



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. cxxx.

An Act to authorize certain Improvements in or in connexion with the *Lowestoft* Harbour, and for other Purposes. [3d July 1854.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a navigable Communication for Ships and other Vessels between the City of Norwich and the Sea, at or near Lowestoft in the County of Suffolk*, whereby a Company was incorporated by the Name of "The Company of Proprietors of the *Norwich and Lowestoft* Navigation," and the Formation of the *Lowestoft* Harbour was authorized: And whereas under the Provisions of the "*Lowestoft Railway and Harbour Act, 1845*," and of an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for enabling the Norfolk Railway Company to purchase or lease the Lowestoft Railway, Harbour, and Navigation*, the Undertaking and Powers of the said Company of Proprietors have become vested in the *Norfolk* Railway Company: And whereas the said *Lowestoft* Harbour is of great Utility to the Shipping on the Eastern Coast of *England*; and it is expedient that Provision should be made for improving such Harbour, by altering, enlarging,

7 & 8 G. 4. c. xlii.  
8 & 9 Vict. c. xlv.  
9 & 10 Vict. c. cxxxii.

[Local.] 24 I and

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and deepening a certain Pool or Lake connected with such Harbour, or forming Part thereof, called *Lake Lothing*, and by effectually, from Time to Time, dredging and scouring the said Harbour and Lake so as to afford greater Accommodation to Shipping resorting to the said Harbour for Refuge or otherwise; and the *Norfolk* Railway Company are willing to execute such Works, if authorized by Parliament so to do: And whereas the *Norfolk* Railway Company are authorized, under the Powers of the first-recited Act, to take and receive a Toll, Rate, or Duty, not exceeding Threepence *per* Ton upon every Ship or Vessel, whether laden or in ballast, coming within the said *Lowestoft* Harbour for Protection and Refuge; and it is reasonable and expedient that the said Company should be authorized to levy another or higher Toll, Rate, or Duty upon every Ship or Vessel that shall remain longer than Ten Days within the said Harbour: And whereas it is expedient that the said *Norfolk* Railway Company should be fully authorized to exercise the Powers of the said Company of Proprietors, with reference to making and altering Byelaws, Tolls, Rates, and Duties: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.  
c. 18. and  
certain Pro-  
visions of  
10 & 11 Vict.  
c. 27. incor-  
porated.

I. "The Lands Clauses Consolidation Act, 1845," and the Sections of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to the Construction of the Harbours," and "with respect to the Saving of Rights," and also Sections Fourteen, Fifteen, Twenty-eight, and Fifty-two of the said Act, are hereby incorporated with this Act; and wherever Words or Expressions occur in the said Sections to which Meanings are assigned by the Third Section of the said Harbours, Docks, and Piers Clauses Act, 1847, such Words and Expressions shall, in construing the said Sections with reference to this Act, have the several Meanings so assigned to them.

Power to  
construct  
Works.

II. It shall be lawful for the *Norfolk* Railway Company to alter, enlarge, and deepen the Pool or Lake called *Lake Lothing*, in the County of *Suffolk*, and to construct and maintain all proper and convenient Works in connexion therewith, and with the said Harbour or Port of *Lowestoft*, and from Time to Time, as they shall think fit, to dredge and scour the said Harbour and Lake, or any Part thereof, and to raise and appropriate to the Purposes aforesaid any Moneys which they may have or be authorized to raise for the Purposes of their Undertaking, and which will not otherwise be required for such Purposes, not exceeding in the whole the Sum of Fifty thousand Pounds.

III. And

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III. And whereas a Plan and Section showing the Situation, Line, and Level of the proposed Alterations of *Lake Lothing*, and a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands upon which the same are proposed to be made, have been deposited with the Clerk of the Peace of the County of *Suffolk*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this Act, and in the "Lands Clauses Consolidation Act, 1845," and Sections of the "Harbours, Docks, and Piers Clauses Act, 1847," incorporated herewith, contained, the said Lake shall be altered, enlarged, and deepened in the Line or Situation defined on the said Plan, and according to the Levels defined on the said Section: Provided that the Company may deviate from the said Line and Levels to any Extent not exceeding the Limits of lateral Deviation defined on the said Plan, and Five Feet from the said Levels; and it shall be lawful for the Company to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the Purpose.

Alterations  
in Lake  
Lothing  
to be made  
according  
to deposited  
Plan and  
Section.

