

# SHOREHAM HARBOUR ACT 1926.

## ARRANGEMENT OF SECTIONS.

Preamble.

	PART I.—PRELIMINARY.	SECTION
Short title .. .. .		1
Division into parts .. .. .		2
Interpretation .. .. .		3
As to carrying Act into effect .. .. .		4
Repeal of Acts .. .. .		5
Date of commencement of several Parts of Act .. .. .		6

### PART II.—INCORPORATION OF GENERAL ACTS AND CHANGE OF NAME OF HARBOUR.

Incorporation of Lands Clauses Acts .. .. .		7
Incorporation of Harbours Clauses Act .. .. .		8
Incorporation of Commissioners Clauses Act .. .. .		9
Change of name of the Harbour .. .. .		10

### PART III.—RECONSTITUTION AND RE-INCORPORATION APPOINTMENT ELECTION MEETINGS &C. OF TRUSTEES

#### (a) ALTERATION OF CONSTITUTION OF EXISTING TRUSTEES APPOINTMENT MEETING &C. OF TRUSTEES.

Alteration of constitution of Trustees .. .. .		11
Constitution of Trustees .. .. .		12
Appointment election retirement &c. of Trustees .. .. .		13
Qualification of appointed Trustees .. .. .		14
Nomination of candidates for election as Trustees .. .. .		15
Provision for casual vacancies .. .. .		16
Evidence of appointment of appointed Trustees .. .. .		17
Trustees may act notwithstanding any vacancy .. .. .		18
As to person appointed and elected as Trustee .. .. .		19
First and annual meeting of Trustees .. .. .		20
Quorum of Trustees .. .. .		21

(b) AS TO ELECTION OF ELECTED TRUSTEES.	SECTION
Scale of votes for elected Trustees .. .. .	22
List of persons entitled to vote .. .. .	23
List to be published .. .. .	24
Revisors of list to be appointed .. .. .	25
Revision of list .. .. .	26
Claims and objections before revisors .. .. .	27
Revisors to correct list .. .. .	28
Revisors to sign list .. .. .	29
Production to revisors of books &c. .. .. .	30
Evidence of revised list .. .. .	31
Continuance of revised list .. .. .	32
Revised list to be copied and published .. .. .	33
Election of Trustees .. .. .	34

PART IV.—TRANSFER OF HARBOUR UNDERTAKING TO THE TRUSTEES

Harbour undertaking vested in Trustees .. .. .	35
Savings.. .. .	36
Officers to be continued .. .. .	37

PART V.—LIMITS OF HARBOUR MAINTENANCE OF WORKS &c.

Limits of harbour .. .. .	38
Power to maintain harbour works and make and maintain subsidiary works .. .. .	39
Appropriation of lands .. .. .	40
Powers as to dredging &c. .. .. .	41
Power to provide steamers tugs dredgers &c. .. .. .	42
Penalty for erections without consent of Trustees .. .. .	43
Power to appropriate particular portions of docks &c. .. .. .	44
Proprietors of land may take shingle .. .. .	45
Power to build sell or let custom house .. .. .	46
Power to acquire lands by agreement .. .. .	47
Officers may be appointed .. .. .	48
Flag to be hoisted by day when water at a certain depth and lights to be kept at night .. .. .	49
Prescribed limits under Section 63 of Harbours Act 1847 .. .. .	50
Provision for life-saving apparatus .. .. .	51
Life-saving apparatus may be attached to harbour .. .. .	52
Lifebuoys to be kept .. .. .	53
Provision against danger to navigation .. .. .	54
Works below high-water mark not to be constructed without consent of Board of Trade.. .. .	55
For protection of Hove Corporation .. .. .	56
Provisions as to Kingston Wharf .. .. .	57
For protection of the Railway Company .. .. .	58

## PART VI.—RATES.

Rates on goods .. .. .	59
Rates on vessels .. .. .	60
Charges for steam tugs .. .. .	61
Rates on passengers .. .. .	62
Ballast rates .. .. .	63
Charges for services not otherwise provided for .. .. .	64
Fractional part of a penny to be reckoned as one penny .. .. .	65
Rates to be charged equally .. .. .	66
Power to vary exemptions and compound for rates .. .. .	67
Harbour master may prevent sailing of vessels .. .. .	68
Lifeboat crew exempt from tolls .. .. .	69
Exemption of officers of Board of Trade from rates .. .. .	70
Revision of rates &c. .. .. .	71

## PART VII.—BY-LAWS AND REGULATIONS.

Additional by-laws .. .. .	72
As to allowance of by-laws .. .. .	73

## PART VIII.—ACCOUNTS AND AUDIT.

Appointment of an auditor .. .. .	74
Annual account to be sent to Minister of Transport .. .. .	75
Annual accounts to be sent to local authorities .. .. .	76
Account books to be open to inspection .. .. .	77

## PART IX.—FINANCIAL.

Conversion and consolidation of loans and stocks .. .. .	78
Cash payment to "A" stockholders .. .. .	79
Consolidated stock and cash to be held on the same trusts &c. .. .. .	80
Certificates of stocks &c. to be delivered up and new certificates issued .. .. .	81
Consolidated stock and cash to be accepted in full satisfaction .. .. .	82
Transfer of consolidated stock and payment of cash into court in certain cases .. .. .	83
Power to create additional stock .. .. .	84
Conditions of creation of new stock .. .. .	85
Application of moneys raised .. .. .	86
Incidents of guaranteed stock .. .. .	87
Guaranteed stock how to be charged .. .. .	88
Interest on guaranteed stock .. .. .	89
Redemption of guaranteed stock .. .. .	90
Returns as to sinking fund &c. to be made to Minister .. .. .	91
Application of balance of revenue at commencement of Act .. .. .	92
Application of harbour revenue after commencement of Act .. .. .	93
Appointment of receiver .. .. .	94
Protection of holders of guaranteed stock .. .. .	95

	SECTION
Trustees not to regard trusts .. .. .	96
Saving for power to redeem by agreement .. .. .	97
Certificates of stock .. .. .	98
Register of stock .. .. .	99
Mode of transfer of stock .. .. .	100
Guaranteed stock how transferable .. .. .	101
Closing register for transfers .. .. .	102
Transmission of stock .. .. .	103
Receipts of joint holders .. .. .	104
Receipt in case of persons not sui juris .. .. .	105
Money may be borrowed on cash account .. .. .	106

PART X.—GUARANTEE BY LOCAL AUTHORITIES.

