Main Street and may appropriate hold and use for the purposes of and as part of the harbour undertaking any lands so reclaimed filled up and levelled.

Consent of  
Board of  
Trade to  
works.

16. No part of the quay below high-water mark shall be commenced without the consent in writing of the Board of Trade and any such part of the quay shall be executed only in accordance with the terms of such consent.

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

A.D. 1913.

*Berwick-  
upon-Tweed.*Penalty for  
obstructing  
works.

18.—(1) If within two years from the commencement of this Order the quay is not substantially commenced the powers given by this Order for constructing the same or otherwise in relation thereto shall cease unless the time for the commencement of the quay be extended by the special direction of the Board of Trade.

Powers to  
cease in  
certain  
events.

(2) If the construction of the quay after having been substantially commenced is virtually suspended for twelve consecutive months the powers by this Order given for such construction or otherwise in relation thereto shall cease except as to so much of the quay as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the quay has not been substantially commenced or that the construction thereof has been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

19.—(1) The Undertakers may deepen dredge scour and excavate any portion of the foreshore and bed of the sea and of the River Tweed to the extent necessary to secure a sufficient waterway and approach to the quay for vessels using the same.

Power to  
dredge.

(2) All clay rock sand gravel and other materials dredged up or removed shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no clay rock sand gravel or other material 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) Money arising from any sale or other disposition of clay rock sand gravel and other materials under this section after payment of the expenses connected therewith may be applied in such manner as the Undertakers may from time to time determine in or towards payment of the costs charges and expenses of and incidental to this Order and of the cost of the construction of the quay and of the reclamation of land and the exercise of the powers of this Order in connection with or incidental to such construction and reclamation and the purchase of lands easements and rights for those purposes or any of them and subject as aforesaid all money so arising shall be applied in the same manner as the harbour revenue received from rates under the principal Acts and this Order is to be applied.



A.D. 1913.

*Berwick-  
upon-Tweed.*  
Quay to be  
part of  
harbour  
under-  
taking.

20. Subject to the provisions of this Order the quay shall for the purposes of the rates and charges which may be demanded and received by the Undertakers and for all other purposes be part of the harbour undertaking as if the quay had been authorised by the principal Acts or one of them and the powers and provisions of those Acts as amended by this Order and of this Order shall extend and apply to the quay.

Power to  
improve  
works.

21.—(1) Subject to the provisions of this Order the Undertakers may from time to time improve alter and extend the harbour and the quays wharves and works for the time being therein (including the quay) and they may in connection therewith from time to time construct maintain alter and improve any embankments walls fences railings groynes sea-defences aprons dams cuts gates basins stages staithes gantries grid-irons locks excavations landing-places piers quays jetties wharves pontoons beaches for hauling boats buoys moorings lights beacons roads footways carriageways approaches communications steps slips slip-ways sewers drains water-courses sluices culverts gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turn-tables and may take down or remove portions of any works.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

For pro-  
tection of  
Post-  
master-  
General.

22.—(1) The Undertakers shall not alter any telegraphic line belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

(2) Any electric mains lighting apparatus and other works constructed or maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

(3) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

Power to  
purchase  
dredgers.

23. The Undertakers may from time to time provide purchase take on lease hire use and maintain such steam or other dredgers eroders engines tugs lighters or other vessels machinery diving bells tools plant or other materials and apparatus as they may think necessary for effecting the purposes of the principal Acts as amended by this Order or this Order and may demand and receive such sums for the use thereof as they may think fit 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 use or letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account and be dealt with and applied in accordance with the provisions of the principal Acts as amended by this Order and this Order with respect to the application of borrowed money.

A.D. 1913.

*Berwick-  
upon-Tweed.*

24. The Undertakers may subject to the provisions of this Order purchase lease construct and maintain any houses warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable for the accommodation of vessels using the harbour and traffic landed at or embarking therein and the convenient working thereof.

Power to  
construct  
warehouses  
&c.

25. The Undertakers may let for hire or lease for any term not exceeding seven years any houses warehouses sheds or other buildings or structures forming part of the harbour undertaking separately from any other part thereof to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Power to  
lease  
buildings  
&c.

26. Notwithstanding anything contained in this Order or in any Act incorporated therewith the quay and the lands to be reclaimed filled up and levelled under the powers of this Order shall not be used for any purpose other than such as may from time to time be authorised by the Undertakers and the Undertakers may set apart and reserve any part or parts of the quay or of the said lands or of any buildings erected thereon for such purposes as they may think fit.

Power to  
restrict user  
of quay.

27.—(1) No vessel or boat propelled by steam or other mechanical power shall without the consent of the harbour master or other duly authorised officer of the Undertakers be moved by such power when such vessel or boat is being berthed at any of the quays in the harbour or in the Tweed Dock and except with such consent as aforesaid the owner or person in charge of any such vessel or boat when berthing the same at any of the said quays or in the Tweed Dock shall run a rope or hawser ashore and shall cause such vessel or boat to be hauled in by means thereof.

Restrictions  
as to user of  
propellers in  
harbour.

(2) No vessel or boat propelled by steam or other mechanical power shall without the authority of the harbour master or other duly authorised officer of the Undertakers use or drive her propeller in or near to any of the quays in the harbour or in the Tweed Dock unless there shall be at least two feet of water under every part of such vessel or boat.

(3) If the owner or person in charge of any such vessel or boat as in this section mentioned shall be guilty of any wilful breach of the provisions of this section he shall be liable to a penalty not exceeding ten pounds for each such breach.



A.D. 1913.

*Rates.*

*Berwick-  
upon-Tweed.*  
Amending  
rates and  
dues on fish  
and fishing  
vessels.

28.—(1) So much of section 25 (Dues on goods and shipping) of the Act of 1872 and of Schedule (A) to that Act as prescribes the rates or dues for—

Fish herrings fresh salt or dried exported;

Fish herrings imported otherwise than in fishing boats;

Fish herrings landed from fishing boats;

Fish fresh (other than herrings);

Fish salted or dried (other than herrings);

is hereby repealed and from and after the commencement of this Order the Undertakers may subject and according to the provisions of the principal Acts as amended by this Order and of this Order demand receive and recover in respect of fish any sums not exceeding the rates or dues mentioned in the First Schedule to this Order.

(2) So much of the said section 25 of the Act of 1872 and of Schedule (B) to that Act as prescribes the rates or dues to be demanded received and recovered by the Undertakers in respect of fishing vessels if the Undertakers should at any time provide a harbour or harbours or landing-place or landing-places for the accommodation of fishing or other boats within the limits of the harbour and as constitute such provision a condition precedent to the exercise by the Undertakers of the right to demand receive and recover those rates or dues is hereby repealed and from and after the commencement of this Order the Undertakers may subject and according to the provisions of the principal Acts as amended by this Order and of this Order demand receive and recover in respect of fishing vessels entering the harbour any sums not exceeding the rates or dues mentioned in the Second Schedule to this Order.

(3) Notwithstanding the repeal contained in the preceding subsections of this section all rates dues and moneys due before the commencement of this Order may be received and recovered in like manner as if this Order had not been made.

Provision  
as to  
collection of  
rates on  
white fish  
and fresh  
herrings.

29.—(1) The Undertakers may levy demand receive and recover the rates or dues for white fish and for fresh herrings direct from the sea transhipped or unshipped within the harbour (without prejudice to their rights to levy demand receive and recover the rates or dues from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel or boat.

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates or dues from the price at which the fish were sold or purchased and



shall when required furnish the Undertakers or their collector of rates with an account under his hand of the quantity of the fish and verify the account by the production of his books accounts or other documents to the Undertakers or to their collector of rates.

A.D. 1913.

*Berwick-  
upon-Tweed.*

(3) If any such fish salesman auctioneer purchaser or receiver when so required refuses or fails to give and verify an account under this section or gives or subscribes a false account he shall for each such offence be liable to a penalty not exceeding ten pounds.

