



### CHAPTER lxviii.

An Act to confer further powers upon the Londonderry Port and Harbour Commissioners and for other purposes. A.D. 1919.  
[15th August 1919.]

**W**HEREAS by the Londonderry Port and Harbour Act 1854 17 & 18 Vict.  
c. clxxvii.  
the Londonderry Port and Harbour Commissioners (hereinafter referred to as "the Commissioners") were incorporated and were authorised to levy rates and execute the several works in that Act mentioned:

And whereas by the Londonderry Port and Harbour Act 1874 and the Londonderry Port and Harbour Act 1882 further powers were conferred upon the Commissioners: 37 & 38 Vict.  
c. xlix.  
45 & 46 Vict.  
c. cxlii.

And whereas it is expedient that the Commissioners should be empowered to acquire by agreement the lands hereinafter referred to and to exercise with reference thereto the powers conferred by this Act:

And whereas it is expedient that the powers of dealing with and disposing of lands and other property which are contained in this Act should be conferred upon the Commissioners:

And whereas it is expedient that the Commissioners should be empowered to levy the rates on vessels by this Act authorised:

And whereas the Commissioners own a graving dock for the use of which they are entitled to charge dues and rates not exceeding those specified in Schedule (B) to the said Londonderry Port and Harbour Act 1854 but the dues and rates so specified are insufficient to enable the Commissioners to meet the expenses incurred by them in connexion with the

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A.D. 1919. — said graving dock and it is expedient that such dues and rates should be increased:

And whereas by the Londonderry Port and Harbour Act 1874 and the Londonderry Port and Harbour Act 1882 it is provided that in any allocation for harbour purposes of certain lands acquired by the Commissioners under the said Acts respectively sufficient space shall always be preserved for the purposes of floating docks but having regard to the accommodation provided in the said port the construction of such floating docks is unnecessary and it is expedient that the Commissioners should be relieved from the said obligation:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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:—

Short and  
collective  
titles.

1. This Act may be cited as the Londonderry Port and Harbour Act 1919 and the Londonderry Port and Harbour Acts 1854 1874 and 1882 and this Act may be cited together as the Londonderry Port and Harbour Acts 1854 to 1919 and the said Acts (as each is respectively amended by any other of such Acts) shall be read together and have effect and be executed as if they were one Act.

Incorpora-  
of Acts.

2. The following Acts and parts of Acts (that is to say):—

The Harbours Docks and Piers Clauses Act 1847 except sections 6 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and a tide and weather gauge) and except sections 66 to 68 and sections 77 78 81 and 82 of that Act;

The Commissioners Clauses Act 1847 (excepting section 57 thereof); and

The Lands Clauses Acts (excepting the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement);

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so far as the same are applicable for the purposes of and are not varied by or inconsistent with the Londonderry Port and Harbour Acts 1854 to 1919 are incorporated with and form part of this Act: A.D. 1919.

Provided that the following expressions used in the Harbours Docks and Piers 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 also that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers live stock or goods for hire.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And— Interpreta-  
tion.

The expression “the Commissioners” means the Londonderry Port and Harbour Commissioners;

The expression “the port” means the port and harbour of Londonderry;

The expression “the scheduled lands” means the lands described in the schedule to this Act;

The expression “the Irish Society” means the Society of the Governor and Assistants London of the New Plantation in Ulster within the realm of Ireland and includes their successors.

4. Subject to the provisions of this Act the Commissioners may from time to time by agreement but not otherwise and upon and subject to such terms and conditions as may be agreed between the Irish Society and the Commissioners purchase take on fee-farm grant or on lease or otherwise acquire and hold the scheduled lands or any part or parts thereof in Power to  
acquire  
lands by  
agreement.

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A.D. 1919. addition to any other lands belonging to them at the passing of this Act or which they are now authorised to acquire.

Powers with  
reference to  
scheduled  
lands.