Guarantee by local authorities .. .. .	107
Payments under guarantee .. .. .	108
Brighton Corporation to charge general district rate and electricity undertaking .. .. .	109
Hove Corporation and the Councils to charge rates .. .. .	110
Agreements as to collection &c. of required annual sum .. .. .	111
Application of required annual sum .. .. .	112
Repayment of sums paid under guarantee .. .. .	113

PART XI.—MISCELLANEOUS.

Working agreements with Railway Company .. .. .	114
As to contracts .. .. .	115
Partial exemption of Trustees from section 57 of Commissioners Clauses Act 1847 .. .. .	116
Power to subscribe to harbour associations &c. .. .. .	117
Publication of notices .. .. .	118
Power to grant pensions .. .. .	119
Crown rights .. .. .	120
Crown minerals .. .. .	121
Saving manorial rights of Lancing .. .. .	122
Saving manorial rights of New and Old Shoreham .. .. .	123
Reserving Merchant Shipping and general Acts .. .. .	124
Costs of Act .. .. .	125

SCHEDULES.

*The references in the margin are inserted to facilitate reference to existing enactments repealed and dealing with the same subject-matter. The year indicates the local Act of that year and S the section of the Act.*

AN  
ACT

To re-arrange the finances of and reconstitute and re-incorporate the Shoreham Harbour Trustees, to consolidate with amendments the Acts relating to the Trustees, to change the name of the Harbour; and for other purposes.

[ROYAL ASSENT, 15TH JULY 1926.]

WHEREAS by the Act fifty-six George III chapter lxxxi intituled Preamble.  
“ An Act for the more effectual security and improvement of the 56 Geo. 3,  
Harbour of New Shoreham in the County of Sussex ” (hereinafter c. lxxxi.  
referred to as “ the Act of 1816 ”) Commissioners were appointed  
5 to improve and maintain the harbour of New Shoreham (herein-  
after referred to as “ the harbour ”) and for that purpose to levy  
tolls rates and dues and raise money by subscription and otherwise :

And whereas by the Act fifty-nine George III chapter xxxi 59 Geo. 3,  
intituled “ An Act to enable the Commissioners for improving c. xxxi.  
10 the harbour of New Shoreham in the County of Sussex to raise  
more money for completing the said harbour and the works thereto  
belonging ” (hereinafter referred to as “ the Act of 1819 ”) further  
powers of raising money were given to the Commissioners :

And whereas by the New Shoreham Harbour Act 1873 the 36 & 37 Vict.  
15 Shoreham Harbour Trustees (hereinafter referred to as “ the c. ccxi.  
existing Trustees ”) were incorporated and the property powers  
and duties of the said Commissioners were transferred to the  
existing Trustees who were authorised to raise certain sums by  
mortgage :

39 & 40 Vict.  
c. cxxi.

And whereas by the New Shoreham Harbour Act 1876 (hereinafter referred to as "the Act of 1876") the Acts of 1819 and 1873 were repealed and the constitution of the existing Trustees was altered and the existing Trustees were empowered to execute further works for the improvement of the harbour and to borrow on mortgage :

5

50 & 51 Vict.  
c. xxv.

And whereas by the New Shoreham Harbour Act 1887 (hereinafter referred to as "the Act of 1887") the existing Trustees were authorised to raise money by the creation and issue of redeemable debenture stock for the purpose inter alia of paying off all claims and demands of the subscribers under the Act of 1816 and of discharging the moneys borrowed on mortgage under the Act of 1876 :

10

And whereas the existing Trustees under the Act of 1887 created and issued redeemable debenture stock and discharged and satisfied the said mortgage debts and the claims and demands of the said subscribers :

And whereas the redeemable debenture stock created and issued by the existing Trustees under the Act of 1887 and unredeemed is as follows :—

20

Debenture stock " A " £81,800  
" " " B " £29,300 :

And whereas there is now owing in respect of arrears of interest due on the thirty-first day of March nineteen hundred and twenty-five on the said debenture stocks " A " and " B " after deduction of income tax the sums of £9,060 7s. 2d. and £13,379 10s. 7d. respectively :

25

8 & 9 Geo. V.  
c. xxxi.

And whereas the existing Trustees to enable them to execute urgent works of repair and renewal to the harbour borrowed on mortgage certain moneys in the years nineteen hundred and seven and nineteen hundred and eleven and the loan comprising the balance of those moneys and costs due in connection therewith and interest thereon up to the thirtieth day of June nineteen hundred and eighteen and amounting to the total sum of £5,907 was confirmed by the New Shoreham Harbour Order 1918 (hereinafter referred to as "the Order of 1918" confirmed by the Pier and Harbour Orders Confirmation Act 1918) and the whole of that loan is still outstanding and is therein and hereinafter referred to as "the lock loan" :

30

35

And whereas by the Order of 1918 the existing Trustees were authorised to raise further moneys by borrowing on mortgage and under that authority have borrowed from the Mayor Aldermen and Burgesses of the Borough of Brighton (hereinafter referred to  
5 as " the Brighton Corporation ") the sum of £5,000 which is still outstanding :