30. The Undertakers may demand receive and recover such rates rents or other consideration as they may think reasonable for the use of any warehouses sheds buildings yards weighing machines cranes patent slips moorings buoys works lighters and conveniences belonging to or provided by or leased to the Undertakers for the use of which rates are not specially fixed in the principal Acts or this Order or in respect of any services rendered by them in connection with the harbour.

Rates for  
use of ware-  
houses &c.

31.—(1) The rates to be received by the Undertakers shall be adjusted by them in such a manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour.

Board of  
Trade may  
reduce  
rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Undertakers on the average of the then three last preceding years after payment of all expenses and outgoings (including all annual payments payable in respect of moneys borrowed under the Act of 1872 or under this Order and all contributions to any sinking fund created under the Act of 1872 or this Order) exceeds the amount sufficient for the purposes of the harbour that Board may if in their discretion they think fit reduce the rates leviable under the principal Acts as amended by this Order and this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedules to the Act of 1872 as amended by this Order.

*Finance.*

32.—(1) The Undertakers may (independently of any other borrowing power) from time to time borrow at interest not exceeding five per centum per annum—

Power to  
Undertakers  
to borrow.

(A) For the payment of the costs charges and expenses of and incidental to this Order such sum as may be required for the purpose :

(B) For or in connection with the construction of the quay and the reclamation of land and the exercise of the powers of

A.D. 1913.

*Berwick-  
upon-Twe ed.*

this Order in connection with or incidental to such construction and reclamation and the purchase or acquisition of lands easements and rights for those purposes or any of them any sum or sums not exceeding in the whole ten thousand pounds :

(c) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the harbour undertaking.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Undertakers may mortgage or charge the harbour revenue and any property for the time being belonging to the Undertakers subject to any existing mortgages or charges thereon.

Application  
of pro-  
visions of  
Act of 1872.

33. The following provisions of the Act of 1872 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were with such modifications re-enacted in this Order (namely):—

Section 31 (Power to apply existing funds);

Section 36 (Coupons for interest on mortgages);

Section 38 (Power to raise money by annuities);

Section 39 (Register transfer &c. of annuities);

Section 40 (Power to commissioners to arrange with mortgagees and annuitants);

Section 41 (Price of annuities and redemption).

Periods for  
repayment.

34. All moneys borrowed by the Undertakers under the section of this Order of which the marginal note is "Power to Undertakers to borrow" shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(A) As to money borrowed for the purpose (A) mentioned in the said section within five years from the commencement of this Order :

(B) As to money borrowed for the purposes (B) mentioned in the said section within fifty years from the date of borrowing the same :

(c) As to money borrowed for the purposes (c) mentioned in the said section within such period from the date of borrowing the same as the Board of Trade may prescribe.

Power to  
Corporation  
to guarantee  
loans and  
lend money.

35.—(1) The Corporation being a rating authority as defined by section 7 of the Public Works Loans Act 1882 may (subject to the provisions of this Order) if they think it expedient in the interests of the inhabitants at large of the borough so to do aid the Undertakers by guaranteeing the payment of (a) the interest on any moneys which may from time to time be borrowed by the Undertakers under the



powers of this Order and (b) the periodical payments (whether by way of instalments of principal or of principal and interest combined or of payments to a sinking fund) by this Order required to be provided by the Undertakers for the repayment of moneys borrowed by them under the powers of this Order or either of such payments or by lending to the Undertakers such moneys as the Undertakers may require and may for the time being be authorised to borrow or partly by such guarantees and partly by such loans :

A.D. 1913.

*Berwick-  
upon-Tweed.*

Provided that the capital amount of loans guaranteed and of moneys lent by the Corporation under the powers of this section shall not exceed in the aggregate at any one time the sum of three thousand pounds.

(2) The Undertakers may subject to any existing mortgages or charges give to the Corporation such indemnities charges or securities for or in respect of any such guarantee or loan as aforesaid as may be agreed between them.

(3) In order to raise the sum required for the purpose of any such loan as aforesaid the Corporation may borrow money on the security of the borough fund and borough rate or either of them and may mortgage charge or assign the same or either of them.

(4) The sums to be paid by the Corporation in respect of any such guarantee as aforesaid and (after deducting any interest or other payment received by them from the Undertakers in respect of that year) in or towards repayment of any money to be borrowed by them under subsection (3) of this section or in respect of either of those matters shall not in the aggregate exceed in any one year an amount equivalent to that which would be produced by the levying of a borough rate of one penny in the pound.

(5) The Corporation shall not give any such guarantee as aforesaid or lend any money to the Undertakers or mortgage charge or assign the borough fund or borough rate under the powers conferred on them by this section except in pursuance of a special resolution for the purpose passed at a meeting of the Corporation and published once at least in each of two successive weeks in a local newspaper circulating in the borough and confirmed at a second meeting of the Corporation held not less than fourteen days after the first publication of notice of such resolution and not less than three months after the meeting at which the resolution was passed.

36. All moneys borrowed by the Corporation for the purpose of being lent to the Undertakers and actually lent to them under the powers of this Order shall be repaid by the Corporation within the respective periods (in this Order referred to as "the prescribed periods") within which the Undertakers (having regard to the purposes for which the moneys so advanced to them are applied) are by this Order required to repay such moneys.

Periods for  
repayment  
of money  
borrowed  
by Corpora-  
tion.

[Ch. cxlvi.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]  
*Confirmation (No. 1) Act, 1913.*

A.D. 1913.

*Berwick-upon-Tweed.*  
 Certain provisions of Public Health Act to apply to mortgages of Corporation.

Mode of payment off of moneys borrowed by Corporation.

Sinking fund.

37. The following provisions of the Public Health Act 1875 shall extend and apply to mortgages granted by the Corporation under the powers conferred by this Order (that is to say):—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages);
- Section 239 (Receiver may be appointed in certain cases).

38. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment shall be made within twelve months if a yearly instalment or within six months if a half-yearly instalment after the date of borrowing the sum in respect of which it is made and the first payment to the sinking fund shall be made within twelve months after the date of borrowing the sum in respect of which it is made.

39.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed under the powers of this Order such fund shall be formed and maintained either—

- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys



for the repayment of which the fund is formed Provided that if the Corporation shall avail themselves of this power in the case of an accumulating sinking fund they shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

A.D. 1913.

*Berwick-  
upon-Tweed.*

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause it to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent in writing of that Board reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.



A.D. 1913.

*Berwick-  
upon-Tweed.*

(10) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Local Government Board be sufficient without any further payments thereto to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent in writing of that Board discontinue the annual payments to such sinking fund until that Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent in writing of the Local Government Board may determine.

(12) For the purposes of this section "statutory security" means and includes any investment in which trustees are for the time being by statute authorised to invest trust money and any mortgage bond debenture or stock of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

Return as to  
sinking fund  
&c. to be  
made to  
Local  
Government  
Board.

40.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or to a sinking fund in pursuance of the provisions of this Order and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as aforesaid and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

(2) The town clerk in the event of any wilful default by him in making the return under this section shall for each such offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Local Government Board and shall be recoverable by that Board by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by that Board out of the High Court.



(3) If it appears to the Local Government Board by the return under this section or otherwise that the Corporation have failed to make any payment required to be made under the provisions of this Order (whether such payment is required to be made under this Order or by the Local Government Board) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the Local Government Board may by order direct that the sum mentioned in that order not exceeding double the amount in respect of which the default has been made shall be paid or applied as in that order mentioned and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1913.

*Derwick-  
upon-Tweed.*

41. All moneys borrowed by the Corporation under this Order shall be applied by them only for the purpose of granting a loan to the Undertakers.

Application  
of money  
borrowed by  
Corporation.

42. The Corporation shall (subject to the provisions of this Order) provide out of the borough fund any sums from time to time required for the fulfilment of any guarantee given by them under the powers of this Order or for the payment of interest or repayment of principal in respect of any moneys borrowed by them under the powers of this Order or the maintenance of any sinking fund required to be formed by the provisions of this Order and shall from time to time raise and levy as part of the borough rate such sums as may be necessary therefor.

