



CHAPTER ccxix.

An Act to make provision with respect to the Navigation of the Solent between the Isle of Wight and the Mainland in the county of Hants. A.D. 1881.
[27th August 1881.]

BE it enacted by the Queen'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. This Act may be cited for all purposes as the Solent Navigation Act, 1881. Short title.

2. In this Act—

“The Admiralty” means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral :

Interpretation of terms.

“The Board of Trade” means the Lords of the Committee of Privy Council for the time being appointed for the consideration of matters relating to trade and foreign plantations :

“The Solent” means the Solent between the Isle of Wight and the mainland in the county of Hants, except so much thereof as is to the north of an imaginary right line connecting Calshot Castle with Hill Head :

“Vessel” includes ship, yacht, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise :

“Master,” when used in relation to any vessel, means the person having the command or charge of the vessel for the time being.

3. Her Majesty by Order in Council may from time to time, on the joint recommendation of the Admiralty and the Board of Trade, make regulations defining any space within the radius of one half mile, measured—

Her Majesty by Order in Council may make regulations as to navigation of Solent.

(a.) From the north end of Ryde Pier ;

(b.) From any part of the parade at West Cowes ;

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A.D. 1881. within which it shall not be lawful for vessels or for any particular description of vessels to lie or be moored (and any such space is in this Act referred to as a "prohibited space"). The Admiralty may, subject to such regulations, lay down or fix such buoys or marks as may in their opinion be necessary for indicating any such prohibited space, and may remove any buoys or marks which may in their opinion interfere with the indication of any such prohibited space.

Publication of regulations.

4. All regulations made by Her Majesty by Order in Council shall be published in the London Gazette, and once in each of two consecutive weeks in some one or more newspapers circulating in the county of Hants, and in one or more newspapers circulating in the Isle of Wight; and the production of the Gazette in which any Order in Council containing any such regulation or any alteration therein or addition thereto, is published, shall be sufficient evidence of the due making of such regulation, order, alteration, or addition.

Penalty on master anchoring vessel within prohibited space.

5. If the master of any vessel suffer such vessel to lie or be moored within any prohibited space, such master or person shall be liable to a penalty not exceeding ten pounds; and in the case of a continuing offence to a further penalty of five pounds for every day after the day on which the first penalty is incurred that such vessel shall remain within such space.

Person authorised by Admiralty or Board of Trade may remove vessel out of prohibited space.

6. If any vessel lies or is moored within any prohibited space any person in that behalf authorised in writing by the Admiralty or by the Board of Trade may by notice require the master of such vessel to remove the same from such prohibited space, and if within six hours after the receipt of such notice such master refuse or fail to remove such vessel in accordance with such notice, or if the master of such vessel cannot be found, such person may remove such vessel to such place in the Solent (not being within a prohibited space) as he may select, and the expenses of such removal may be recovered by such persons from the owner or master of such vessel as if the same were a penalty incurred in respect of an offence under this Act.

Penalties may be recovered summarily.
17 & 18 Vict. c. 104.

7. Any penalty incurred in respect of any offence under the provisions of this Act may be recovered summarily, and the provisions of Part X. (Legal Procedure) of the Merchant Shipping Act, 1854, so far as they are applicable and are not inconsistent with this Act, shall extend and apply in the case of every such offence, and to any penalty and all proceedings in respect thereof.

A.D. 1881.

8. If in any case of injury done within the Solent to or by any vessel by or to any other vessel it is proved to the court before which any legal proceedings are brought in respect of such injury that any regulation made by Her Majesty by Order in Council under this Act, was immediately before or at the time of such injury infringed or contravened by either of such vessels, the vessel by which such regulation was so infringed or contravened shall be deemed to be in default, unless it is shown to the satisfaction of such court that the circumstances of the case made departure from the regulation necessary.

Vessel infringing regulation to be deemed in default in case of injury.

9. Nothing in this Act contained shall prejudice, affect, or interfere with any of the rights, privileges, jurisdiction, or authority of the Corporation of the Trinity House of Deptford Strond.

Saving rights of Trinity House.

10. All expenses from time to time incurred by the Admiralty in carrying into effect the provisions of this Act, and not otherwise provided for, shall be paid out of moneys to be provided by Parliament for such purposes, and all like expenses incurred by the Board of Trade shall be paid out of the Mercantile Marine Fund.

Payment of expenses of Admiralty and Board of Trade.