And whereas by the New Shoreham Harbour Act 1925 (hereinafter referred to as " the Act of 1925 ") the maximum rates dues tolls and charges authorised by the Acts of 1816 and  
10 1887 were increased for a period of three years from the thirty-first day of December nineteen hundred and twenty-five and such Act contains provisions whereby if the existing Trustees agree in writing with the Brighton Corporation and other bodies therein mentioned a scheme for the reorganisation reduction  
15 and consolidation of the said debenture stocks " A " and " B " the lock loan and the said mortgage for £5,000 the raising of additional capital and the reconstitution of the trust the existing Trustees are in the next available Session of Parliament to promote a Bill to give effect to such scheme :

20 And whereas such a scheme has been agreed and it is expedient for improving the finances of the Trustees and for enabling them to raise moneys for the restoration of the harbour to make such provision as is hereinafter contained to enable the same to be carried into effect :

25 And whereas it is expedient that the said redeemable debenture stocks and loans should be converted and consolidated into one redeemable guaranteed stock with such guarantee attached thereto as by this Act provided :

And whereas it is expedient to authorise the Trustees to raise  
30 further money by the creation and issue of redeemable guaranteed stock with such guarantee attached thereto as in this Act provided :

And whereas it is expedient that—

The Brighton Corporation and the Mayor Aldermen and Burgesses of the borough of Hove and  
35 The Urban District Councils of Shoreham-by-Sea Southwick and Portslade-by-Sea,

should be authorised to guarantee the payment of interest and the annual contributions to the sinking fund in respect of the redeemable guaranteed stock issued by the Trustees under the  
40 authority of this Act and for the purpose of such guarantee to charge their respective rates as in this Act provided :

And whereas the holders of the mortgages securing the repayment of the lock loan and the said sum of £5,000 and upwards of three-fourths in value of the said debenture stocks "A" and "B" have respectively signified their consents in writing to the provisions of this Act with respect to the conversion and consolidation of such loans and stocks into one redeemable guaranteed stock and to the creation and issue of further redeemable guaranteed stock. 5

And whereas it is expedient to alter the constitution of the Trustees and to re-incorporate the Trustees as in this Act provided and to transfer the undertaking of the existing Trustees to the Trustees as so re-constituted and re-incorporated (hereinafter referred to as "the Trustees") : 10

And whereas it is expedient to change the name of the harbour : 15

And whereas many of the provisions of the New Shoreham Harbour Acts and Order 1816 to 1925 are obsolete and ought to be repealed and it would be of public advantage if the provisions of the said Acts so far as it is expedient to retain them were consolidated with certain amendments and additions into one Act : 20

And whereas it is expedient that such further provision should be made with respect to the Trustees and their undertaking as in this Act contained :

And whereas the purposes of this Act cannot be effected without the authority of Parliament : 25

#### MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and 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 :— 30

#### PART I.—PRELIMINARY.

Short title.      1. This Act may be cited as the Shoreham Harbour Act 1926.

Division into parts.      2. This Act is divided into parts as follows :— 35  
     Part I.—Preliminary ;  
     Part II.—Incorporation of General Acts and Change of Name of Harbour ;



- Part III.—Reconstitution and Re-incorporation Appointment  
Election Meetings &c. of Trustees ;
- Part IV.—Transfer of Harbour Undertaking to the Trustees ;
- Part V.—Limits of Harbour Maintenance of Works &c. ;
- 5 Part VI.—Rates ;
- Part VII.—By-laws and Regulations ;
- Part VIII.—Accounts and Audit ;
- Part IX.—Financial ;
- Part X.—Guarantee by Local Authorities ;
- 10 Part XI.—Miscellaneous.

3. In this Act unless there be something in the subject or  
context repugnant to such construction the several words and  
expressions to which meanings are assigned by the Acts wholly  
or partially incorporated herewith or by the provisions of the Act  
15 of 1925 excepted from repeal have the same respective meanings  
and the following words and expressions have the several meanings  
assigned to them (that is to say) :

20 “ The existing Trustees ” means the Trustees appointed by  
and acting under the New Shoreham Harbour Acts and  
Order 1816 to 1925 ;

“ The Trustees ” means the Trustees acting for the time being  
in the execution of this Act ;

25 “ The appointed Trustees ” means the Trustees appointed by  
the local authorities and the Railway Company in accord-  
ance with the provisions of Part III of this Act ;

“ The elected Trustees ” means the Trustees elected by  
traders in accordance with the provisions of the said  
Part III ;

30 “ Trader ” means any person entitled to vote in the election  
of elected Trustees ;

35 “ The clerk ” “ the treasurer ” “ the collector of rates ” and  
“ the harbour master ” mean respectively the clerk the  
treasurer the collector of rates tolls and dues and the  
harbour master for the time being of the Trustees and  
respectively include any person duly appointed by the  
Trustees to discharge temporarily the duties of any  
such officer ;

The expression “ the Trinity House ” means the Master  
Wardens and Assistants of the guild fraternity or

Interpre-  
tation.

brotherhood of The Most Glorious and Undivided Trinity and of St. Clement in the Parish of Deptford Strond in the County of Kent commonly called The Corporation of the Trinity House of Deptford Strond.