Powers to  
Corporation  
to provide  
sums for ful-  
filment of  
guarantee or  
repayment of  
money bor-  
rowed by  
them.

43. All sums paid by the Corporation in fulfilment of any guarantee given by them under the powers of this Order shall be repaid by the Undertakers to the Corporation with interest at the rate of four pounds per centum per annum from the date of payment as soon as the resources of the Undertakers will admit and any doubt or difference as to the time and amount of any such repayment shall on the application of the Corporation stand referred to and be determined by an arbitrator to be appointed by the Local Government Board whose determination shall be binding on the Undertakers and the Corporation and final for all purposes.

Sums paid  
under  
guarantee  
to be repaid.

44.—(1) All sums paid or repaid by the Undertakers to the Corporation in respect of any guarantee given by the Corporation under the powers of this Order shall be paid into the borough fund.

Application  
of money  
paid by  
Undertakers  
to Corpora-  
tion.

(2) All sums paid by the Undertakers to the Corporation by way of interest on any loan by the Corporation to the Undertakers shall be applied by the Corporation primarily in or towards the payment of interest on any money borrowed by the Corporation under the powers of this Order and subject thereto shall be paid into the borough fund.

(3) All sums paid by the Undertakers to the Corporation by way of repayment of any loan by the Corporation to the Undertakers shall



[Ch. cxlvi.]      *Pier and Harbour Orders*      [3 & 4 GEO. 5.]  
*Confirmation (No. 1) Act, 1913.*

A.D. 1913.      be applied by the Corporation primarily in or towards the repayment  
*Berwick-  
upon-Tweed.*      of any money borrowed by the Corporation under the powers of this  
Order and subject thereto shall be paid into the borough fund.

Reference  
of disputes.      45. Any dispute arising between the Undertakers and the  
Corporation with respect to the construction of the provisions of  
this Order relating to or in connection with any such guarantee or  
loan by the Corporation as aforesaid or the giving effect to the same  
or with respect to their mutual duties or obligations under this Order  
which is not otherwise provided for by this Order shall on the written  
application of either party to the Local Government Board stand  
referred to and be determined by an arbitrator to be appointed by  
the Local Government Board and the determination of such arbitrator  
shall be binding on the Undertakers and the Corporation and final  
for all purposes.

Saving for  
Undertakers  
and Corpora-  
tion.      46. Save as herein expressly otherwise provided nothing in this  
Order shall abridge affect or interfere with any powers rights or  
privileges of the Undertakers or of the Corporation.

Power to  
re-borrow.      47.—(1) The Undertakers shall have power—  
(A) To borrow for the purpose of paying off any moneys  
previously borrowed under the Act of 1872 or this Order  
which are intended to be forthwith repaid; or  
(B) To borrow in order to replace moneys which during the  
previous twelve months have been temporarily applied  
from other funds of the Undertakers in repaying moneys  
previously borrowed under the Act of 1872 or 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  
(subject to the provisions of this Order) 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 Undertakers shall not have power to borrow for the  
purpose of making any payment to a sinking fund or of paying any  
instalment or making any annual payment which has or may become  
due in respect of borrowed moneys.

(4) The Undertakers 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) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or



(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose. A.D. 1913.  
Berwick-upon-Tweed.

(5) Section 35 (Power to re-borrow) of the Act of 1872 is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

48. The Undertakers shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund. Mode of repayment by Undertakers of borrowed money.

49. Subject to the provisions of this Order the Undertakers shall (in the event of their borrowing otherwise than by way of repayment by instalments within the prescribed period) appropriate and set apart in every year out of the harbour revenue such a sum by way of sinking fund as will with the accumulations thereon by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed under this Order at the expiration of the prescribed periods and the provisions with regard to an accumulating sinking fund contained in the previous section of this Order of which the marginal note is "Sinking fund" shall so far as applicable and with the substitution of the Undertakers and the Board of Trade for the Corporation and the Local Government Board respectively and with all other necessary modifications apply to the sinking fund to be formed under this section. Sinking fund by Undertakers.

50. Notwithstanding anything contained in this Order the Undertakers shall not be bound to pay any instalment of principal or to make the first payment to the sinking fund in respect of the several loans hereinafter specified until the dates hereinafter respectively specified with respect to those loans (that is to say):— Postponement of first payments to sinking fund &c.

(A) As regards money borrowed by the Undertakers from the Treasury under the powers of borrowing conferred upon the Undertakers by this Order the thirty-first day of March one thousand nine hundred and nineteen:

(B) As regards money borrowed by the Undertakers from the Corporation under the provisions of the section of this Order of which the marginal note is "Power to Corporation to guarantee loans and lend money" or money borrowed by the Undertakers from other persons in respect of which a guarantee is given by the Corporation under the provisions of the same section the first day of February one thousand nine hundred and twenty-five:

A.D. 1913.

*Berwick-  
upon-Tweed.*

(c) As regards money borrowed by the Undertakers for the purposes (B) mentioned in the section of this Order of which the marginal note is "Power to Undertakers to borrow" from any persons other than the Treasury or the Corporation and in respect of which no such guarantee as aforesaid shall have been given by the Corporation the first day of October one thousand nine hundred and eighteen or the date of completion of the quay whichever may be the earlier date:

Provided that this section shall not apply to any money borrowed by the Undertakers for the purpose (A) mentioned in the section of this Order of which the marginal note is "Power to Undertakers to borrow."

Application  
of money  
borrowed  
by Under-  
takers.

51. All moneys borrowed by the Undertakers under this Order shall be applied by them only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Appoint-  
ment of a  
receiver.

52.—(1) The holders of any security given by the Undertakers 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.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

(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 Undertakers and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed by the Undertakers under this Order and the holder of any such security.

Protection  
of lenders  
from inquiry.

53. A person lending money to the Undertakers or to the Corporation pursuant to the provisions of this Order shall not be concerned to inquire as to the observance by the Undertakers or the Corporation as the case may be of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent.

Application  
of harbour  
revenue.

54. Section 43 of the Act of 1872 (Application of income) is hereby repealed and from and after the commencement of this Order the harbour revenue shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1) In paying interest accruing due on money borrowed under the Act of 1872 and providing the requisite annual



instalments or appropriations for payment off of the principal thereof and in paying annuities granted under that Act:

A.D. 1913.

*Berwick-  
upon-Tweed.*

- (2) In payment of the costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto except in so far as they may be provided for out of moneys borrowed by the Undertakers for the purpose under this Order:
- (3) In payment of the costs and expenses properly chargeable to revenue of the maintenance repair and management of the harbour undertaking and all conveniences connected therewith:
- (4) In payment of the interest as it accrues due on any moneys borrowed under this Order and for the time being outstanding and on any moneys paid by the Corporation in fulfilment of any guarantee given by them under the powers of this Order and not for the time being repaid by the Undertakers:
- (5) Subject to the provisions of the section of this Order of which the marginal note is "Postponement of first payments to sinking fund &c." in payment of the instalments of principal from time to time becoming due in respect of moneys borrowed under this Order and for the time being outstanding and repayable by instalments and in providing a sinking fund for the repayment of moneys borrowed under this Order and repayable by means of a sinking fund and in repayment of any moneys paid by the Corporation in fulfilment of any guarantee given by them under the powers of this Order:
- (6) In the general improvement of the harbour undertaking.

55.--(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Undertakers and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Undertakers out of the harbour revenue.

Appointment  
of an auditor.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Undertakers shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and supply him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

A.D. 1913.

*Berwick-  
upon-Tweed.*

(4) If the Undertakers refuse or neglect to comply with any of the provisions of this section binding upon them they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

Annual  
account to  
be sent to  
Board of  
Trade.

56.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The Undertakers shall as from the expiration of that month 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 this section.

(3) The account shall be made up to the end of the thirty-first day of March in each year

*Byelaws.*

Byelaws.

