



## CHAPTER cv.

An Act to enable the Belfast Harbour Commissioners A.D. 1898.  
to improve the Victoria Channel and to construct  
additional docks and works at Belfast to confer  
further powers upon the Commissioners and for other  
purposes. [25th July 1898.]

**W**HEREAS by the Belfast Harbour Act 1847 (in this Act called "the Act of 1847") divers earlier Acts relating to the port and harbour of Belfast were repealed and such of the powers and provisions of those Acts as were then applicable were consolidated and the Belfast Harbour Commissioners (in this Act called "the Commissioners") were incorporated with power to execute works and to borrow money and acquire lands and to levy rates as in that Act mentioned :

And whereas the powers and provisions of the Act of 1847 were extended and amended by the following Acts (namely) :—

The Belfast Port and Harbour Conservancy Act 1852 ;

The Belfast Dock Act 1854 ;

The Belfast Harbour Act 1870 ;

The Belfast Harbour Commissioners Act 1871 ;

The Belfast Harbour Act 1882 ;

The Belfast Harbour Act 1883 ; and

The Belfast Harbour Act 1893 :

And the said Act of 1847 and the said subsequent Acts from 1852 to 1893 inclusive are in this Act together called "the Belfast Harbour Acts" :

And whereas by the Belfast Harbour Act 1893 (in this Act called "the Act of 1893") all powers possessed by the Commissioners under their previous Acts of borrowing money by the creation and issue of bonds mortgages annuities or other securities were terminated and replaced by the powers of borrowing upon consolidated stock conferred by the Act of 1893 :

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And whereas the amounts so authorised to be borrowed under the Act of 1893 consisted of amounts not exceeding firstly of one million and fifty-two thousand nine hundred and thirty pounds of consolidated stock in payment of or in substitution for the existing debt of the Commissioners and secondly of a further amount of seven hundred and seventeen thousand eight hundred pounds of consolidated stock representing the unexercised borrowing powers of the Commissioners for carrying out the works or purposes of the general harbour undertaking of the Commissioners :

And whereas since the passing of the Act of 1893 the Commissioners have borrowed the sum of one million and fifty-two thousand eight hundred and fifty-four pounds five shillings and twopence in or towards payment of or in substitution for the debt of the Commissioners existing at the passing of the Act of 1893 and have also borrowed and expended out of consolidated stock further sums amounting in the whole to one hundred and fifty-three thousand seven hundred and eighty pounds :

And whereas the requirements of the trade in and resorting to the port and harbour of Belfast render it expedient that additional works and improvements in connexion with the harbour and its approaches should be undertaken :

And whereas it is expedient to enable the Commissioners to purchase the lands and execute the works by this Act authorised to be purchased and executed and that the Commissioners for those purposes should be enabled to apply their existing funds and to borrow further moneys :

And whereas owing to exceptional circumstances the Commissioners were enabled to acquire beforehand portions of the lands required for or connected with such works on advantageous terms and the same were accordingly acquired by the Commissioners out of revenue but the revenue account was thereby unduly diminished :

And whereas it is expedient that some of the powers and provisions of the Belfast Harbour Acts should be varied and amended as herein-after provided :

And whereas by the Belfast Improvement Act 1878 (herein-after called "the Act of 1878") the mayor aldermen and burgesses of the borough of Belfast (herein-after called "the corporation") and the Commissioners were enabled to enter into and carry into effect agreements with respect to the widening and improving of the street along Donegall Quay and the transfer to and vesting in the Commissioners of portions of the said street and of any lands acquired by the corporation in connexion with such widening and improvement :

And whereas certain moneys were by agreement contributed by the corporation and the Commissioners and expended upon or in



connexion with such widening or improvement of Donegall Quay and the purchase of lands adjacent thereto : A.D. 1898.

And whereas by indenture bearing date the twenty-seventh day of February one thousand eight hundred and ninety-five such lands adjacent to Donegall Quay so widened and improved were transferred by the corporation to the Commissioners and it is expedient that such lands should be vested in the Commissioners in manner by this Act authorised :

And whereas plans and sections showing the situation lines and levels of the works to be authorised by this Act and also the lands which may be taken compulsorily for the purposes thereof with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Antrim and also with the clerk of the peace for the county of Down (and these plans sections and books of reference are in this Act referred to as "the deposited plans sections and books of reference") :

And whereas the several 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 Commons in this present Parliament assembled and by the authority of the same as follows :---

1. This Act may be cited as the Belfast Harbour Act 1898.

Short title.

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

The Lands Clauses Acts ;

Incorporation of Acts.