- “ The Act of 1816 ” means the Act 56 George III Chapter lxxxi ; 5
- “ The Act of 1876 ” “ the Act of 1887 ” and “ the Act of 1925 ” mean respectively the New Shoreham Harbour Acts of 1876 1887 and 1925 ;
- “ The Order of 1918 ” means the New Shoreham Harbour Order 1918 confirmed by the Pier and Harbour Orders Confirmation Act 1918 ; 10
- “ The Acts of 1816 to 1925 ” means the New Shoreham Harbour Acts and Order 1816 to 1925 ;
- “ The Harbours Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847 ;
- “ Annual Meeting ” means the annual meeting of the Trustees to be held under this Act ;
- “ The harbour ” means the Shoreham Harbour as described in the section of this Act the marginal note whereof is “ Limits of harbour ” ; 20
- “ The harbour undertaking ” means the harbour and all docks basins locks works yards lands property houses roads towpaths ways jetties lighthouses buoys wharves piers quays warehouses sheds slipways rails premises and dredgers tugs and all other property for the time being belonging to and the rights powers and privileges of the existing Trustees until the appointed day and the Trustees on and after the appointed day ; 25
- “ The authorised rates ” means the rates dues tolls and charges which the Trustees are for the time being authorised to levy demand and recover in pursuance of this Act ; 30
- “ The harbour revenue ” means the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking ; 35
- “ The harbour office ” means the principal office for the time being of the Trustees ;
- “ The ‘ A ’ stock ” and “ the ‘ B ’ stock ” mean respectively the New Shoreham Harbour Redeemable Debenture 40

Stock " A " and the New Shoreham Harbour Redeemable Debenture Stock " B " issued by the Trustees under the Act of 1887 and outstanding on the prescribed date ;

" The Stocks " means the " A " Stock and the " B " Stock ;

5           5       " The lock loan " means the balance due in respect of the moneys lent by the United Kingdom Temperance and General Provident Institution to the existing Trustees and secured by deeds dated respectively the fifteenth day of July nineteen hundred and seven and the eleventh day of January nineteen hundred and nine and made between 10           the existing Trustees of the one part and the Trustees of the said Institution of the other part including the costs due in connection therewith such balance (including interest calculated up to the thirtieth day of June nineteen 15           hundred and eighteen and costs) amounting in the whole to the sum of five thousand nine hundred and seven pounds ;

              " The 1918 loan " means the five thousand pounds borrowed by the Trustees from the Brighton Corporation under the 20           Order of 1918 ;

" The loans " means the lock loan and the 1918 loan ;

              " Consolidated stock " means the Shoreham Harbour four and a half per centum guaranteed redeemable stock into which the stocks and the loans are converted and consolidated as in this Act provided ; 25           

              " New stock " means the Shoreham Harbour four and a half per centum guaranteed redeemable stock which the Trustees are authorised to create and issue as in this Act provided ;

30           " Guaranteed stock " means the consolidated stock and the new stock ;

              " The Brighton Corporation " and " the Hove Corporation " mean respectively the Mayor Aldermen and Burgesses of the respective boroughs of Brighton and Hove ;

35           " The Shoreham Council " " the Southwick Council " and " the Portslade Council " mean respectively the urban district councils of the respective urban districts of Shoreham-by-Sea Southwick and Portslade-by-Sea ;

40           " The Corporations " means the Brighton Corporation and the Hove Corporation ;

              " The Councils " means the Shoreham Council the Southwick Council and the Portslade Council ;

- “ The Railway Company ” means the Southern Railway Company ;
- “ The local authorities ” mean the Corporations and the Councils ;
- “ The commencement of this Act ” means the date of the 5  
passing of this Act ;
- “ The appointed day ” means the thirtieth day of September  
nineteen hundred and twenty-six ;
- “ The prescribed date ” means the first day of April nineteen  
hundred and twenty-five ; 10
- “ The Minister ” means the Minister of Transport ;
- “ The guarantee ” means the guarantee given by the local  
authorities as provided in the section of this Act of  
which the marginal note is “ Guarantee by local  
authorities ” ; 15
- “ Statutory security ” means any security in which trustees  
are for the time being by or under any Act of Parliament  
passed or to be passed authorised to invest trust money  
and any mortgage bond debenture debenture stock stock  
or other security authorised by or under any Act of 20  
Parliament passed or to be passed of any county council  
or municipal corporation or other local authority as  
defined by section 34 of the Local Loans Act 1875 but  
does not include annuities rent charges or securities  
transferable by delivery or any guaranteed stock issued 25  
under this Act ;
- “ Vessel ” includes any ship or boat or any other description  
of vessel used in navigation and seaplanes hydroplanes  
or similar craft ;
- “ Shipped and unshipped ” includes loaded on or discharged 30  
from any seaplane hydroplane or similar craft.

As to  
carrying  
Act into  
effect.

4. The power and duty of carrying into effect the provisions  
of this Act shall be vested in and performed by :—

(a) until the appointed day the existing Trustees in office  
immediately previous to the commencement of this Act 35  
and the survivors of them which Trustees shall also have  
the power and duty of carrying into effect until that  
date the provisions of the Acts of 1816 to 1925 ; and

(b) on and after the appointed day the Trustees appointed  
and elected under Part III of this Act 40

and this Act shall be read and construed accordingly.

5. As on and from the appointed day the Acts and Order specified in Part I of the First Schedule to this Act so far as such Acts and Order are unrepealed on the appointed day shall be and the same are hereby repealed to the extent mentioned in the third column of that Schedule and sections 9 and 11 of the Act of 1876 and sections 3, 10, 11, 12 and 13 of the Act of 1925 mentioned in Part II of the said Schedule as excepted from repeal and as amended and set out in full therein shall have and continue to have the same effect as if this Act had not been passed and so far as this Act and the said unrepealed sections of the Acts of 1876 and 1925 are in conflict the said unrepealed sections shall prevail: Provided that the expression "the Trustees" and "the deposited Plans" contained in the said sections of the Acts of 1876 and 1925 excepted from repeal shall mean respectively the Trustees as defined in the section of this Act of which the marginal note is "Interpretation" and the deposited plans referred to and defined in the Preamble to the Act of 1925.

Repeal of Acts.

6. The provisions of the following Parts of this Act shall come into force and have effect as on and from the appointed day (that is to say):—

Date of commencement of several Parts of Act.