57.—(1) The byelaws which may from time to time be made by the Undertakers in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may include byelaws for regulating the conduct and dealings of all persons (as well the servants of the Undertakers as others) buying selling curing or freshing or acting as salesmen or auctioneers or carriers of fish in the harbour and on the premises of the Undertakers.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

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

*Life-saving Apparatus.*

Sections 16  
to 19 of  
Act of 1847  
not to apply.

Life-saving  
apparatus  
may be  
attached to  
quay.

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

59. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the quay spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the quay Provided always that such spars and apparatus shall be placed in such positions as may be reasonably approved by the Undertakers so as not to interfere with the carrying on of the harbour undertaking or with access to the quay.



A.D. 1913.

60. The Undertakers shall at all times keep at convenient places on the quay 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.

*Berwick-upon-Tweed.*  
Lifebuoys to be kept.

### Lights.

61.—(1) Before commencing the quay the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the quay and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the quay.

Lights during construction of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

62.—(1) After completion or permanent discontinuance or abandonment of the quay the Undertakers shall exhibit at the outer extremity or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for such directions.

Lights after completion of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

63.—(1) In case of injury to or destruction or decay of the quay or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

As to buoys and lights in case of decay of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

### Miscellaneous.

64. The Undertakers may appoint officers for securing the observance of the byelaws and regulations made by the Undertakers under the principal Acts or this Order in respect of the harbour 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.

Appointment of officers to enforce bye-laws and regulations.

A.D. 1913.

[Ch. cxlvi.]

*Pier and Harbour Orders*  
*Confirmation (No. 1) Act, 1913.*

[3 & 4 GEO. 5.]

*Berwick-  
upon-Tweed.*  
Application of  
Act of 1847.

65. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of  
penalties.

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

Officers  
exempt from  
rates.

67. Officers of the Board of Trade 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.

Amending  
principal  
Acts as to  
disqualifi-  
cation.

68. Notwithstanding anything in the principal Acts or either of them or any Act incorporated therewith no person shall be disqualified for election as a commissioner of the harbour or for accepting or holding or continuing to hold the office of commissioner of the harbour by reason only of the fact that—

- (A) He has before his election advanced money to the Undertakers by way of loan for any purpose for which the Undertakers are authorised to borrow money or become the holder either solely or jointly with any other person of or otherwise interested in any mortgage bond security or acknowledgment for or in respect of any money advanced to the Undertakers or at any time after his election so advances any money or becomes such holder or so interested as aforesaid:
- (B) He or any firm or company of which he is a member has or have before his election entered into any agreement or arrangement with the Undertakers for the provision by or on the property of the Undertakers of any facilities or works for the conveyance of traffic to or from the premises of such person firm or company from or to any other place or for the accommodation of any such traffic or at any time after his election enters or enter into any such agreement or arrangement:
- (C) He or any firm or company of which he is a member has or have before his election entered into any agreement or arrangement with the Undertakers for the leasing or letting by the Undertakers to such person firm or company of any building land or premises belonging to or provided by or leased to the Undertakers within the harbour or elsewhere or is or are before his election the lessee or lessees or tenant or tenants of any such building land or premises or at any time after his election enters or enter into any such agreement or arrangement or becomes or become such lessee or lessees or tenant or tenants:



Provided always that no commissioner shall vote at any meeting of the commissioners on any matter or question in which he is so interested or concerned as in this section mentioned and if he do so vote his vote shall not be counted.

A.D. 1913.

*Berwick-  
upon-Tweed.*

69.—(1) The Undertakers may act notwithstanding any vacancy in their body but if the number of the Undertakers is reduced below twelve they shall act only for the purpose of causing vacancies in their body to be filled up.

Validity of  
acts of  
Undertakers.

(2) Every act of the Undertakers or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

70. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving rights  
of Crown.

71. The works authorised by this Order shall be deemed to be for all purposes within the parish of Tweedmouth in the county of the borough and town of Berwick-upon-Tweed.

Works to be in  
borough of  
Berwick-upon-  
Tweed.

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

Costs of  
Order.

### The SCHEDULES to which the foregoing Order refers.

#### FIRST SCHEDULE.

Fish herrings fresh salt or dried imported otherwise than in fishing boats or exported per 26 $\frac{2}{3}$  gallons:—

	s.	d.
In vessels under 100 tons registered tonnage - - -	0	2
In vessels of or above 100 tons registered tonnage - - -	0	3 $\frac{1}{2}$
Fish herrings landed from fishing boats per cran - - -	0	3
Fish fresh (other than herrings) per cwt. - - -	0	1 $\frac{1}{2}$
Fish salted or dried (other than herrings) per cwt. - - -	0	2

[Ch. cxlvi.]      *Pier and Harbour Orders*      [3 & 4 GEO. 5.]  
*Confirmation (No. 1) Act, 1913.*

A.D. 1913. Herrings or other fish packed or freshed in the harbour for despatch  
 by rail from the harbour or elsewhere:— s.   d.  
*Berwick-* Per  $\frac{1}{4}$  cran      -      -      -      -      -      -      -      -      0   0 $\frac{1}{2}$   
*upon-Tweed.*  
 Every quantity over and above a complete multiple of any of the  
 above units of measurement shall be reckoned as a complete unit.

---

SECOND SCHEDULE.

For all fishing vessels propelled by steam or other mechanical    £   s.   d.  
 power on each occasion of any such vessel entering the  
 harbour      -      -      -      -      -      -      -      -      -      0   3   0

or

In any fishing season at the port as a composition in full of  
 rates for such vessels for the period of such fishing season  
 payable in advance for each vessel      -      -      -      -      -      2   0   0

For all other fishing vessels (other than undecked cobs) on  
 each occasion of any such vessel entering the harbour      -   0   2   0

or

In any fishing season at the port as a composition in full of  
 rates for such vessels for the period of such fishing season  
 payable in advance for each vessel      -      -      -      -      -      1   10   0

For all undecked cobs engaged in the white fishery or crab  
 or lobster fishing on each occasion of entering the  
 harbour      -      -      -      -      -      -      -      -      -      0   0   6

or

For each such coble engaged in the white fishery or crab  
 or lobster fishing as a composition in full of rates per  
 annum payable in advance-      -      -      -      -      -      -      0   10   0

For each fishing vessel entering the harbour for safety by  
 stress of weather or windbound-      -      -      -      -      -      0   1   0



LYMINGTON RIVER AND HARBOUR.

A.D. 1913.

*Order for conferring powers on the Mayor Aldermen and Burgesses of the Borough of Lymington with reference to the maintenance management and improvement of the Lymington River and Harbour and to authorise them to borrow money for the purposes of the said river and harbour and otherwise and for other purposes.*

Lymington.

*Preliminary.*

1. This Order may be cited as the Lymington River and Harbour Order 1913. Short title.

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." Commencement of Order.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings hereinafter assigned to them (namely):— Interpretation.

"The Corporation" means the mayor aldermen and burgesses of the borough of Lymington;

"The borough" means the borough of Lymington;

"The town clerk" means the town clerk of the borough;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

"The harbour" means and includes the part of the Lymington river or creek within the area hereinafter defined as "the limits of this Order" and the existing town quay;

"The harbour undertaking" means and includes the harbour and the conveniences connected therewith and the right to levy rates and tolls and all other rights conferred on or vested in the Corporation by this Order and the entire undertaking of the Corporation in connection with the harbour;

"The harbour revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of this Order;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed

A.D. 1913.

*Lymington.*

or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rent-charges or securities transferable by delivery or any securities of the Corporation ;

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

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “Post Office packet” 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 the expression “Post Office bag of letters” means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

#### *Undertakers.*

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

#### *Acquisition of Lands.*

Incorporation of Lands Clauses Acts. 5. 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) are hereby incorporated with this Order and for the purposes of that incorporation the term “special Act” in those Acts shall mean this Order.

Lands. 6. The Corporation may purchase by agreement and hold for and in connection with the purposes of this Order any lands not exceeding in the whole ten acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take easements &c. by agreement. 7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in or affecting any such lands and the provisions of the said Acts with respect to lands so far as the same are applicable



in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid. A.D. 1913.