5.—(1) Subject to the provisions of this Act the Commissioners at any time after they have acquired any part of the scheduled lands but so long only as they continue to be the owners or lessees of such part may subject to the terms and conditions upon and subject to which such part is for the time being held by them exercise with respect to such part all or any of the following powers (that is to say):—

(A) They may reclaim such part of the scheduled lands :

(B) They may develop and adapt such part of the scheduled lands for any purpose of or incidental to their undertaking including shipbuilding ship-repairing or ship-breaking or for the purpose of any other industry or manufacturing business which the Commissioners may desire to permit to be carried on upon such part by any company body or person who may acquire from the Commissioners an interest in the same :

(C) They may for the said purposes or any of them erect construct provide maintain repair renew and use buildings works machinery apparatus and conveniences upon such part of the scheduled lands :

(D) They may for the said purposes or any of them remove alter raise lower arch over divert or otherwise interfere with any streams sewers drains pipes culverts piles posts and other works and things upon such part of the scheduled lands and remove any obstructions constructing or providing where necessary substituted works or things for any works or things removed altered or interfered with by them.

(2) The Commissioners on the one hand and any company body or person on the other hand may enter into and carry into effect contracts agreements and arrangements for or with respect to the execution by such company body or person with respect to any part of the scheduled lands for the time being held by the Commissioners of any such works of reclamation or development as may for the time being be exercised by the Commissioners with respect to such part and for the purposes

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of any such contract agreement or arrangement the company body or person executing the said works shall have and may exercise the like powers and rights (but subject to such terms and conditions as are for the time being binding on the Commissioners) as are conferred upon the Commissioners by the provisions of this section. A.D. 1919.

6. For the protection of the Irish Society the following provision shall have effect (that is to say):— For protection of Irish Society.

If in the opinion of the Irish Society the exercise of any of the powers of this Act or of any of the recited Acts or the doing of any act or thing through under or by virtue of any grant or lease from the Irish Society or the Commissioners has affected or is likely to affect prejudicially the existing stake nets in Rosses Bay or any of such stake nets the Irish Society or their lessees or tenants with the consent of the Irish Society may at any time erect and for ever after maintain in lieu of the existing stake nets or any of them the like number of new stake nets in the river or lough of Lough Foyle in such situation and of such size and description respectively as shall be agreed upon in writing between the Commissioners and the Irish Society provided the Board of Trade shall be satisfied that such new stake nets will not interfere with the navigation of the river and the existing nets for which such new nets are substituted shall forthwith on the erection of the new nets be removed and the Irish Society their successors and assigns and their lessees and tenants shall have the same estate and interest in and possess and enjoy the same rights powers privileges protections and immunities in respect of the new nets as immediately before the erection of the same they had possessed and enjoyed in respect of such existing nets.

7.—(1) Subject to the provisions of this Act any of the works authorised by this Act on over or under tidal lands below high-water mark of ordinary spring tides shall be executed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such work being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade. Works below high-water mark to be subject to approval of Board of Trade.

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(2) Any alteration or extension of any such works shall be subject to the like approval.

(3) If any such work shall be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of  
works by  
Board of  
Trade.

8. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Abatement  
of works  
abandoned  
or decayed.

9. If a work constructed by the Commissioners on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Lights on  
works during  
construction.

10. The Commissioners shall at or near any work below high-water mark hereby authorised during the whole of the constructing altering or extending of the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade may from time to time require or approve. If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day on which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent  
lights on  
works.

11. The Commissioners shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps

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for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct. A.D. 1919.

If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

**12.**—(1) Notwithstanding anything contained in the Lands Clauses Acts or in the Harbours Docks and Piers Clauses Act 1847 or in any Act relating to the Commissioners or their undertaking the Commissioners may retain and hold or sell lease exchange or otherwise dispose of any lands buildings shipyards graving docks wharves works machinery apparatus conveniences or other property for the time being held on lease by or belonging to or vested in them to such persons for such purposes and for such considerations and on such terms and conditions and (in the case of leases) for such periods not exceeding ninety-nine years as they may think fit. Powers as to dealing with lands.

(2) Any such disposition as aforesaid may be made either by private treaty or by tender or public auction or otherwise as the Commissioners may think fit.

(3) Provided always that every lease or agreement for a lease or for the letting of lands or premises for shipbuilding ship-repairing or ship-breaking purposes shall become and be void in the event of the lands or premises ceasing to be used to a substantial extent as a shipbuilding ship-repairing or ship-breaking yard.

(4) Provided also that any lands or other property which have been or shall be given granted leased or sold to the Commissioners by the Irish Society upon or subject to any terms conditions restrictions or reservations shall not be held or disposed of otherwise than upon and subject to such terms conditions restrictions and reservations as aforesaid save and except only so far as such terms conditions restrictions or reservations may have been from time to time altered varied or amended by mutual agreement in writing between the Irish Society and the Commissioners.