- Part II.—Incorporation of General Acts ;
- Part IV.—Transfer of Harbour Undertaking to the Trustees ;
- Part V.—Limits of Harbour Maintenance of Works &c. ;
- Part VI.—Rates ;
- Part VII.—By-laws and Regulations ;
- Part VIII.—Accounts and Audit.

PART II.—INCORPORATION OF GENERAL ACTS AND CHANGE OF NAME OF HARBOUR.

7. The Lands Clauses Acts (except the provisions thereof with respect to the taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845 so far as the said Acts are applicable to the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act.

Incorporation of Lands Clauses Acts.

8. The Harbours Act 1847 (except sections 6 to 13 16 to 19 (unless the Trustees are required by the Board of Trade to provide and maintain a lifeboat together with a tide gauge and a barometer) 25 26 30 84 85 and 93 and except where expressly varied by this Act) is incorporated with and forms part of this Act and

Incorporation of Harbours Clauses Act.

in construing the said incorporated Act the expression "the harbour dock or pier" shall mean the harbour as in this Act defined and the expression "the undertakers" shall mean the Trustees and the expression the "special Act" shall mean this Act and the following expressions shall have the following 5  
respective meanings (that is to say):—

The expressions "packet boat or Post Office packet" and "Post Office bag of letters" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal 10  
packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act: Provided that nothing in the Harbours Act 1847 or in this Act shall exempt from rates or duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods 15  
for hire.

Incorporation of Commissioners Clauses Act.

9. The Commissioners Clauses Act 1847 (except sections 17 to 35 75 to 85 88 and 92 and except where expressly varied by this Act) is incorporated with and forms part of this Act and in construing the said Act as incorporated with this Act the expression 20  
"the commissioners" shall mean the Trustees the expression "the special Act" shall mean this Act and the expression "mortgage or assignation in security" shall mean and include any Guaranteed Stock bond or other security or voucher of debt granted or to be granted by the Trustees. 25

Change of name of the harbour.

10. The name of the harbour shall be "Shoreham Harbour" and for the purposes of this section the provisions so far as appropriate of Part IV (Change of Name) of the Companies Clauses Act 1863 are incorporated with and form part of this Act and shall have effect as if in those provisions the expression "the Company" 30  
meant the Trustees and the expression or references to "the change of name of the Company" meant the change of name of the harbour.

PART III.—RECONSTITUTION AND RE-INCORPORATION  
APPOINTMENT ELECTION MEETINGS &C. OF TRUSTEES. 35

(a) ALTERATION OF CONSTITUTION OF EXISTING TRUSTEES  
APPOINTMENT MEETING &C. OF TRUSTEES.

Alteration of constitution of Trustees.

11. The Trustees to be appointed and elected under this Part of this Act on or before the appointed day and their successors in office shall be and are hereby constituted a body corporate 40

under the name of "The Shoreham Harbour Trustees" with perpetual succession and a common seal and shall have power to sue and be sued and to acquire hold use and dispose of lands and other property for the purposes of this Act and shall have 5 all other privileges of a body corporate.

12. On and after the appointed day the Trustees shall subject to the provisions of this Act be persons to be appointed or elected as follows namely :—

Constitu-  
tion of  
Trustees.

	(a) Appointed—				
10	By the Brighton Corporation	..	..	..	6
	„ „ Hove Corporation	..	..	..	3
	„ „ Shoreham Council	..	..	..	1
	„ „ Southwick Council	..	..	..	1
	„ „ Portslade Council	..	..	..	1
15	„ „ Railway Company	..	..	..	1
	(b) Elected—				
	By Traders	..	..	..	5

13. (1) On or before the appointed day and on or before the thirtieth day of April nineteen hundred and twenty-nine and on 20 or before the same date in every third year thereafter the local authorities and the Railway Company subject to the provisions of this Act shall each appoint the Trustees to be appointed by them and the traders shall elect the elected Trustees as in this Act provided.

Appoint-  
ment  
election  
retirement  
&c. of  
Trustees.  
1876, Ss. 52,  
54 & 58.

25 (2) The appointment and election of Trustees under this Part of this Act shall take effect if the appointments or elections are made or held on or before the appointed day as on and from the appointed day and if made or held in the year nineteen hundred and twenty-nine or any subsequent third year as from the com- 30 mencement of the annual meeting held in such year and on the appointed day and at the commencement of each such annual meeting as aforesaid the Trustees then in office shall go out of office and their places shall be filled by the Trustees then last appointed or elected :

35 Provided that if the first appointment is made by the Railway Company after the appointed day such appointment shall take effect as from the date of the appointment and the trustee so appointed shall retire from office when the remaining trustees retire from office.

(3) Every person retiring from office as aforesaid shall if qualified as required by this Act be eligible for re-appointment or re-election.

Qualifica-  
tion of  
appointed  
Trustees.

**14.** (1) Each appointed Trustee (other than the Trustee to be appointed by the Railway Company) shall either be a member 5 or official of the local authority by which he is appointed or be possessed of the requisite qualification to be such a member. The Trustee to be appointed by the Railway Company shall be a director of or an officer in the service of that Company.

(2) If any appointed Trustee who at the date of his appoint- 10 ment is a member or official of the local authority by which he is appointed ceases to be a member or official of such authority or if the Trustee appointed by the Railway Company ceases to be a director of or an officer in the service of that Company such Trustee shall forthwith vacate his office as Trustee. 15

Nomination  
of ~~the~~  
candidates  
for election  
as Trustees.

**15.** (1) Any person entitled under this Act to vote in the election of elected Trustees may nominate any person of full age he thinks fit as a candidate for election.