*Lymington.*

8. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation 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 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. Power to retain and sell lands.

#### *Limits.*

9. The limits within which the Corporation shall have authority and within which the powers of the harbour master may be exercised shall comprise that part of the Lymington river or creek below high-water mark which is shown within the thick black lines marked on the map or plan certified by the Board of Trade and signed in triplicate by an assistant secretary of the Board of Trade of which one copy having been deposited at the Board of Trade another copy shall be deposited at the office of the clerk of the peace for the county of Southampton and the third copy shall be deposited at the town clerk's office in the borough and those limits are in this Order termed "the limits of this Order." Limits.

#### *Works and Powers.*

10.—(1) Subject to the provisions of this Order the Corporation may maintain and from time to time with the consent of the Board of Trade improve the harbour and may in connection with the harbour construct maintain alter improve and enlarge embankments landing-places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic. Power to maintain and improve harbour.

(2) Any mains pipes wires or other apparatus constructed erected or maintained under this Order shall be so constructed erected used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.



A.D. 1913.

Lymington.Power to  
dredge.

11.—(1) The Corporation may deepen dredge scour and excavate any portion of the harbour and the approaches thereto to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same :

Provided that any works carried out under the powers of this section within fifty yards of any part of any bridge wharf quay pier or other work belonging to the London and South Western Railway Company shall be executed under the supervision and to the reasonable satisfaction of the engineer of that railway company :

Provided further that nothing in this section contained shall authorise the Corporation to cause any damage to or injuriously affect any wharf or quay situate within or adjacent to the harbour and if in or by the exercise of the powers conferred by this section any such wharf or quay shall be in any way damaged or injuriously affected the Corporation shall pay and make good to the owner of such wharf or quay the loss or damage which he may have sustained thereby.

(2) All sand mud and other materials dredged up or removed shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material 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 money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the harbour revenue.

Consent of  
Board of  
Trade to works  
below high-  
water mark.

12. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Power to  
purchase  
dredgers &c.

13. The Corporation 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 harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.



A.D. 1913.

*Rates.**Lymington.*

14. From and after the commencement of this Order the Corporation may within the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to  
levy rates.

15. The Corporation may confer vary or extinguish exemptions from and compound with any company body or 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 company body or person over any other company body or person using the harbour under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to  
vary exemp-  
tions and  
compound  
for rates.

16. The Corporation may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Corporation or in respect of any services rendered by them in connection with the harbour undertaking.

Rates for  
warehouses  
&c.

17. If and so long as the Corporation shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them.

Supply of  
and rate for  
water.

18.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

Master of  
fishing  
vessel to  
report take  
of fish.

(2) If the master or owner of a vessel fails to comply with this section he shall for each such offence be liable to a penalty not exceeding ten pounds.

19. The harbour master may prevent the removal or sailing from within the limits of this Order 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 and in the case of a vessel with a take or cargo of fish

Harbour  
master may  
prevent  
sailing of  
vessels.

A.D. 1913. until the master or owner of the vessel has given in the account of  
*Lymington.* his take or cargo of fish required by this Order.

Certain  
 fishing  
 vessels under  
 stress of  
 weather  
 exempt  
 from rates.

20. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption  
 of lifeboat  
 crew.

21. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises belonging to the Corporation connected with the harbour undertaking.

Board of  
 Trade may  
 reduce  
 rates.

22.—(1) The rates to be received by the Corporation shall be adjusted by them in such a manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable under this Order on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

#### *Finance.*

Power to  
 borrow.

23.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five pounds per centum per annum—

(a) For deepening and improving the harbour and the purchase of land for the purposes of the harbour undertaking any sum or sums not exceeding in the whole two thousand five hundred pounds:

(b) For providing beacons and buoys any sum or sums not exceeding in the whole one hundred and sixty-five pounds:



(c) With the consent of the Board of Trade such further sum or sums as may from time to time be required for the purposes of this Order :

A.D. 1913.

*Lymington.*

(d) 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 moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the harbour revenue.

24. All moneys borrowed by the Corporation under the last preceding section of this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

Periods for  
repayment  
of money  
borrowed.

(a) As to the money borrowed for the purposes (a) mentioned in the last preceding section of this Order within thirty years from the date of borrowing the same :

(b) As to the money borrowed for the purpose (b) mentioned in the last preceding section of this Order within twenty years from the date of borrowing the same :

(c) As to the money borrowed for the purposes (c) mentioned in the last preceding section within such period from the date of borrowing the same as the Board of Trade may prescribe :

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

25. All moneys borrowed by the Corporation under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable.

Application  
of money  
borrowed.

26. The proceeds of sale of any surplus lands of the Corporation 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 Corporation and shall be applied in discharge of moneys borrowed by the Corporation under this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Proceeds of  
sale of  
surplus lands  
to be treated  
as capital.

A.D. 1913.

*Lymington.*  
Section 234  
of Public  
Health Act  
1875 not to  
apply.

27. The powers of borrowing money given by this Order shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 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.

Mode of  
raising  
money.

28. The Corporation may raise all or any moneys which they are authorised to borrow under this Order by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Order relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

Provisions  
of Public  
Health Act  
1875 as to  
mortgages to  
apply.

29. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order (that is to say) :—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages);
- Section 239 (Receiver may be appointed in certain cases).

Mode of pay-  
ment off of  
money  
borrowed.

30. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repayable by half-yearly instalments within six months from the date of borrowing.

Sinking  
fund.

31.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such fund shall be formed and maintained either—

- (a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or
- (b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate



not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

A.D. 1913.

*Lymington.*

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the

A.D. 1913. duty of the Corporation to make such increased payments to the  
*Lymington.* sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until that Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Protection of  
lender from  
necessity of  
inquiry.

32. A person lending money to the Corporation under this Order shall not be bound to inquire as to the observance by the Corporation of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation  
not to regard  
trusts.

33. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered in their register.



34. The harbour revenue shall be applicable for the purposes and in the order following and not otherwise:—

A.D. 1913.

*Lymington.*Application  
of harbour  
revenue.

(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 harbour 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 of any principal money borrowed under this Order and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of any principal money so borrowed and not repayable by instalments:

(5) In repayment to the borough fund of all moneys and interest paid thereout for the purposes of the harbour undertaking whether in respect of money borrowed or otherwise:

(6) In the general improvement of the harbour undertaking.

35. All charges on the harbour revenue which that revenue may be insufficient to meet shall be charged on and paid out of the borough fund and the borough rate and the Corporation shall include in each rate the amount (if any) which according to their estimate may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has actually occurred during any previous period.

Deficiency of  
revenue to be  
charged on  
borough  
fund.

36. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Order.

Audit of  
accounts.

37.—(1) The Corporation shall have power—

Power to  
re-borrow.

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

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

A.D. 1913.

*Lymington.*

(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 Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation 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) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to  
Local  
Government  
Board as to  
sinking  
fund.

38.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as that Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and furnishing such further information (if any) as that Board shall require and in the event of his failing to make such return the town clerk shall for each such offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such



penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court, A.D. 1913.  
*Lymington.*

(2) If it appears to the Local Government Board by the return under this section or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised by this Order the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

39.—(1) The Corporation shall keep a separate account of all receipts payments credits and liabilities in capital and revenue account respectively in relation to the harbour undertaking and shall within one month after sending to the clerk of the peace a copy of such account in abstract (which account shall be made up at the end of the day on the thirty-first day of March in each year) send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account as if the Corporation were a company. Annual  
accounts  
to be sent to  
Board of  
Trade.  
25 & 26 Vict.  
c. 19.

(2) If the Corporation refuse or neglect to comply with this provision they shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which such refusal or neglect continues.

#### *Byelaws.*

40.—(1) The byelaws which may from time to time be made by the Corporation 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. Byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

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

A.D. 1913.

*Life-saving Apparatus.**Lymington.*Provision  
for life-  
saving  
apparatus.