The Harbours Docks and Piers Clauses Act 1847 (excepting the provisions thereof with respect to lifeboats and with respect to keeping a tide and weather gauge unless the same shall be required by the Board of Trade) ; and

The Commissioners Clauses Act 1847 ;

so far as the same are applicable for the purposes of and not varied by or inconsistent with the Belfast Harbour Acts and this Act are incorporated with and form part of this Act.

3. The several words and expressions in this Act and in the Acts wholly or partially incorporated herewith to which meanings are assigned by the Belfast Harbour Acts or any of them have the meanings assigned to the same words and expressions respectively by those Acts unless there be something in the subject or context repugnant to such construction And the expression "the company" "the undertakers" or any like expression in the incorporated Acts

Interpretation.

A.D. 1898. means the Commissioners the expression "the railway" or any like expression means the works by this Act authorised.

Power to  
execute  
works.

4. Subject to the provisions of this Act the Commissioners may upon their own lands or upon lands to be acquired for that purpose make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described with all proper basins ponds quays piers jetties channels cuts bridges entrances approaches tramways works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose:

The works herein-before referred to include—

- (1) The widening and deepening by excavation dredging or otherwise of the channel known as the Victoria Channel through the foreshore or sloblands and tidal or other waters in Belfast Lough lying within or abutting upon the townlands of Skegoneil Lowwood Greencastle Ballygoland or some or one of them and within or abutting upon the parishes of Shankhill otherwise Belfast and Carnmoney or one of them and within or abutting upon the counties of Antrim and Down or one of them also through the tidal or other waters of the said lough extending between the said two counties:
- (2) A new cut or channel to be formed by excavation dredging or otherwise commencing by a junction with the east side of the Victoria Channel northward of the northern end of the East Twin Island passing thence through the foreshore or sloblands or reclaimed lands and tidal or other waters in Belfast Lough lying within or abutting upon the townlands of East Twin Island Ballymacarrett Strandtown Ballymisert Ballymaghan Knocknagoney or some or one of them and within or abutting upon the parishes of Knockbreda and Holywood or one of them and within or abutting upon the counties of Antrim and Down or one of them and through the tidal or other waters of the said lough between the two counties aforesaid and extending thence in a southwardly and westwardly direction and terminating in the tidal dock next herein-after described:
- (3) A tidal dock in the townland of Ballymacarrett Intake in the parish of Knockbreda in the county of Down situate at or near the termination of the new cut or channel herein-before described:
- (4) Two new docks in the townland of Townparks in the parish of Shankhill otherwise Belfast in the county of Antrim to be



situate on the site of the existing Clarendon Dock and the graving docks used in connexion therewith and on lands adjoining the same and for the purposes aforesaid to close and partially fill up Clarendon Dock aforesaid and to close and discontinue the said graving docks or one of them : A.D. 1898.

- (5) A graving dock with entrance basin to be situate wholly within the townlands of Strandtown and Ballymisert or one of them or in the tidal waters or foreshore abutting upon the said townlands or one of them and within the parishes of Knockbreda and Holywood or one of them or in the tidal waters or foreshore abutting upon the said parishes or either of them and within or abutting upon the county of Down :

Provided that the Commissioners shall not construct or work any tramway along and on the level of any street or road vested in the corporation.

5. The purchase by the Commissioners of all or any of the lands required for the works by this Act authorised shall include and be deemed to include the acquisition and extinguishment of all or any rights or privileges which any person corporation or other body whatsoever may have possess or claim in to or over the lands houses buildings foreshore sloblands or mudbanks by this Act authorised to be acquired by the Commissioners and lying and being within the limits of deviation shown on the deposited plans and described in the deposited books of reference. Power to extinguish rights and claim to shore &c.

6. The Commissioners may stop up and close all roads upon the lands foreshore sloblands or mudbanks by this Act authorised to be taken and used by the Commissioners for the purposes of the works aforesaid and upon the stopping up closing or discontinuance for traffic of any of such roads or any portions thereof the sites and soil thereof or of such portions shall be and continue vested in the Commissioners freed from all public and other rights of way or passage or other rights in over or affecting the same Provided that the Commissioners shall not stop up close or discontinue any such roads or portions of roads unless and until the Commissioners are owners in possession of the houses (if any) and lands on both sides of the roads or portions of roads so to be stopped up. Power to stop up roads.

7. For the protection of the Belfast City and District Water Commissioners (herein-after called "the water commissioners") the following provisions shall have effect :— For protec-  
tion of  
Belfast City  
and District  
Water Com-  
missioners.