(2) (i) Where any company incorporated by Act of Parliament or registered under the Companies Acts 1908 to 1917 or any 20 Act amending or extending those Acts is entitled under this Act to vote in the election of elected Trustees such company may from time to time appoint under their common seal any person being a director secretary or general manager or local secretary or branch manager of such company (in this section 25 called "the nominator") to nominate candidates for election at and to vote on behalf of the company at elections of elected Trustees.

(ii) The nominator may nominate any person being a director or official of the company or any other person of full age he thinks 30 fit as a candidate for election.

(iii) Any person so nominated and accepting such nomination by writing addressed to the clerk shall be eligible for election as an elected Trustee and shall continue eligible so long as the company which appointed the nominator who nominated him is entitled 35 to vote or until he dies or until his nomination is withdrawn by such nominator or by the company which appointed the nominator.



(iv) Any such appointment shall be lodged with the clerk before any nomination is made under the authority thereof and shall continue in force until the same is withdrawn by the company having made the appointment.

5 (3) Notwithstanding the foregoing provisions of this section only one partner in any firm shall be qualified for election as an elected Trustee and if more than one partner in any firm are nominated as candidates for election at any election the nomination of the partner first nominated shall alone be valid.

10 16. On a casual vacancy occurring in the office of a Trustee by reason of the death resignation disqualification or absence of a Trustee or otherwise the vacancy shall be filled— Provision for casual vacancies.

15 (a) in the case of an elected Trustee by a Trustee co-opted by the remaining elected Trustees at a meeting of those Trustees specially summoned for the purpose ; 1876, S. 58.

15 (b) in the case of an appointed Trustee by a Trustee appointed by the local authority or by the Railway Company as the case may be by whom the vacating Trustee was appointed ;

20 and the person so co-opted or appointed shall hold office until the time when the person in whose place he is co-opted or appointed would have regularly gone out of office and shall then go out of office.

25 17. Whenever any Trustee is appointed by any of the local authorities or by the Railway Company under this Part of this Act the town clerk of the borough the clerk of the Council or the secretary of the Railway Company as the case may be shall give notice in writing to the Clerk of the appointment stating the name residence and occupation of the Trustee so appointed and every such notice shall be conclusive evidence of every appointment made by each of the local authorities and by the Railway Company under this Part of this Act. No appointed Trustee shall act until notice of his appointment shall have been received by the clerk. Evidence of appointment of appointed Trustees. 1876, S. 53.

35 18. The Trustees may act notwithstanding any vacancy in their body and notwithstanding the Railway Company has not Trustees may act notwithstanding any vacancy.

appointed a Trustee the refusal of any of the local authorities to appoint or of the traders to elect a Trustee or Trustees in accordance with the provisions of this Part of this Act.

As to person appointed and elected as Trustee. 1876, S. 60.

**19.** If any person is appointed a Trustee by one of the local authorities or by the Railway Company and is also elected a Trustee by the traders the appointment shall be null and void and such local authority or the Railway Company shall appoint another Trustee in his place. 5

First and annual meeting of Trustees. 1876, S. 62.

**20.** The Trustees shall hold their first meeting within fourteen days of the appointed day and the annual meeting of the Trustees shall be held during the month of May or such other month as they may from time to time by resolution appoint and all meetings of the Trustees shall be held at such place as they think fit. The clerk shall give not less than seven clear days' notice in writing to each Trustee stating the place date and time of the meeting. 10 15

Quorum of Trustees. 1876, S. 63.

**21.** The quorum at a meeting of the Trustees shall be five.

(b) AS TO ELECTION OF ELECTED TRUSTEES.

Scale of votes for elected trustees. 1876, S. 37.

**22.** Any person of full age who by himself or by any person on his behalf has and every company incorporated by Act of Parliament or registered under the Companies Acts 1908 to 1917 or any Act amending or extending those Acts which has paid tolls rates or dues in respect of animals and goods shipped unshipped or transhipped in the harbour to the amount of twenty-five pounds or upwards during the year ending the thirty-first day of January in the year of election shall be qualified to vote and be entitled respectively to one vote and to one additional vote in respect of every additional twenty-five pounds of tolls rates or dues so paid but no person shall be entitled to more than one hundred votes: Provided that in the case of several persons being traders in partnership they respectively shall with respect to the scale of votes be deemed one person: Provided also that none of the local authorities nor the Railway Company shall be entitled to vote in the election of elected Trustees. 20 25 30 3

List of persons entitled to vote. 1876, S. 39.

**23.** (1) The clerk shall on or before the eleventh day of August in the year nineteen hundred and twenty-six and on or before the seventh day of March in the year nineteen hundred and twenty-nine and on or before the same date in every subse- 35 4

quent year of election make and deliver to the Trustees a list of the persons who on the thirty-first day of January in the year of election are entitled to vote.

(2) Such list shall be made out in alphabetical order and shall  
5 contain the names and places of business or residence of every such person and there shall be placed opposite the name of each person the number of votes to which he is entitled under the provisions of this Act.

(3) The list shall be signed by the clerk and shall be certified  
10 by him to be accurate to the best of his knowledge and if the clerk fails to make out such list and deliver the same within the time by this Act provided or knowingly and wilfully makes any false entry therein or knowingly and wilfully omits therefrom any entry that ought to be made therein under the provisions of this Act he shall  
15 for every such offence be liable to a penalty not exceeding fifty pounds.

**24.** The Trustees shall during the seven days ending with the nineteenth day of August in the year nineteen hundred and twenty-six and the fifteenth day of March in every subsequent  
20 year of election cause copies of the certified list of electors made out as in this Act provided to be kept posted on the outer door of the harbour office and kept at that office for public inspection during office hours and on payment of such sum as the Trustees think reasonable not exceeding one shilling the Trustees shall  
25 deliver a copy of the list to any person requiring it.