41.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Corporation shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site in or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving  
apparatus  
may be  
attached  
to part of  
harbour.

42. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Lifebuoys  
to be kept.

43. The Corporation shall at all times keep at convenient places in the harbour 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.

*Miscellaneous.*

Quay line.

44. From and after the commencement of this Order no buildings quays wharves piers or other permanent obstructions shall be placed in or adjacent to the Lymington river or creek beyond the quay line marked on the plan referred to in the section of this Order the marginal note whereof is "Limits":

Provided that the London and South Western Railway Company may with the consent of the Corporation (which consent shall not be unreasonably withheld) place or erect any buildings quays wharves piers or other works upon any portion of the London and South Western Railway Company's property in or adjacent to the Lymington river or creek beyond the said quay line and if any question shall arise as to whether or not such consent is unreasonably withheld the same shall be determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either the Corporation or the London and South Western Railway Company and the provisions of the Arbitration Act 1889 and any statutory modification thereof shall apply to any such arbitration.

Meters and  
weighers.

45. The Corporation shall have the appointment of meters and weighers within the limits of this Order.



46. The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Corporation under this Order in respect of the harbour 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. A.D. 1913.  
*Lymington.*  
Appoint-  
ment of  
officers to  
enforce bye-  
laws and  
regulations.
47. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act. Applicatio of  
Act 10 & 11  
Vict. c. 27.
48. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847. Recovery of  
penalties.
49. Officers of the Board of Trade 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. Officers  
exempt from  
rates.
50. The Corporation shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. Local  
lighthouse  
authority.
51. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). Saving rights  
of Crown.
52. The harbour shall be deemed to be for all purposes within the parish and borough of Lymington in the county of Southampton: Works to be  
in parish of  
Lymington.
53. 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 taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the harbour revenue or out of money borrowed for the purposes of the promotion of this Order. Costs of  
Order.

A.D. 1913  
*Lymington.*

SCHEDULE referred to in the foregoing Order.

RATES ON VESSELS (OTHER THAN FISHING VESSELS AND SAILING YACHTS)  
 WITHIN THE LIMITS OF THIS ORDER.

For every ship or vessel which shall load or unload the several rates following (viz.):—

Under 100 tons	-	-	2d.	per ton register tonnage.
Of 100 tons but not exceeding	}	-	3d.	" "
150 tons				
Of 150 tons but not exceeding	}	-	4d.	" "
250 tons				
Upwards of 250 tons	-	-	6d.	" "

For every ship or vessel which shall enter the harbour and shall neither load nor unload therein (except windbound vessels vessels entering the harbour for the purpose of repairs only and steam tugs entering for coaling only) the rates following (viz.):—

Under 100 tons	-	-	2d.	per ton register tonnage.
Of and over 100 tons	-	-	3d.	" "

For every ship or vessel which shall enter the harbour wind-bound or for the purpose of repairs only and for every steam tug that shall enter the harbour for the purpose of coaling only

$\frac{1}{2}$ d. per ton register tonnage.

RATE FOR STEAM TUGS FOR TOWING PURPOSES.

					s.	d.
In or out of the harbour	-	-	-	-	2	0

PASSENGER STEAMERS.

For every passenger embarking or disembarking from	}	0	1
passenger steamers			

RATES FOR YACHTS LYING UP IN THE RIVER.

			£	s.	d.	
For yachts not exceeding $2\frac{1}{2}$ tons	-	-	0	5	0	per annum.
" of $2\frac{1}{2}$ tons but not exceeding	}	-	0	10	0	"
10 tons						
" of 10 tons but not exceeding	}	-	0	15	0	"
30 tons						
For yachts exceeding 30 tons	-	-	1	10	0	"
No charge for visiting yachts except for use of Corporation moorings.						



## MOORINGS.

A.D. 1913.

*Lymington.*

When moorings supplied by the Corporation a charge of 1s. per day or 3s. per week may be made.

RATES ON GOODS SHIPPED OR UNSHIPED AT THE TOWN QUAY OR OTHER  
 QUAY OR WORKS BELONGING TO THE CORPORATION OR TRANSHIPPED IN  
 ANY PART OF THE HARBOUR.

						s.	d.
Ale porter cider or vinegar per 18 gallons	-	-	-	-	-	0	1
Asphalt per ton	-	-	-	-	-	0	6
Agricultural implements per ton	-	-	-	-	-	1	4
Animals—Horses each	-	-	-	-	-	0	2
Oxen and cows each	-	-	-	-	-	0	2
Donkeys each	-	-	-	-	-	0	1
Sheep per score	-	-	-	-	-	0	6
Lambs per score	-	-	-	-	-	0	3
Pigs and calves each	-	-	-	-	-	0	0½
Dogs each	-	-	-	-	-	0	1
Bark per ton	-	-	-	-	-	0	8
Bed or bedstead each	-	-	-	-	-	0	2
Biscuits per ton	-	-	-	-	-	1	4
Ditto per cwt.	-	-	-	-	-	0	1
Bottles empty per gross	-	-	-	-	-	0	2
Boxes packages or parcels per 56 lbs.	-	-	-	-	-	0	1
Bricks per 1,000	-	-	-	-	-	0	8
Brooms hair per gross	-	-	-	-	-	1	0
Ditto heath per gross	-	-	-	-	-	0	6
Cement or plaster-of-Paris per ton	-	-	-	-	-	0	4.
Carriages four wheels each	-	-	-	-	-	0	8
Ditto two wheels each	-	-	-	-	-	0	6
Chaff per ton	-	-	-	-	-	0	8
Coals per ton	-	-	-	-	-	0	2
Corn—wheat malt and all other kinds per ton	-	-	-	-	-	0	4
China per ton	-	-	-	-	-	1	4
Chimney pots per dozen	-	-	-	-	-	0	3
Drapery goods per cwt.	-	-	-	-	-	0	0½
Drain pipes per ton	-	-	-	-	-	0	6
Deals per ton	-	-	-	-	-	0	3
Earthenware per ton	-	-	-	-	-	1	4
Ditto common loose per ton	-	-	-	-	-	1	0
Fish salted or fresh per ton	-	-	-	-	-	1	4
Flour per ton	-	-	-	-	-	0	6

							s.	d.
A.D. 1913.	Glass per cwt. mirrors windows or unenumerated	-	-	-	-	-	0	1
<i>Lymington.</i>	Glazed bricks per 1,000	-	-	-	-	-	1	0
	Gunpowder per cwt.	-	-	-	-	-	0	3
	Grocery goods all kinds per ton	-	-	-	-	-	1	4
	Hay and straw per ton	-	-	-	-	-	0	8
	Hides or leather per ton	-	-	-	-	-	1	4
	Hops per cwt.	-	-	-	-	-	0	2
	Household goods per ton	-	-	-	-	-	4	0
	Hurdles wood per dozen	-	-	-	-	-	0	2
	Ditto iron per ton	-	-	-	-	-	1	4
	Iron lead copper or other metals per ton	-	-	-	-	-	1	4
	Iron manufactured not enumerated per ton	-	-	-	-	-	1	4
	Leather (see Hides).							
	Laths per ton	-	-	-	-	-	0	2
	Lemons or oranges per cwt.	-	-	-	-	-	0	2
	Lime per ton	-	-	-	-	-	1	0
	Lard per ton	-	-	-	-	-	1	4
	Manures artificial per ton	-	-	-	-	-	0	6
	Ditto street per ton	-	-	-	-	-	0	2
	Marine stores (new) per ton	-	-	-	-	-	1	4
	Marine stores (old) per ton	-	-	-	-	-	0	8
	Meal bran or pollard per ton	-	-	-	-	-	0	4
	Meat of all kinds per ton	-	-	-	-	-	1	4
	Moss litter per ton	-	-	-	-	-	0	8
	Margarine per cwt.	-	-	-	-	-	0	1
	Molasses per cwt.	-	-	-	-	-	0	1
	Mineral waters per ton	-	-	-	-	-	1	0
	Nails per ton	-	-	-	-	-	1	4
	Oil cakes per ton	-	-	-	-	-	0	8
	Oil petroleum per 40 gallons	-	-	-	-	-	0	2
	Other kinds per ton	-	-	-	-	-	0	8
	Pipes drain per 1,000	-	-	-	-	-	0	6
	Potatoes per ton	-	-	-	-	-	0	6
	Paint per cwt.	-	-	-	-	-	0	1
	Pavers per 1,000	-	-	-	-	-	1	0
	Pipe clay per ton	-	-	-	-	-	1	0
	Pianofortes harmoniums and organs each	-	-	-	-	-	1	0
	Salt per ton	-	-	-	-	-	0	10
	Ditto agricultural per ton	-	-	-	-	-	0	6
	Sand chalk shingle or gravel per ton	-	-	-	-	-	0	2
	Seeds agricultural per ton	-	-	-	-	-	1	4
	Ditto per cwt.	-	-	-	-	-	0	1
	Stones rough and paving per ton	-	-	-	-	-	0	4