IV. Previously to commencing any Alterations of *Lake Lothing*, or any Works under the Provisions of this Act, the *Norfolk* Railway Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Alterations and Works for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Alterations and Works shall be constructed only in accordance with such Approval.

Plans, &c.  
to be depo-  
sited at the  
Admiralty  
before Com-  
mencement  
of Works.

V. It shall not be lawful for the *Norfolk* Railway Company to commence or construct any Work tending to decrease or contract the Waters of *Lake Lothing*, or any Work in, under, over, through, or across any tidal or navigable Water or River, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Work or any Work hereby requiring his or their Approval, shall have been constructed, it shall not be lawful for the *Norfolk* Railway Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed,

Company  
not to con-  
struct Works  
to contract  
Waters of  
Lake Loth-  
ing without  
Consent of  
Admiralty.

or

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or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the *Norfolk* Railway Company; and the Amount thereof shall be a Debt due from the *Norfolk* Railway Company to the Crown, and be recoverable accordingly with Costs of Suit.

Admiralty  
may order  
local Survey  
at Expense  
of Company.

VI. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the *Norfolk* Railway Company in, over, altering, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the *Norfolk* Railway Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the *Norfolk* Railway Company, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the *Norfolk* Railway Company.

Works  
affecting  
tidal Waters  
abandoned  
may be re-  
moved by  
Admiralty  
at Expense  
of Company.

VII. If any Work to be constructed by the *Norfolk* Railway Company in, under, over, through, or across, or altering any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the *Norfolk* Railway Company, and the Amount thereof shall be a Debt due from the *Norfolk* Railway Company to the Crown, and be recoverable accordingly with Costs of Suit.

Company to  
take in-  
creased Toll  
for Vessels  
entering the  
Harbour for  
Refuge and  
remaining  
beyond a  
certain  
Period.

VIII. After the *Norfolk* Railway Company shall have proved to the Satisfaction of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, that Ten thousand Pounds have been expended on the Works by this Act authorized, of which a Certificate under the Hand of the Secretary of the Admiralty or other proper Officer shall be sufficient Evidence, it shall be lawful for the *Norfolk* Railway Company to receive and take from every Ship or Vessel, whether laden or in Ballast, that shall enter the Harbour or Port of *Lowestoft* for Protection and Refuge, or for any other Purpose, and shall remain within the said Harbour or Port for a longer Period than

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than Ten Days, a Toll, Rate, or Duty not exceeding the Amount following; that is to say,

If such Ship or Vessel shall remain within the said Harbour for more than Ten Days, and less than Seventeen Days, a Toll, Rate, or Duty not exceeding Fourpence Halfpenny *per* Ton;

If such Ship or Vessel shall remain within the said Harbour for Seventeen Days or more, but less than Twenty-four Days, a Toll, Rate, or Duty not exceeding Sixpence *per* Ton;

If such Ship or Vessel shall remain within the said Harbour for Twenty-four Days or more, but less than Thirty-one Days, a Toll, Rate, or Duty not exceeding Sevenpence Halfpenny *per* Ton;

And if such Ship or Vessel shall remain within the said Harbour for Thirty-one Days or more, a Toll, Rate, or Duty not exceeding Ninepence *per* Ton for every Week, or Fraction of a Week, after the Expiration of Thirty-one Days during which the said Ship or Vessel shall remain:

And for the Purpose of ascertaining what Amount of Toll, Rate, or Duty has been incurred, every Ship or Vessel shall be held to have remained within the said Harbour that shall have remained within the said Harbour or Port, or the Cut or Entrance between the said Harbour and the Sea, or anywhere within the Limits of the Undertaking of the *Norfolk* Railway Company, without putting to Sea: Provided always, that such Toll, Rate, or Duty shall be in lieu of and not in addition to the Toll, Rate, or Duty of Threepence *per* Ton herein-before mentioned: Provided also, with respect to Ships or Vessels laden with Goods, Wares, or Merchandise in respect of which Rates or Duties shall be paid to the Company, the Toll, Rate, or Duty hereby authorized shall not be received or taken from any such Ship or Vessel unless such Toll, Rate, or Duty shall exceed the Amount of Rates or Duties paid to the Company in respect of such Goods, Wares, or Merchandise; and if such Toll, Rate, or Duty shall exceed the Amount of Rates or Duties paid to the Company in respect of such Goods, Wares, or Merchandise, the Amount of such Rates and Duties shall be deducted from the Toll, Rate, or Duty payable under this Act, and the Balance only shall be received and taken by the Company; and every Rate, Toll, or Duty hereby authorized to be taken shall be paid by the Owner, Master, or Person having the Command or Charge of the Ship or Vessel in respect of which the same shall have been incurred, and may be recovered and enforced in like Manner as the said Toll, Rate, or Duty of Threepence *per* Ton may be recovered and enforced.