List to be published.  
1876, s. 41.

**25.** (1) On or before the nineteenth day of August nineteen hundred and twenty-six the existing Trustees shall appoint two of their number (not being traders or shipowners) and on or before the fifteenth day of March in every subsequent year of  
30 election the Trustees shall appoint two of the appointed Trustees respectively to be two of the revisors of the list of the electors and the two persons so appointed shall in every year of election on or before the twenty-fourth day of August nineteen hundred and twenty-six appoint a third person (not being a trader or shipowner)  
35 and on or before the twentieth day of March in every subsequent year of election appoint a third person (not being an elected Trustee or a trader) to be the third of those revisors.

Revisors of list to be appointed.  
1876, s. 43.

(2) In the case of the death or neglect or failure to act of any of the revisors the others or other of them may make or complete  
40 the revision.

Revision of  
list.  
1876, S. 44.

**26.** The revisors shall in every year of election during the seven days next after the twenty-fourth day of August nineteen hundred and twenty-six and the twentieth day of March in every subsequent year of election revise at the harbour office the list of the electors made out under this Act giving not less than **5** three nor more than seven days' public notice of every such revision.

Claims  
and  
objections  
before  
revisors.  
1876, S. 45.

**27.** On every such revision any person whose name is omitted from the list may in person or by his agent claim to have his name inserted therein and any person whose name is inserted in the list may in person or by his agent claim to have the number **10** of votes attributed to him therein corrected and may object to any person as not being entitled to have his name retained therein or as not being entitled to the number of votes attributed to him therein.

Revisors  
to correct  
list.  
1876, S. 46.

**28.** The revisors shall retain any name or number of votes **15** objected to if the objection is not established to their satisfaction and shall insert the name of any person shown to their satisfaction to be entitled to have his name inserted and the number of votes to which he is entitled and shall retain the name of every person to whom and every number of votes to which an objection is not **20** made and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name inserted and shall correct the number of votes inaccurately attributed to any person on such inaccuracy being shown to their satisfaction. **25**

Revisors  
to sign  
list.  
1876, S. 47.

**29.** The decision of the revisors or the majority of them with respect to the list shall be final and conclusive and the revisors or a majority of them shall forthwith after every revision sign their names at the foot of the list revised. **30**

Production  
to revisors  
of books,  
&c.  
1876, S. 48.

**30.** For the revision of the list the Trustees shall produce **30** at the harbour office to the revisors and their assistants such of the books and accounts of the Trustees as are proper and sufficient to enable the revisors to revise the list and shall afford to them all reasonable and proper facilities in that behalf. **35**

Evidence  
of revised  
list.  
1876, S. 49.

**31.** Every list purporting to be a list revised and signed **35** as by this Part of this Act provided shall be prima facie evidence of the same being a list duly made and revised. **4**

5  
 5  
 32. Every revised list shall be in force until the revision of the then next list and the persons whose names appear on the revised list from time to time in force shall be the persons entitled to vote at elections of Trustees and shall at every such election be respectively entitled to such a number of votes as appears by the revised list.

Continu-  
 ance of  
 revised  
 list.  
 1876, s. 50.

10  
 10  
 33. Every revised list shall forthwith after the revision thereof be copied and published by the Trustees and all persons shall be entitled to a copy thereof paying for every copy such a sum not exceeding one shilling as the Trustees think reasonable.

Revised  
 list to be  
 copied  
 and  
 published.  
 1876, s. 51

34. With respect to the election of elected Trustees the following provisions shall have effect :—

Election of  
 Trustees

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 15  
 (1) The Clerk shall be the returning officer whose decision in reference to any question arising shall be final ;

1876,  
 ss. 54 to 57.

20  
 20  
 (2) Twenty-eight days at least prior to the day of election the returning officer shall give public notice requiring the nomination of candidates for election to be sent in to him and stating the last day for so doing which day shall be at least fifteen days prior to the day of election. Such notice shall be printed and posted on the outer door of the harbour office and shall be inserted in a local newspaper published or circulating in the Counties of East Sussex and West Sussex ;

25  
 25  
 (3) On or before the day stated in the said notice the name of each candidate shall be intimated to the returning officer in the form set forth in the Second Schedule to this Act or a form to the like effect and such form shall be signed by two persons whose names appear in the list of electors hereinbefore provided for (in this section referred to as "the list of electors") and by the candidate in approval of his nomination provided that no candidate shall be his own nominator ;

30  
 30  
 Provided that in the case of a candidate nominated by a person appointed by a company to nominate candidates for election under the provisions of the section of this Act of which the marginal note is "Nomination of candidates for election as Trustees" such form need only be signed by the person nominating the candidate and by the candidate in approval of his nomination.

35  
 40  
 (4) Any candidate may withdraw from his candidature by notice signed by him and delivered to the returning officer by four o'clock in the afternoon of the day immediately

- succeeding the last day for sending in nominations. No notice received after four o'clock in the afternoon of such day shall be valid ;
- (5) If at four o'clock in the afternoon of the day immediately succeeding the last day for sending in nominations the number of candidates is not more than the number of vacancies to be filled there shall be no poll and the returning officer shall on the day of election declare such candidates duly elected but if the number of candidates is greater than the number of vacancies to be filled a poll shall be taken in manner hereinafter provided ;
- (6) Ten days at least prior to the day of election the returning officer shall in the event of a poll send by post to each elector at the address given in the list of electors a voting paper in the form set forth in the Second Schedule to this Act containing the names of the candidates and the votes of such elector shall be recorded in accordance with the directions in the said form ;
- (7) Every elector may vote for as many candidates as there are Trustees to be elected and the returning officer shall in summing up the votes allow to each of the candidates voted for the number of votes to which the elector is entitled according to the list of electors ;
- (8) The votes of a company or a partnership shall be given in the corporate name of the company or the partnership name as the case may be ;
- (9) It shall not be competent to use any voting paper or to reckon the same for the purposes of any poll unless it has been delivered by post or otherwise to the returning officer in a sealed envelope addressed to him so that the same shall be received by him at the harbour office not later than the day before the day of election ;
- (10) On and not before the day of election the voting papers shall be opened and the votes shall be counted by the returning officer and the candidates who shall be found to have the greatest number of valid votes shall be declared by the returning officer duly elected Trustees ;
- (11) Any candidate or any agent appointed by him in writing may be present at the opening of the voting papers and counting of the votes ;
- (12) The returning officer shall make a return under his hand to the Trustees of the persons elected and every person

so returned shall be deemed duly elected and in case of an equality of votes the returning officer shall determine by lot between the candidates so equal ;