	s.	d.	A.D. 1913.
Stones grinding or millstones per ton - - -	0	8	<i>Lymington.</i>
Ditto grave or marble per ton - - -	1	4	
Slates per ton - - -	0	6	
Spars under 16 feet in length - - -	0	1	
Ditto over 16 feet in length - - -	0	2	
Soda per ton - - -	0	8	
Tar or pitch per cwt. - - -	0	1	
Tea per cwt. - - -	0	2	
Tiles roofing per 1,000 - - -	0	8	
Ditto paving or ornamental per 1,000 - - -	1	4	
Timber per ton - - -	0	3	
Tobacco pipes per cwt. - - -	0	2	
Trees bundles under 112 lbs. - - -	0	2	
Ditto above 112 lbs. - - -	0	4	
Turf per ton - - -	0	4	
Wool per ton - - -	1	4	
Wine or spirits per 63 gallons - - -	0	8	
Ditto bottled per ton - - -	2	0	
All other commodities not enumerated above per cwt. - - -	0	1	

The Corporation may demand for goods remaining on the quay for a longer time than 48 hours threepence per ton each day during which the goods shall remain after the first 48 hours.

#### RATE FOR SUPPLYING WATER.

	s.	d.
For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel - - -	0	1½

#### PADSTOW HARBOUR.

*Order to authorise the Padstow Harbour Commissioners to construct additional works to confer further powers on the Commissioners to amend the Acts and Order relating to the harbour and for other purposes.* *Padstow.*

1.—(1) This Order may be cited as the Padstow Harbour Order 1913. Short title and construction.

(2) The Act 7 Vict. cap. XXIV. intituled “An Act for regulating maintaining and improving the Port of Padstow in the County of Cornwall and the navigable parts of the River Camel or Allen in the same county” may hereafter be cited as the Padstow Harbour Act 1844.

A.D. 1913.  
*Padstow.*

(3) The Padstow Harbour Act 1844 (in this Order referred to as "the principal Act") the Padstow Harbour Improvement Order 1869 scheduled to and confirmed by the Pier and Harbour Orders Confirmation Act 1869 (in this Order referred to as "the Order of 1869") and the Padstow Harbour Act 1910 (in this Order referred to as "the Act of 1910") as those Acts and the Order of 1869 are varied and amended by this Order and this Order may for all purposes be cited together as the Padstow Harbour Acts and Orders 1844 to 1913.

Commence-  
ment of  
Order.

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."

Definitions.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings hereinafter assigned to them (namely):—

"The Commissioners" means the Padstow Harbour Commissioners;

"The former Acts and Order" means the principal Act the Order of 1869 and the Act of 1910;

"The Port of Padstow" has the meaning assigned to it in section 68 of the principal Act;

"The pier" means and includes the existing piers or breakwaters at the Port of Padstow and the piers or breakwaters authorised by this Order;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act. Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

#### *Undertakers.*

Undertakers.

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



*Lands.*

A.D. 1913.

5. 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) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

*Padstow.*  
Incorporation of  
Lands  
Clauses  
Acts.

6. For the purposes of the works authorised by this Order the Commissioners may purchase by agreement and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they may think requisite for the purposes of the works.

Power to  
take lands  
by agree-  
ment.

7. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners 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 or acquired by them under the former Acts and Order or this Order 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 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.

Power to  
retain and  
sell lands.

8. The Commissioners may if they think fit grant convey and assign to the North Cornwall Railway Company and the London and South Western Railway Company or either of the said companies upon such terms and conditions and for such consideration (if any) as the Commissioners may determine any lands acquired by the Commissioners under the powers of this Order and the whole or any part or parts of the land and foreshore in or adjoining the Port of Padstow which was granted and conveyed to the Commissioners in pursuance of the agreement scheduled to and confirmed by the Act of 1910.

Power to  
convey  
certain  
lands and  
foreshore.

*Works and Powers.*

9. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require or sanction before the completion of the works the Commissioners 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

Power to  
construct  
works.

A.D. 1913. the deposited plans and sections make and maintain the following works :—  
*Padstow.*

Work No. 1 A pier or breakwater (wholly of solid construction) commencing at the termination of the pier or jetty authorised by the Act of 1910 and now in course of construction and extending seawards in a north-westerly direction for a distance of 205 feet or thereabouts from the point of commencement and there terminating:

Work No. 2 A dock wall and wharf commencing at the termination of the existing dock wall of the London and South Western Railway Company adjacent to the end of the quay at the north end of the existing fish shed and extending in a direction approximately north-westwards for a distance of 845 feet or thereabouts and terminating at the extreme easterly end of the southerly arm wall of the harbour as existing at the commencement of this Order:

Work No. 3 A pier or breakwater (wholly of solid construction) commencing at the termination of Work No. 2 and extending in a direction approximately easterly for a distance of 160 feet or thereabouts and there terminating:

Work No. 4 A wet dock  $2\frac{1}{2}$  acres or thereabouts in extent to be situate in the existing bed and foreshore of the River Camel immediately between the pier or jetty authorised by the Act of 1910 and now in course of construction and Works Nos. 1 2 and 3 hereinbefore described:

Work No. 5 Two entrance gates to the proposed wet dock each 25 feet or thereabouts in width situate side by side and connecting Works Nos. 1 and 3 at or near their respective points of termination.

Power to  
improve  
works.

10.—(1) Subject to the provisions of this Order the Commissioners may from time to time with the consent of the Board of Trade improve alter and extend the works authorised by this Order and may in connection with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties patent slips buoys moorings lights beacons roads sewers drains watercourses tanks mains pipes wires engines weighing machines and other works buildings electric light power or other apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and land connected therewith and may take down or remove portions of the existing works.



[3 & 4 GEO. 5.] *Pier and Harbour Orders* [Ch. cxlvi.]  
*Confirmation (No. 1) Act, 1913.*

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use. A.D. 1913.  
*Padstow.*

(3) Any mains pipes wires or other apparatus constructed erected or maintained under this Order shall be so constructed erected used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

11. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works authorised by this Order or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every such offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Commissioners any expenses incurred by them in making good any damage occasioned by any such obstruction pulling up or removal. *Penalty for obstructing or injuring works.*

12.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. *Power to cease in certain events.*

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease except as to so much of the works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works authorised by this Order have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

13. In addition to the powers conferred by section 23 (Power to Commissioners and railway companies to agree as to construction of works) of the Act of 1910 the Commissioners on the one hand and the North Cornwall Railway Company and the London and South *Agreements between Commissioners and railway companies.*



A.D. 1913.  
*Padstow.*

Western Railway Company or either of the said railway companies on the other hand may subject to the provisions of this Order enter into and carry into effect contracts agreements and arrangements for and in connection with and in respect of the construction carrying out execution and maintenance by the Commissioners or by the said railway companies or either of them on behalf of the Commissioners of the works authorised by the Act of 1910 and this Order.