- (A) In the exercise of the rights and powers conferred upon them by this Act the Commissioners shall be subject in all respects to the restrictions and provisions for the protection of the water commissioners contained in the Belfast Harbour Acts :

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(B) When so requested by the water commissioners the Commissioners shall provide at a nominal rent the sites for two stations one on the county Antrim side and one on the county Down side of Belfast Harbour for the use of the water commissioners in connexion with the supply of water to shipping in Belfast Harbour and the water commissioners may erect upon each of such sites offices for the accommodation of their officers and apparatus required in affording such supply of water Provided always that the sites so provided shall be such as the Commissioners may select and that the Commissioners shall be entitled to resume possession of both or either of such sites if required for harbour purposes but in the event of such resumption by the Commissioners they shall provide another site or sites in substitution and in the event of the removal of such stations consequent on demand for resumption by the Commissioners they shall pay to the water commissioners towards the cost of re-erecting each such station thus removed a sum not to exceed two hundred pounds :

(c) Except as herein-before expressly provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the water commissioners.

Power to  
Commis-  
sioners to  
purchase  
additional  
lands.

8. Subject to the provisions of this Act the Commissioners in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use for the purposes authorised by the Belfast Harbour Acts and this Act or may by agreement purchase hold and use for the said purposes the lands herein-after mentioned as the same are shown upon the deposited plans and described in the deposited books of reference (that is to say) :—

Certain sloblands or mudbanks bounded on the north-east north-west and south-west by certain sloblands belonging to the Commissioners and on the south-east by certain sloblands belonging to Her Majesty in right of Her Crown situate within the townland of Ballymisert or in the tidal waters or foreshore abutting upon the said townland and within the parish of Holywood or in the tidal waters or foreshore abutting upon the said parish and within or abutting upon the county of Down.

Limits of  
deviation.

9. In constructing the works by this Act authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards

and fifteen feet downwards Provided also that no deviation either lateral or vertical shall be made in connexion with any work to be constructed on tidal lands without the consent of the Board of Trade. A.D. 1898.

10. The Commissioners may in the execution of the works authorised by this Act and for the purposes thereof and of the Belfast Harbour Acts so far as necessary therefor and upon any lands belonging to vested in or which may be acquired by them enlarge diminish extend or improve divert stop up or close any docks basins ponds quays wharves buildings or other works or conveniences belonging to them as they may think necessary for the improvement of the port and the convenient use thereof and they may also in the execution of the said works and for the purposes aforesaid and subject to the provisions of this Act divert stop up or close any road or way made or to be made by them upon any lands vested or which may be vested in them Provided that nothing in this Act contained shall be deemed to authorise any prejudicial interference by the Commissioners with the waste water channel as at present existing from the works of Messieurs Philip Johnston and Sons Limited or the present discharge therefrom or the existing rights of the said company therein and thereto If in the course of construction of the works by this Act authorised the Commissioners find it necessary to change the course of the said waste water channel they shall before interfering with the existing course be bound to provide an equally good and efficient channel and discharge in lieu thereof. Power to divert docks &c.

11. For the purposes of the Belfast Harbour Acts and this Act the Commissioners may upon any lands vested in or acquired by them dredge scour and deepen to such extent as they may deem requisite and may remove and carry away and dispose of sand silt chalk gravel or other obstructions Provided that the Commissioners shall not exercise any of the powers by this section authorised so as to interfere with or damage any of the quays wharves bridges works or property of the corporation. Power to dredge where necessary.

12. The Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve and shall at the outer extremity of the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve If the Commissioners Lights on works during construction.



A.D. 1898. fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Commissioners to exhibit lights on works after completion.

**13.** The Commissioners shall at the outer extremity of their harbour works when completed exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Irish Lights shall from time to time direct. If the Commissioners fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

**14.** In case of injury to or destruction or decay of the works by this Act authorised or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to that body for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement of works abandoned or decayed.

**15.** If any of the works constructed by the Commissioners under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them 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.

Works below high water mark not to be commenced without consent of Board of Trade.

**16.** The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals.

If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove



the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1898.

17. If at any time the Board of Trade deem it expedient to order a survey and examination of any work by this Act authorised and constructed by the Commissioners on in over through or across tidal lands or tidal waters 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. Survey of works by Board of Trade.

18. The Commissioners (with the assent of the Board of Trade) may in the execution of the works by this Act authorised make deviations from or alterations in the deposited plans and sections to such extent and in such manner as may be found expedient in the progress of the works or for any other reason which the Board of Trade may deem sufficient: Alterations may be sanctioned by Board of Trade.

Provided always that the Commissioners before adopting or carrying out any such deviations or alterations shall submit plans in each case to the Board of Trade and no such deviations or alterations shall be executed by the Commissioners unless with the reasonable approval of the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the said Board or otherwise as the Board may direct.

