

[26 GEO. 5. &  
1 EDW. 8.]

*Pier and Harbour  
Order (Maryport) Confirmation  
Act, 1936.*

[Ch. lxxxii.]



**CHAPTER lxxxii.**

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Maryport. A.D. 1936.  
—  
[31st July 1936.]

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

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act as 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 Order as set out in the schedule to this Act shall be and the same is 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 Order in schedule.

2. This Act may be cited as the Pier and Harbour Order (Maryport) Confirmation Act 1936. Short title.

A.D. 1936.

SCHEDULE.

MARYPORT HARBOUR.

*Order to increase certain of the maximum rates tolls and charges leviable by the Commissioners for the Harbour of Maryport and for other purposes.*

Short and collective titles.

1.—(1) This Order may be cited as the Maryport Harbour Order 1936.

(2) The Act of 1866 the Act of 1868 the Act of 1877 the Act of 1878 the Act of 1879 the Act of 1882 the Act of 1884 the Act of 1894 and this Order may be cited together as the Maryport Harbour Acts and Order 1866 to 1936.

Construction.

2. The Acts of 1866 1868 1877 1878 1879 1882 1884 and 1894 as amended by this Order and this Order shall be construed and read together as one enactment except so far as might be inconsistent with or repugnant to the purposes thereof.

Commencement.

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

Interpretation.

4. In this Order unless the context otherwise requires—

Words and expressions to which by the Act of 1866 the Act of 1879 the Act of 1884 the Act of 1894 or by any enactments incorporated therewith or applied thereto respectively meanings are assigned have in this Order the same respective meanings;

10 & 11  
Vict. c. 27.

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

29 & 30 Vict.  
c. cexlv.

“The Commissioners” means the Commissioners for the Harbour of Maryport incorporated by the Act of 1894;

31 & 32 Vict.  
c. lxx.

“The Act of 1866” means the Maryport Improvement and Harbour Act 1866;

40 & 41 Vict.  
c. xxxviii.

“The Act of 1868” means the Maryport District and Harbour Act 1868;

41 & 42 Vict.  
c. cliii.

“The Act of 1877” means the Maryport District and Harbour (Gas) Act 1877;

42 & 43 Vict.  
c. ei.

“The Act of 1878” means the Maryport Improvement Act 1878;

“The Act of 1879” means the Maryport Improvement (Harbour) Act 1879;



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- “ The Act of 1882 ” means the Maryport Improvement (Harbour) Act 1882; 45 & 46 Vict. c. clviii.
- “ The Act of 1884 ” means the Maryport Improvement (Harbour) Act 1884; 47 & 48 Vict. c. clxxxix.
- “ The Act of 1894 ” means the Maryport Harbour Act 1894; 57 & 58 Vict. c. cvi.
- “ Authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Act of 1866 the Act of 1879 the Act of 1884 and this Order;
- “ The Order of 1935 ” means the Maryport Harbour (Temporary Increase of Charges) Order 1935 (S.R. & O. 1935 No. 1300) made by the Minister under the provisions of the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922;
- “ The Minister ” means the Minister of Transport;
- “ Vessel ” includes a seaplane on the surface of the water;
- “ Seaplane ” includes a flying boat and any other aircraft designed to manœuvre on the water.

5.—(1) In the application to this Order of the Harbours Clauses Act 1847 the word “ vessel ” shall include a seaplane on the surface of the water : Application of Harbours Clauses Act 1847.

Provided that nothing in the Harbours Clauses Act 1847 or this Order shall authorise a harbour master or other officer to require the dismantlement of a seaplane or any part thereof or the making of any alteration modifying in any way its structure or equipment or otherwise affecting its airworthiness.

(2) Notwithstanding anything contained in section 2 (Incorporation of general Acts) of the Act of 1868 and section 2 (Incorporation of Acts) of the Act of 1879 sections 12 to 19 25 and 26 74 to 76 and 84 to 87 of the Harbours Clauses Act 1847 shall be deemed not to be incorporated with the Act of 1868 and with the Act of 1879 respectively and shall not be incorporated with this Order.

6.—(1) On and from the commencement of this Order—

- (a) The maximum tonnage rates for steam tugs and the maximum charges for providing a harbour boat authorised by section 161 of and Schedule I to the Act of 1866 shall be increased by thirty-three and one-third per centum :

Increase of rates tolls and charges.

Provided that the Commissioners may make a minimum charge of ten shillings for each towage service;

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- (b) The maximum tonnage rates on vessels authorised by section 28 of and Schedule C to the Act of 1879 shall be increased by fifty per centum ;
- (c) The maximum rates on goods authorised by section 32 of and Schedule D to the Act of 1879 shall be increased by one hundred per centum ;
- (d) The maximum rates for the use of cranes and weighing machines authorised by section 34 of and Schedule E to the Act of 1879 shall be increased by thirty-three and one-third per centum ;
- (e) The maximum tolls on railways authorised by section 38 of and Schedule F to the Act of 1879 shall be increased by thirty-three and one-third per centum.

(2) On and from the commencement of this Order the Order of 1935 shall be repealed.

Dues on  
seaplanes.  
10 & 11  
Geo. 5. c. 80.

7. Subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any Order made in pursuance thereof the Commissioners may demand levy collect and receive on and in respect of seaplanes entering or using the harbour such reasonable rates as may from time to time be approved by the Minister after consultation with the Secretary of State for Air which rates shall be in lieu of the rates leviable by the Commissioners under the Act of 1866 the Act of 1879 the Act of 1884 or this Order on and in respect of vessels.

Revision of  
rates tolls  
and charges.

8.—(1) If it is represented by application in writing to the Minister—

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

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a



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revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be. A.D. 1936.

(4) Before making an order under subsection (1) of this section the Minister shall cause an inquiry to be held in reference thereto and the provisions of section 11 (Inquiries by Minister) of this Order shall apply to such inquiry as if it were an inquiry held in pursuance of that section :

Provided that the person appointed to hold the inquiry shall be the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or if the said advisory committee cease to exist some persons with similar qualifications to be appointed for the purpose by the Minister. 9 & 10  
 Geo. 5. c. 50.  
 10 & 11  
 Geo. 5. c. 21.

9.—(1) The Commissioners shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Minister and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and any and every such accounts. Annual account to be sent to Minister. 25 Vict. c. 19.

(2) The Commissioners shall as from the expiration of that period be liable to a penalty not exceeding £20 for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Clauses Act 1847 respectively shall be made up to the end of the twenty-fifth day of March in each year.

10.—(1) The byelaws which may from time to time be made by the Commissioners in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 and by the Act of 1884 may provide for the imposing of a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws. Byelaws.

(2) Notwithstanding the provisions of the Harbours Clauses Act 1847 and the Act of 1866 relating to the procedure for the making and confirmation of byelaws by the Commissioners the provisions of subsections (3) to (6) of section 250 and section 252 of the Local Government Act 1933 shall apply to all byelaws except such as relate solely to the Commissioners or their officers or servants to be made by the Commissioners in respect of the 23 & 24  
 Geo. 5. c. 51.

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A.D. 1936. — harbour undertaking and in the application of such last-mentioned provisions the Minister shall be the confirming authority :

Provided that—

(a) in the case of any byelaws which the Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of subsections (1) and (2) of this section shall apply as if the said Board were substituted for the Minister;

(b) the confirming authority shall consult the Secretary of State for Air before confirming any byelaws which relate to seaplanes.

(3) Confirmation of any such byelaws by the Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

Inquiries by  
Minister.

11. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiries as if they were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

Costs of  
Order.

12. 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 Commissioners.

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