*Rates &c.*

Amendment  
of Act of  
1910 as to  
rates on  
vessels  
entering or  
using Port  
of Padstow.

14. As from the commencement of this Order Part I. (Tonnage rates on vessels) of the Second Schedule to the Act of 1910 shall be read and construed as if the words "For every loaded vessel for every registered ton 3d." were substituted for the words "For every loaded vessel for every registered ton 2d."

Amendment  
of Act of  
1910 as to  
licensing  
of fish  
salesmen.

15. From and after the commencement of this Order section 26 (Licensing of fish salesman) of the Act of 1910 shall extend and apply to sales of fish by auction or otherwise on the quays and wharves adjoining the Port of Padstow or within the limits of the principal Act as defined by section 68 thereof or within any fish market or other market within the urban district of Padstow as constituted at the commencement of this Order or adjoining the Port of Padstow or the limits of the principal Act.

Rates for  
use of  
wet dock.

16.—(1) 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 Board of Trade that all consents and approvals on the part of the Board of Trade required under the former Acts and Order or this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith in addition to the rates which under the principal Act as varied and amended by the Order of 1869 and the Act of 1910 and this Order they are now authorised to levy the following rates (that is to say):—

In respect of vessels (whether loaded or unloaded) entering or using the wet dock authorised by this Order for each and every time for every registered ton of such vessel any sum not exceeding threepence:

In respect of every vessel which shall remain in the said wet dock for a longer time than one month an additional rate per ton of tonnage per month not exceeding threepence.

(2) From and after the granting of the certificates in subsection (1) of this section referred to the former Acts and Order shall be read



and construed and have effect as if the rates by the said subsection authorised had originally been inserted in Part I. (Tonnage rates on vessels) of the Second Schedule to the Act of 1910 to the intent that such rates shall be a security for all moneys borrowed under the former Acts and Order and this Order and so that with all necessary modifications they shall be applied in the manner by section 10 of the Order of 1869 as varied and amended by section 30 of the Act of 1910 directed with regard to income coming into the hands of the Commissioners.

A.D. 1913.

*Padstow.*

17.—(1) The rates to be received by the Commissioners shall be adjusted by them in such a manner that as far as possible the income of the Commissioners shall be sufficient and not more than sufficient for the purposes of their undertaking.

Board of  
Trade may  
reduce  
rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income of the Commissioners on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of the undertaking of the Commissioners the Board may if in their discretion they think fit reduce the rates leviable under the former Acts and Order and this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the former Acts and Order as amended by this Order.

*Finance.*

18. The Commissioners may from time to time in addition to their present borrowing powers borrow at interest not exceeding five pounds per centum per annum on the credit of the several rates leviable under the former Acts and Order and this Order and other property vested in the Commissioners such sums of money and for such purposes as are hereinafter specified and the powers and provisions of the principal Act and the Act of 1910 with respect to borrowing and re-borrowing of money and the formation and maintenance of a sinking fund and to mortgages shall apply to moneys borrowed under this Order.

Power to  
borrow.

The purposes and sums hereinbefore referred to are as follows (that is to say):—

- (a) For the purchase of lands and the construction of the works authorised by this Order any sum or sums not exceeding in the whole thirty-three thousand seven hundred pounds;
- (b) For any of the purposes of the former Acts and Order and this Order to which capital is properly applicable such

A.D. 1913.

*Padstow.*

further sum or sums as the Board of Trade shall from time to time sanction; and

- (c) For the payment of the costs charges and expenses of this Order such sum as may be required.

Periods for  
repayment  
of money  
borrowed.

19. All moneys borrowed by the Commissioners under the last preceding section of this Order shall be repaid within the respective periods following (that is to say):—

- (a) As to the money borrowed for the purposes (a) mentioned in the last preceding section of this Order within a period not exceeding fifty years from the date of borrowing the same;
- (b) As to the money borrowed for the purposes (b) mentioned in the last preceding section within such period from the date of borrowing the same as the Board of Trade may prescribe; and
- (c) As to the money borrowed for the purpose (c) mentioned in the last preceding section within five years from the commencement of this Order.

Such repayments shall be made either by equal annual instalments of principal or of principal and interest combined or by means of a sinking fund appropriated for that purpose and the accumulations thereon (if any) from time to time applied for that purpose or partly in one way or partly in any of the other ways.

Application  
of money  
borrowed.

20. 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.

Proceeds  
of sale of  
surplus  
lands to be  
treated as  
capital.

21. The proceeds of sale of any surplus lands of the Commissioners under the powers of the former Acts and Order and this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Commissioners and shall be applied in discharge of moneys borrowed by the Commissioners under the former Acts and Order and this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Appoint-  
ment of a  
receiver.

22.—(1) The holders of any security given in respect of money borrowed under the former Acts and Order and 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.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom



the application for a receiver is made shall not be less than one tenth of the sum for the time being due on account of money borrowed. A.D. 1913.  
*Padstow.*

(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 Commissioners and the expression "mortgage" and "mortgagee" shall respectively include any security for money borrowed under the former Acts and Order and this Order and the holder of any such security.

23.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under the former Acts and Order and this Order. *Appoint-ment of an auditor.*

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and furnish him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

(5) Section 18 (Manner of electing auditors) of the Act of 1844 is hereby repealed.

#### *Life-saving Apparatus.*

24.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order. *Provision for life-saving apparatus.*

(2) The Commissioners shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Commissioners fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

25. The Commissioners shall at all times keep at convenient places on the pier and in obedience to any requirements which may *Lifebuoys to be kept.*

[Ch. cxlvi.]      *Pier and Harbour Orders*      [3 & 4 GEO. 5.]  
*Confirmation (No. 1) Act, 1913.*

A.D. 1913.      be made by the Board of Trade lifebuoys and lifelines in good order  
*Padstow.*      and fit and ready for use.

*Miscellaneous.*

Application of provisions of Act of 1910.      26. The following provisions of the Act of 1910 shall with all necessary modifications extend and apply to the works authorised by this Order as if the same were re-enacted in this Order (that is to say):—

Section 6 (Limits of deviation):

Section 7 (Works below high-water mark not to be commenced without consent of Board of Trade):

Section 9 (Power to dispose of lands):

Section 17 (Life-saving apparatus may be attached to pier):

Section 21 (Power to take easements &c. by agreement):

Section 29 (Lifeboat crew exempt from tolls):

Section 34 (Annual return to Board of Trade with respect to sinking fund):

Section 35 (Annual account to be sent to Board of Trade).

Application of provisions of section 25 of Act of 1910.      27. Section 25 (South Western Company may apply funds) of the Act of 1910 shall apply to the works authorised by this Order as though they had been authorised by the Act of 1910.

New works to form part of undertaking.      28. The works powers and privileges authorised and granted by the former Acts and Order and this Order shall form and be one undertaking and the works by this Order authorised shall for the purposes of the principal Act be deemed to be and be a purpose and object of that Act.

Application of Act 10 & 11 Vict c. 27.      29. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of penalties.      30. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers exempt from rates.      31. Officers of the Board of Trade 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 Port of Padstow and the pier and other works of the Commissioners without payment.

Saving rights of duchy of Cornwall.      32. The consent of His Royal Highness the Prince of Wales in right of His duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the duchy of Cornwall for the time being.

Works to be in parish and urban district of Padstow.      33. The works shall be deemed to be for all purposes within the parish and urban district of Padstow in the county of Cornwall.



[3 & 4 GEO. 5.]

*Pier and Harbour Orders*  
*Confirmation (No. 1) Act, 1913.*

[Ch. cxlvi.]

34. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Commissioners out of moneys received by them under the former Acts and Order or this Order or out of money borrowed for the purpose.

A.D. 1913.

*Padstow.*

Costs of  
Order.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C., and 54, ST. MARY STREET, CARDIFF; or  
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or

E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN

or from the Agencies in the British Colonies and Dependencies,  
the United States of America, the Continent of Europe and Abroad of  
T. FISHER UNWIN, LONDON, W.C.

1874

...