19. The Commissioners shall possess and may exercise upon and with respect to all lands vested in or acquired or which may be acquired by them under the provisions of this Act similar powers in all respects to the powers already existing or conferred upon the Commissioners by the Belfast Harbour Acts with respect to the lands or any of them vested in or acquired by them under those Acts or any of them. Similar powers with respect to lands under this Act as under former Acts.

20. Sections 17 and 18 of the Belfast Harbour Act 1882 shall mutatis mutandis be applicable in all respects to the works and purposes by this Act authorised as if the provisions of those sections respectively were herein re-enacted. Sections 17 and 18 of Act of 1882 applied.

21. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

22. If the works by this Act authorised and specified in the section of this Act whereof the marginal note is "Power to execute works" are not completed within fifteen years from the passing of Period for completion of works.

A.D. 1898. — this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to take easements &c. by agreement.

**23.** 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 of this Act grant to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges 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 respectively.

Power to acquire additional lands by agreement.

**24.** The Commissioners may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire either by purchase or by way of exchange or otherwise any land or foreshore not exceeding in the whole fifty acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but nothing in this Act shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so acquired.

Reclaiming sloblands.

**25.** The Commissioners may as they think fit reclaim any part of the sloblands already vested in or which may be acquired by them within the limits of the port and harbour of Belfast and may where in their opinion the same shall be requisite or desirable prepare and treat any material dredged by them before depositing the same on the said sloblands and may execute and do all other matters and things necessary or expedient for such reclamation.

Lands and works to be part of Commissioners' lands &c. within the harbour.

**26.** The lands and works vested in the Commissioners for the purposes of this Act or otherwise shall for all the purposes of the Belfast Harbour Acts and this Act be deemed part of their lands docks and other works within the harbour and the Commissioners may demand and take rents rates tolls and duties accordingly.

No obligation on Commissioners to supply ballast.

**27.** Notwithstanding anything contained in the Belfast Harbour Acts or any of them it shall not be obligatory on the Commissioners (in case they so resolve and give notice permanently or from time to time of their resolution) to supply ballast or furnish any vessel therewith and in such event any master or owner of a vessel may



obtain ballast elsewhere than from the Commissioners and in such case the charge for ballast under the Belfast Harbour Acts or any of them shall not be payable. Provided that nothing herein contained shall authorise any master or owner or any other person to dredge or raise ballast within the port and harbour and sections 85 89 92 93 94 and 97 of the Act of 1847 or portions thereof so far as they or any of them are inconsistent with the provisions of this section shall (in such event as aforesaid) cease to be applicable.

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**28.** Notwithstanding anything contained in sections 73 and 74 of the Act of 1847 the Commissioners may levy demand and take on every vessel employed in carrying sand or gravel raised in the harbour from one part to another part of the harbour a tonnage rate of not more than fourpence per ton of the net register of every registered vessel so employed and any sum not exceeding five shillings in respect of every unregistered vessel so employed for every trip made by such vessel.

Tonnage  
rate on  
vessels  
trading  
within the  
harbour.

**29.** The Commissioners may establish maintain and work a ferry or ferries for passengers and goods between such points within the limits of the port as they from time to time think fit and may purchase provide maintain regulate man work and use steam and other vessels and boats with all proper and sufficient tackle gear and apparatus and conveniences for conveying landing or embarking passengers and goods and may convey passengers and goods between such points and may from time to time appoint employ remunerate and dismiss such officers servants toll collectors and other persons as may be in their opinion required for the proper working of any such ferry but nothing in this Act contained shall create any exclusive right of ferry.

Power to  
establish  
ferries &c.

**30.—(1)** The Commissioners may demand and receive for the use of any such ferry and for the conveyance of passengers and goods in any vessels or boats belonging to or provided by the Commissioners such reasonable tolls and payments (in this Act called "ferry tolls") as they think fit and the Board of Trade approve. Provided that such ferry tolls shall be at all times charged equally to all persons and after the same rate in respect of all goods of a like description conveyed in the same class of vessels or boats and under the like circumstances:

Ferry tolls.

Provided always that toll of any description shall not be demanded from any officer of the revenue crossing or using the ferries in the execution of his duty.

(2) The ferry tolls shall be paid to such persons and at such places upon or near to the ferry and in such manner and under such regulations as the Commissioners shall by notice to be annexed to

A.D. 1898. — the list of tolls appoint and if any person subject to any ferry toll or any person in charge of any goods subject to any ferry toll after demand refuse or neglect to pay the same such collector by himself or taking such assistance as he shall think necessary may stop or prevent such person from entering into or upon or depositing any goods in any ferry boat or premises of the Commissioners connected with such ferry or may eject such person and goods therefrom.

