



Ferries (Acquisition by Local Authorities) Act 1919

1919 CHAPTER 75

An Act to enable Local Authorities to acquire existing Ferries by Agreement. [23rd December 1919]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1 Power of local authority to acquire, &c., existing ferries.

- (1) A local authority may, with the consent of the Minister of Transport, purchase or accept the transfer of, and the owner of any existing ferry may sell or transfer to a local authority, upon such terms as may be agreed on between the owner and the local authority, any existing ferry which is within the area of that local authority or which serves the inhabitants of that area.
- (2) Subject to the provisions of any Act of Parliament under which the ferry was established, and to the rights of any other persons, the local authority may work, maintain and improve the ferry and charge such tolls as were legally chargeable in respect of the ferry before the sale or transfer thereof to the local authority, or such other tolls as the local authority, with the approval of the Minister of Transport, may determine, or, with the approval of the Minister of Transport, the local authority may, if they think fit, free the ferry from tolls, and shall have the rights and powers which the owner of the ferry possessed and shall be subject to the obligations and liabilities to which he was subject.
- (3) A local authority may join with any other local authority for the purchase or acceptance, working, maintenance, or improvement of a ferry under this Act, or may contribute towards the expenses of the purchase or acceptance, working, maintenance, or improvement of a ferry by another local authority, and any difference which may arise between any local authorities who are acting jointly or jointly bearing any

expenses under this subsection shall be determined by the Minister of Transport, or by an arbitrator appointed by Kim, and such determination shall be final and binding.

- (4) In this Act the expression " existing ferry " means any ferry legally established by Act of Parliament or otherwise at the date of the purchase or transfer, and includes all boats and other vessels, landing stages, approaches, apparatus, plant and other property used in connection with the ferry.
- (5) The Minister of Transport shall have the like powers with respect to the holding of local inquiries for the purposes of this Act as are conferred by section eighty-seven of the Local Government Act, 1888, upon the Minister of Health for the purposes of that Act.
- (6) In this Act the expression " local authority" means and includes a county council, the mayor, aldermen and burgesses of a county or other borough, and the council of any urban or rural district.
- (7) Any expenses incurred by a local authority under this Act may be defrayed, in the case of a county council out of the county fund, and in the case of the council of a borough or urban or rural district as part of the general expenses incurred in the execution of the Public Health Acts, 1875 to 1908.
- (8) A local authority, if a county council, may borrow for the purposes of this Act under section sixty-nine of the Local Government Act, 1888, as if those purposes were mentioned in that section, and, if a council of a county, or other borough, or a district council, shall have the same power of borrowing for the purposes of this Act as they have under the Public Health Acts, 1875 to 1908, for the purpose of defraying any expenses incurred by them in the execution of those Acts.

2 Protection of general public.

In the case of every ferry acquired under this Act, regulations with regard to the working shall be made by the local authority for the protection from injury of passengers and the general public : Provided that no such regulation shall have any force or validity until the same have been confirmed by the Minister of Transport with or without amendment. Offenders against such regulations shall be liable on summary conviction to such penalties, not exceeding forty shillings, as may be thereby prescribed.

3 Grown rights.

Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown and in particular nothing herein contained authorises any local authority 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 land, hereditaments, subjects, or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

4 Exemption from tolls in case of persons in service of Crown, &c.

Without prejudice to any existing right of His Majesty, and save as provided by the Army Act, nothing in this Act shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown, or for any animal, vehicle, or goods the property of, or when being used in the service of, the Crown, or returning after being so used, or from any police officer acting in the execution of his duty, or for any mail bag as defined by the Post Office Act, 1908. If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds.

5 Application to Ireland.

This Act in its application to Ireland shall be subject to the following modifications (that is to say):—

- (1) The reference to the Minister of Health shall be construed as a reference to the Local Government Board for Ireland:
- (2) The expenses incurred by a county council shall be raised as a county at large charge :
- (3) The reference to section sixty-nine of the Local Government Act, 1888, shall be construed as a reference to article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1898, and the reference to section eighty-seven of the said Act shall be construed as a reference to article thirty-two of the said schedule, and any other references to the said Act shall be construed as a reference to the Local Government (Ireland) Act, 1898 :
- (4) The reference to the Public Health Acts, 1875 to 1908, shall be construed as a reference to the Public Health (Ireland) Acts, 1878 to 1918.

6 Extent and short title.

- (1) This Act shall not extend to Scotland.
- (2) This Act may be cited as the Ferries (Acquisition by Local Authorities) Act, 1919.