**13.** The Commissioners may accept surrenders of any leases granted or to be granted by them at any time before or after the passing of this Act and may grant new leases of the premises demised by any lease so surrendered. Power to accept surrenders of leases.

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Amendment  
of sections  
19 and 20 of  
Londonderry  
Port and  
Harbour  
Act 1882.

**14.** Section 19 (Power to lease reclaimed land for ship-building yards) and section 20 (Power to grant use of graving dock) of the Londonderry Port and Harbour Act 1882 shall be read and have effect as if the term of ninety-nine years had been referred to therein respectively instead of the terms of thirty-one years and five years in those sections respectively mentioned.

Rates on  
vessels  
launched  
in the port.

**15.** The Commissioners may demand levy and recover from the builder fitter out owner or master of every vessel constructed and launched or fitted out in the port any rate or sum not exceeding sixpence per ton of the gross register tonnage of such vessel as and when ascertained and the provisions applicable to the recovery by the Commissioners of rates leviable by them shall apply to and with respect to the recovery of the rates or sums leviable under the provisions of this section.

As to rates  
on vessels  
using quays  
for finishing  
or fitting  
out.

**16.** It is hereby declared that the provisions of section 65 (Vessel using the quay for more than a certain time liable to additional rates) of the Londonderry Port and Harbour Act 1854 relating to vessels using the quay or works of the Commissioners extend and apply to partly constructed vessels lying at or using any quay or work of the Commissioners (other than any wharf or quay comprised in any lease granted by the Commissioners and for the time being subsisting) for the purposes of finishing and fitting out or either of those purposes as well as to other vessels using such wharves or quays.

Increase of  
graving  
dock rates.

**17.** As from the passing of this Act—

(A) The graving dock dues and rates referred to in Schedule (B) to the Londonderry Port and Harbour Act 1854 shall be increased by fifty per centum of the respective amounts specified in that schedule and section 66 (Graving dock dues as in Sched. (B)) of the said Act shall be read and have effect accordingly;

(B) The said schedule as so amended shall be read and have effect as if there were added at the end thereof the words "A ship or vessel exceeding one thousand two hundred tons to pay at a proportionate rate computed according to the above scale"; and



(c) The Order made by the Board of Trade under the Defence of the Realm Regulation 39BB with reference to the port and dated the twenty-ninth day of May one thousand nine hundred and eighteen shall cease to be applicable to the said graving dock dues and rates. A.D. 1919.

18. Notwithstanding anything in section 7 (Provision as to construction of certain works) of the Londonderry Port and Harbour Act 1874 or in section 9 (Provisions as to construction of certain works) or section 19 (Power to lease reclaimed land for shipbuilding yards) of the Londonderry Port and Harbour Act 1882 it shall not be obligatory in any allocation for harbour purposes of any lands acquired by or vested in the Commissioners under or pursuant to the said Acts respectively to preserve sufficient space for the purposes of a floating dock or floating docks. Repeal of obligation to preserve space for floating docks.

19. The Commissioners may appropriate and apply for the purposes of this Act any moneys belonging to them at the passing of this Act or thereafter raised under the powers conferred by any existing Act and not being in either case required at the time of such appropriation and application for the purposes for which the same were raised or authorised to be raised. Power to apply existing funds.

20. The Commissioners shall within one month after sending to the clerk of the peace a copy of their annual accounts send a copy of the same to the Board of Trade and the Commissioners 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. Annual accounts to be sent to Board of Trade.

21. Nothing in this Act contained shall take away lessen prejudice alter or affect any of the jurisdictions franchises estates rights powers authorities or privileges vested in or enjoyed by the Irish Society under or by virtue of any charter or to which they are entitled under the recited Acts or this Act. Saving rights of Irish Society.

22. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the Crown rights.

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A.D. 1919. 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).

Costs of Act. **23.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid and discharged by the Commissioners out of their funds.

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The **SCHEDULE** referred to in the foregoing Act.

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Lands partly in the county of the city of Londonderry and partly in the county of Londonderry and consisting of the lands and slob lands edged red on the plan signed in duplicate by the Right Honourable the Lord Stanmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords and the other copy has been deposited in the Private Bill Office of the House of Commons.

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