(3) If any person after demand fail to pay any ferry toll due from him the Commissioners may recover the same in a summary manner or by action in any court of competent jurisdiction and if any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his ferry toll when the same shall be payable by virtue of this Act every such person shall for every such offence forfeit a sum not exceeding forty shillings.

(4) A list of the ferry tolls from time to time appointed by the Commissioners to be taken shall be published by the same being printed and exhibited in some conspicuous place on the toll gates or toll houses or places where such tolls shall be payable and also on some conspicuous part of the vessels or boats plying at the ferry and no ferry tolls shall be demanded or taken by the Commissioners for the use of the ferry during any time at which the list of tolls herein-before directed to be exhibited in respect of the ferry shall not be so exhibited and if any person wilfully pull down deface or destroy any such list of tolls he shall forfeit a sum not exceeding five pounds for every such offence Provided that if any such list be destroyed injured or obliterated the tolls and payments shall continue payable during the time reasonably required for the restoration or reparation of such list in the same manner as if the list continued exhibited in the state required by this Act.

Power to provide accommodation in connexion with ferry.

**31.** In connexion with any ferry established by them] the Commissioners from time to time may erect provide and maintain such toll-houses waiting rooms shelters sheds and other buildings works and conveniences as they think necessary for the accommodation of passengers using such ferry and goods conveyed or intended to be conveyed across the same.

Byelaws as to ferry.

**32.** The Commissioners may subject to the provisions of this Act make byelaws with respect to any ferry established by them for all or any of the purposes following (that is to say) :—

(A) For regulating controlling and limiting the use of the ferry ;

(B) For preventing the commission of any nuisances in or upon premises of the Commissioners used for or in connexion with any ferry ;



(c) For preventing injuries and damages to any works or property of the Commissioners so used ; A.D. 1898.

(d) For regulating the duties and conduct of all persons as well the officers and the servants of the Commissioners as others who shall be employed in and about the ferry and in and about the vessels or boats used for the purposes of any ferry established by the Commissioners ;

(e) For regulating the conveyance of passengers and goods in or upon any vessels or boats at the ferry and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any goods in any vessels or boats used for the purposes of the ferry which may in the opinion of the Commissioners be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein ;

(f) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description at any ferry established by the Commissioners :

And the Commissioners may by the byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding five pounds for each breach of such byelaws :

Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Board of Trade.

**33.** Notice of the application to the Board of Trade for the approval of any ferry tolls or the confirmation of any byelaws with respect to any ferry established by the Commissioners under this Act shall be given in one or more newspapers published in the borough naming a place within the borough where a list of the proposed tolls or a copy of the proposed byelaws may be seen at all reasonable times and any person desiring to object to any ferry tolls or byelaws so submitted for approval or confirmation shall give notice in writing to the Board of Trade and to the Commissioners stating the nature of his objection within twenty-one days after the last publication of the notice of the application as herein-before provided and the Board of Trade may if they think fit hold such inquiry locally or otherwise in reference to such application as they see fit and the expenses of the Board of Trade in connexion with such inquiry shall be defrayed by the Commissioners.

Notice of application to Board of Trade to be given.

**34.** With the consent of the Commissioners of Irish Lights the Commissioners may make and carry out such alterations in the mode of lighting and buoying the River Lagan the Victoria Channel and the other channels within the harbour limits as they may deem necessary or expedient And the Commissioners may for such

Alterations in mode of lighting and buoying harbour.

A.D. 1898. — purposes either keep up and maintain in proper order and repair the lighthouses leading lights and other lights buoys beacons flags and signals now established or establish and maintain others in lieu and place thereof or in addition thereto.

Lands  
adjoining  
Donegall  
Quay vested  
in Com-  
missioners.

**35.** The lands purchased by the corporation as part of or in connexion with the widening and improvement of Donegall Quay under the provisions of the Act of 1878 and by them conveyed to the Commissioners by an indenture bearing date the twenty-seventh day of February 1895 at the request of the Commissioners and in respect of the contribution made by them towards the cost of the said improvement shall by virtue of this Act be vested in the Commissioners and may be held applied or disposed of by them for the general purposes of their undertaking All or any claims of the Commissioners against the corporation in respect of the costs and expenses of the said improvement or of any sale moneys in respect of lands forming part thereof shall from and after the passing of this Act be deemed to have been satisfied.

Lands  
forming part  
of intended  
Clarendon  
Docks.