IX. The Company may from Time to Time alter and make such Byelaws as the Company of Proprietors of the *Norwich and Lowestoft* Navigation, or a General Assembly of Proprietors thereof, could or might have made if their Undertaking still belonged to and were

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directed

Powers to alter or make Byelaws and raise or reduce Tolls.

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directed by themselves; and may also from Time to Time raise or reduce any Tolls, Rates, Tonnage Dues, or Duties, to the same Extent as the said Company of Proprietors, or a General Assembly thereof, could or might have raised or reduced Tolls, Rates, Tonnage Dues, or Duties.

Rates to be charged equally.

X. The Tolls, Rates, or Duties which the *Norfolk* Railway Company are authorized to take upon Shipping using the said Harbour or Port shall at all Times be charged equally and after the same Rate upon the Shipping engaged in the same Kind or Description of Trade; and no Reduction or Advance in the said Tolls, Rates, or Duties shall either directly or indirectly be made partially or in favour of any particular Person or Party, but every such Reduction or Advance of Tolls, Rates, or Duties upon Shipping engaged in the same Kind or Description of Trade shall extend to all Persons whomsoever engaged in the same Trade, anything to the contrary thereof in anywise notwithstanding.

Company not to divert Waters of Rivers Yare and Waveney, except for certain Purposes.

XI. And whereas under or by virtue of the Provisions of the first-recited Act the Company of Proprietors of the *Norwich and Lowestoft* Navigation were empowered to make and maintain the Navigation, Cuts, and Harbour therein mentioned, but it was thereby expressly provided and enacted that nothing in such Act contained should authorize or enable or be deemed or taken to authorize or enable the said Company of Proprietors, their Agents, Servants, or Workmen, to divert or abstract any of the Waters of the Rivers *Wensum* otherwise *Yare*, and *Waveney*, or either of them, or any of the Waters, Streams, or Springs connected with such Rivers or either of them (save and except the Waters of *Lake Lothing*), for any Purposes or Purpose whatsoever other than and except for the Purpose of supplying the then intended Cuts with Water, and for the Purpose of locking Ships or Vessels from or into the said Lake called *Lake Lothing*, and for such other locking of Ships or Vessels as might at any Time be required in any other Part or Parts of the then intended Navigation: And whereas it is expedient that nothing in this Act contained should authorize the *Norfolk* Railway Company to abrogate or destroy or in any degree infringe the said recited Provision: Be it therefore enacted, That nothing in this Act contained shall authorize or enable or be deemed or taken to authorize or enable the *Norfolk* Railway Company, their Agents, Servants, or Workmen, to divert or abstract any of the Waters of the said Rivers *Wensum* otherwise *Yare*, and *Waveney*, or either of them, or any of the Waters, Streams, or Springs connected with such Rivers, or either of them, other than and except so far and to such Extent as the Company of Proprietors of the *Norwich and Lowestoft* Navigation were, by the Act of Parliament by which such Company were incorporated, authorized and enabled to divert or abstract

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abstract the same, nor authorize or enable the *Norfolk* Railway Company in anywise to abrogate or destroy or in any degree infringe the said recited Provision.

XII. Nothing whatsoever contained in this Act shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or, but for the Provisions of the same Act, might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Crown.

XIII. Nothing in this Act, or in the Sections of the "Harbours, Docks, and Piers Clauses Act, 1847," incorporated herewith, contained, shall be deemed to exempt the *Norfolk* Railway Company from the Provisions, Regulations, and Conditions which may be contained in any General Act relating to Harbours, Docks, or Piers, or to Ports, Harbours, or Tidal Waters, heretofore passed or which may be passed in the present or any future Session of Parliament.

Act not to exempt Company from Provisions of General Acts.

XIV. The Costs, Charges, and Expenses of and incident to the passing of this Act, or preparatory thereto, shall be paid by the *Norfolk* Railway Company.

Expenses of Act.

XV. The Short Title of this Act shall be the "*Norfolk* Railway (*Lowestoft* Harbour Improvement) Act, 1854," which shall be a sufficient Description thereof in all Documents and for all Purposes.

Short Title.

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