**36.** The several lands and premises situate near the existing Clarendon Dock which were purchased by the Commissioners in view of and to facilitate the construction of the new Clarendon Docks (Work No. 4) by this Act authorised and were conveyed to the Commissioners by four several indentures dated respectively the twenty-first day of October one thousand eight hundred and ninety-five the twenty-third day of November one thousand eight hundred and ninety-five the eighth day of May one thousand eight hundred and ninety-six and the eleventh day of May one thousand eight hundred and ninety-seven shall be deemed to have been purchased by the Commissioners under the powers of the Belfast Harbour Acts and this Act and shall by virtue of this Act be vested in the Commissioners and may be held applied or disposed of by them for or in connexion with the said Work No. 4 or other works by this Act authorised or for the general purposes of their undertaking.

Rate to be  
paid on  
property  
acquired.

**37.** Any lands houses or property acquired by the Commissioners under the powers of this Act shall be and continue for a period of five years from the acquisition thereof liable to the rates which the corporation are for the time being authorised to levy :

Provided that the value of any such lands houses or property for the purpose of any such rates shall be the value at which the same was assessed in the Ordnance valuation thereof at the time of such acquisition as aforesaid.

Protecting  
sewers and  
drainage

**38.** Nothing in this Act shall authorise the Commissioners to interfere with any sewers drains drainage works or apparatus or



any access thereto vested in or under the control of the corporation except with the previous consent in writing of the corporation or their surveyor but nothing herein contained shall be held or deemed to alter restrict or in anywise affect any rights powers or remedies which the Commissioners have under the Belfast Main Drainage Act 1887 or any existing public general or local statute.

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works of the corporation.

**39.** It shall be lawful for the Commissioners to lease or grant the use or occupation of any lands warehouses buildings wharves yards cranes machines or other conveniences from time to time belonging to or provided by them at such rents and upon such terms and conditions as shall be agreed upon between the Commissioners and the persons taking the same without it being necessary for the Commissioners to advertise previously in any newspaper or newspapers Provided that no such lease shall be granted by the Commissioners for a longer term than three years The provisions of the nineteenth section of the Belfast Port and Harbour Conservancy Act 1852 and of the sixth and tenth sections of the Belfast Harbour Act 1870 shall not apply to any lease made by the Commissioners under the powers conferred upon them by this section.

Power to grant short leases of lands warehouses &amp;c.

**40.** The Commissioners may retain and hold any lands for the time being vested in them which in the opinion of the Commissioners are or will eventually be required for the purposes of the undertaking and the Commissioners may either let those lands at such rent and on such terms and conditions as they think fit or the Commissioners may themselves use the lands for any purposes connected with their harbour undertaking.

Letting and use of lands.

**41.** All or any works heretofore constructed by the Commissioners and any outlay in respect thereof or in respect of any lands heretofore purchased or reclaimed by the Commissioners shall be deemed and taken to have been made by them under and in accordance with the provisions of the Belfast Harbour Acts or some of them and in all respects as if such works or outlay were purposes expressly declared by the Belfast Harbour Acts to be purposes to which capital should be properly applicable and such works or lands shall form part of the undertaking of the Commissioners for all purposes of the Belfast Harbour Acts or this Act.

Confirming past expenditure upon works and lands.

**42.** No goods merchandise empty casks cases or other packages shall be permitted (except as herein-after specially provided) to remain upon the quays or in the sheds of the Commissioners for a longer period than twenty-four hours and in case of non-removal of such goods merchandise or other things the Commissioners may remove the same to any of the premises of the Commissioners or

Power to remove goods left on the quays &amp;c. after twenty-four hours.

A.D. 1898. — other convenient place and keep and detain the same until payment is made of the amount of the expenses of such removal and of the keeping of such goods merchandise or other things and if such expenses be not paid within seven days after demand thereof made upon the owner of such goods merchandise or other things or if no such owner can be found upon the master owner or agent of the vessel which imported or by which it was intended to export (as the case may be) such goods merchandise or other things then the Commissioners first paying the duties of customs (if any) due and payable thereon may sell such goods merchandise or other things and out of the proceeds of such sale may pay such expenses rendering the surplus (if any) to the owner of such goods merchandise or other things on demand and if the proceeds of such sale are insufficient to pay such expenses then the Commissioners may recover the same in a court of competent jurisdiction.

Commis-  
sioners to  
give notice  
of their  
intention.

43. Provided always that where in this Act the Commissioners are authorised to remove goods merchandise or other things from their quays or sheds or to cause the same or any portion thereof to be sold to defray the cost of removal and storage the Commissioners in every case before removing the goods merchandise or other things or causing such sale shall give to the owner of such goods merchandise or other things or if no such owner can be found to the master owner or agent of the vessel which imported or by which it was intended to export (as the case may be) such goods merchandise or other things twenty-four hours notice in writing of their intention or they shall cause notice to be affixed to such goods merchandise or other things.

Quay space  
and shed  
rent.

44. If in any case goods merchandise empty casks cases or other packages remain for more than twenty-four hours upon any quay or in any shed of the Commissioners and the Commissioners in their discretion consider that the reasonable use and enjoyment of the quay or shed is not thereby interfered with or business obstructed they may notwithstanding anything contained in the preceding sections permit such goods merchandise or other things aforesaid to remain for a longer period And the Commissioners may in respect of any quay or shed where goods merchandise or other things so remain instead of exercising the powers conferred upon them by the preceding sections demand and take from the owner of any goods merchandise or other things so remaining or lying any sum not exceeding one penny per square yard of space occupied by such goods merchandise or other things for every twenty-four hours after the first twenty-four hours and every fresh period of twenty-four hours entered upon but not completed shall be deemed to be twenty-four hours.



**45.** Any rent payable for the use of quay space or sheds shall be paid to the Commissioners before the goods merchandise or other things in respect of which such rent is payable are removed from the property or jurisdiction of the Commissioners within the harbour limits and every such rent shall be recoverable by the Commissioners in the same manner as duties and rates are recoverable by the Commissioners under the Belfast Harbour Acts or any of them.

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Quay space  
and shed  
rents  
recoverable.

**46.** The Commissioners if and when they think fit may remit or return the whole or any part of any rent payable for the use of quay space or sheds under such circumstances as in their judgment make the remission or return reasonable or just so as the claim for the remission or return be made and substantiated to the satisfaction of the Commissioners within such time as under the circumstances they deem reasonable. Provided that such remission or return be made equally to all persons in respect of all goods merchandise or other things falling within the same class or description and subject to the like rents and in the like circumstances.

Power to  
remit quay  
space or  
shed rents.

**47.—(1)** The Commissioners shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Commissioners—

Restrictions  
on displacing  
persons of  
labouring  
class.

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

A.D. 1898.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court in Ireland.

(5) If the Commissioners acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Commissioners may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands by the Commissioners for the purposes of any scheme under this section in the same manner in all respects as if the Commissioners were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of the Act.

(7) The Commissioners may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys



which they may be authorised to raise or apply for the general purposes of their undertaking: A.D. 1898.

Provided that all lands on which any buildings have been erected or provided by the Commissioners in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two last preceding sections of that Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Commissioners for the purpose of any scheme under this section.

(9) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the said Local Government Board have for the purposes of inquiries directed by the said Local Government Board under the Public Health (Ireland) Act 1878.

(10) The Commissioners shall pay to the said Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Commissioners and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Local Government Board under the powers of any previous Act relating to the Commissioners shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the

A.D. 1898. — said houses at the date of their acquisition. Provided that if the said Local Government Board is unable to ascertain the number of persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Substituted  
site for  
marine  
school if  
established.

48. Whereas the Commissioners of National Education in Ireland have never exercised the power of establishing a marine school in connexion with the town and harbour of Belfast or requested the Commissioners to grant them a site for that purpose in manner contemplated by section 21 of the Belfast Dock Act 1854 And whereas having regard to the growth and development of the harbour of Belfast in recent years it would be impossible for the Commissioners to comply with the provisions of that section even if the particular lands therein referred to were capable of being identified in the present day Therefore it shall be lawful for the Commissioners of National Education and the Commissioners (if and when the Commissioners of National Education desire and propose to establish a marine school for the port and harbour of Belfast) to agree as to some substituted and different site and section 21 of the said Act of 1854 shall from and after the passing of this Act be deemed to have been amended in accordance with the foregoing provisions and shall be read and have effect accordingly.

Power to  
borrow  
additional  
moneys.

49. The Commissioners may from time to time in addition to any moneys they are authorised to borrow under the provisions of the Belfast Harbour Acts or any of them and in the manner authorised by the Act of 1893 borrow at interest on the security of the harbour revenues any sum or sums not exceeding in the whole the sum of seven hundred and fifty thousand pounds.

Moneys  
borrowed to  
be subject to  
the condi-  
tions of the  
Act of 1893.

50. The consolidated stock created and issued under the authority of this Act shall be created and issued in the manner prescribed by the Belfast Harbour Act 1893 and all the provisions of that Act with regard to the creation issue and repayment of consolidated stock shall apply to the creation issue and repayment



of consolidated stock under this Act as fully and to the same effect as if such provisions were herein re-enacted. A.D. 1898.

**51.** Money raised by the creation and issue of consolidated stock under the provisions of this Act shall be applied by the Commissioners for the several works and purposes authorised by this Act and the Belfast Harbour Acts And all or any moneys authorised to be borrowed under the Belfast Harbour Acts or any of them may be applied for all or any purposes of this Act or to any other purposes of the Commissioners to which capital is properly applicable. Application of moneys raised.

**52.** The several purposes to which capital is or may be properly applicable under the Belfast Harbour Acts and this Act shall be deemed among other purposes to include the following :— Purposes to which capital may be applied.

- (A) The cost of deepening by excavation dredging or otherwise the portion of the river Lagan and Victoria Channel extending from the Queen's Bridge to the commencement of Work No. 1 by this Act authorised :
- (B) The cost of erecting lighthouses beacons and lighting buoys along both sides of the Victoria Channel and at other suitable points within the harbour limits and of any alteration of existing lights or lighthouses rendered necessary thereby :
- (C) The cost of providing all necessary buildings plant and machinery necessary for producing electricity or electric lighting for or in connexion with the harbour or dock works :
- (D) The cost of constructing an extension of Queen's Road in a northerly direction and a main sewer in connexion therewith :
- (E) The cost of the erection construction or removal of sheds workshops warehouses buildings works or other conveniences within the harbour limits :
- (F) The purchase of any lands authorised or confirmed by this Act :
- (G) The repayment to revenue of any sums expended by the Commissioners in the purchase of lands and confirmed by this Act :
- (H) The cost of reclaiming sloblands within the harbour limits the deposit of dredged materials and matters incidental thereto.

**53.** For the purposes of or in connexion with sections 57 and 58 of the Belfast Harbour Act 1882 it shall be lawful for the Commissioners to repay out of borrowed moneys any sums which may before the passing of this Act have been temporarily advanced out of the harbour revenues. Adjustment of accounts.

A.D. 1898.

Recoupment  
to revenue  
account of  
sum ad-  
vanced out  
of revenue  
for Claren-  
don Dock  
lands.

54. Notwithstanding anything contained in this Act or the Belfast Harbour Acts the Commissioners may out of moneys to be borrowed by them under the authority of this Act or the Belfast Harbour Acts apply to purposes of ordinary revenue expenditure a sum not exceeding the sum of fourteen thousand pounds equalling a sum heretofore applied by the Commissioners out of revenue to purposes properly of capital outlay in or with respect to the purchase of the Clarendon Dock lands.

Accounts of  
the Com-  
missioners.

55. With respect to the accounts of the Commissioners the following provisions shall notwithstanding anything contained in the Commissioners Clauses Act 1847 be observed and have effect :—

The Commissioners shall cause their accounts to be balanced to the thirty-first day of December in each year :

Seven days at least before the annual meeting of the Commissioners they shall cause an annual account to be drawn out and printed showing the amount of all moneys received and expended by them during the preceding year under the several distinct heads of receipt and expenditure required by the Belfast Harbour Acts or any of them :

The Commissioners shall allow such annual account to be open for inspection at the office of the Commissioners and every registered holder of consolidated stock and every person whose name appears on the last revised register of electors of the Commissioners may at all reasonable times inspect such annual account :

The secretary to the Commissioners shall on demand furnish a printed copy of the said annual account to every such registered holder of consolidated stock and every such elector :

The Commissioners shall in giving notice of the annual meeting state that the said annual account will be open for inspection by all such persons as aforesaid at the office of the Commissioners :

And the several provisions of the Belfast Harbour Acts and of any Acts incorporated therewith shall be read and have effect accordingly.

Superannua-  
tion allow-  
ances &c.

56. In addition to the powers conferred on the Commissioners by the fortieth section of the Belfast Harbour Act 1882 they may if they think fit make provision for any person employed by them who may after long service be unfitted for the execution of his duty and they may also in the case of the death of any officer or other person employed by them grant allowances to the widow or children of such deceased officer or other person.



**57.** Nothing contained in this Act shall authorise the Commissioners 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

A.D. 1898.

—  
Saving rights  
of the Crown  
in the  
foreshore.

**58.** Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any lands or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights  
of the Crown  
as regards  
lands or  
rights under  
management  
of Com-  
missioners  
of Woods.

**59.** Nothing in this Act contained shall exempt the Commissioners or their docks or works from the provisions of the Merchant Shipping Act 1894 or any general Act relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties by this Act authorised or from any general Act now or hereafter to be in force with respect to docks harbours or ports or to lights buoys or beacons.

Provision for  
Merchant  
Shipping  
Acts and  
general  
Acts.

**60.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the harbour revenue or out of moneys to be borrowed for the purpose under the powers of this Act.

Costs of Act.

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