- (13) If the requisite number of Trustees is not elected at any election the Trustees elected at such election shall at a meeting specially summoned for the purpose co-opt a Trustee to fill any vacancy.

PART IV.—TRANSFER OF HARBOUR UNDERTAKING TO THE TRUSTEES.

35. The harbour undertaking of the existing Trustees shall be and the same is hereby transferred to and vested in the Trustees.

Harbour undertaking vested in Trustees.

36. Subject to the provisions of this Act and notwithstanding the transfer to and vesting of the harbour undertaking in the Trustees and the repeal effected by this Act—

Savings.

(a) All acts works matters and things done or commenced under the powers of the Acts and Order repealed as aforesaid or any of them which were at the commencement of this Act valid and available or in progress shall be and continue valid and available or in progress for all purposes and may be continued and completed as if this Act had not been passed and any judgment recovered by or against the existing Trustees and not yet satisfied may be enforced to the same extent and in the same manner as if this Act had not been passed ;

(b) All agreements conveyances contracts deeds and other instruments entered into or made with or by the existing Trustees and in force at the appointed day shall so far as the same relate to or affect the harbour undertaking be as binding and of as full force and effect in every respect against or in favour of the Trustees and may be enforced as fully and effectually as if instead of the existing Trustees the Trustees had been a party thereto ;

(c) All the provisions of any Act of Parliament or any special or other Order (other than the provisions of the Acts and Order repealed by this Act) relating to the Trustees or the harbour undertaking and in force at the appointed day shall be as binding and of as full force and effect in all respects as if instead of the existing Trustees the Trustees had been referred to therein.

- (d) If at the appointed day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the existing Trustees and in which no final judgment order or award has been pronounced made or published the same shall not abate or be discontinued or in anywise affected by reason only of such transfer and vesting or repeal but the same may be continued prosecuted and enforced by against or in favour of the Trustees as and when and to the extent it might have been continued prosecuted and enforced by against or in favour of the existing Trustees if this Act had not passed ;
- (e) All books and documents which if the transfer and vesting had not been effected would have been evidence in respect of any matter for or against the existing Trustees shall be admitted in evidence in respect of the same or the like matter for or against the Trustees ;
- (f) All rents rates dues tolls and charges in connection with the harbour undertaking which have been lawfully made charged or imposed and which at the appointed day are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable to and may be collected recovered and enforced by the Trustees as and when the same might have been payable to and collected recovered and enforced by the existing Trustees if this Act had not been passed ;
- (g) All existing by-laws rules regulations orders and licences in execution of or in relation to any of the Acts or Order repealed as aforesaid shall continue in force until repealed altered or revoked under the provisions of this Act until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act.

Officers to  
be  
continued.

**37.** The officers appointed by the existing Trustees under the Acts of 1816 to 1925 or any of them shall continue to hold their offices during the terms of their respective appointments or until they resign or are removed and they shall be subject to the provisions of this Act and all bonds or securities granted for the conduct and default of such officers shall be and remain valid and may be enforced by the Trustees to the same extent and effect as such bonds or securities might have been enforced by the existing Trustees if this Act had not been passed.



PART V.—LIMITS OF HARBOUR MAINTENANCE OF  
WORKS &C.

38. The harbour shall include the area enclosed by an imaginary line commencing at the line of high water mark of ordinary spring tides at the southern side of Old Shoreham Bridge on the eastern side of the River Adur proceeding thence following the line of high water mark of ordinary spring tides in a southerly and easterly direction along the eastern and northern sides of the River Adur and the docks wharves lands and works for the time being of the Trustees and the northern side of the Wish or Wish Pond and sluicing reservoir to the eastern extremity thereof thence to a point due south six hundred yards thence due west to a point due south of a point ~~two~~ <sup>four</sup> hundred ~~and sixty yards~~ due west of the southern extremity of the most western pier at the entrance of the harbour thence due north to the high water mark of ordinary spring tides on the south side of the River Adur thence following high water mark of ordinary spring tides to the south side of Old Shoreham Bridge and thence across the River Adur on the south side of such bridge to the high water mark of ordinary spring tides at the eastern side of the River Adur. For the purpose of better identification the limits of the Harbour are delineated on the plan signed by The Right Honourable James Fitzalan Hope (the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred) of which plan copies have been deposited in the Private Bill Office of the House of Commons and the Parliament Office of the House of Lords and at the offices of the Board of Trade and of the Minister of Transport and at the Harbour Office.

Limits of  
Harbour.

1816, S. 27.

1876, S. 4.

39. The Trustees may within the harbour make and maintain new and enlarge improve and maintain existing locks basins gates sluices retaining and other walls piling bridges quays piers jetties wharves timber ponds groynes cattle-pens sheds offices warehouses and other buildings hoists lifts cranes coal-tips elevators pumps transporters dolphins buoys moorings slips stairs weighing machines workshops sewers drains roads towpaths rails sidings junctions crossings turntables roads accesses approaches gates and all such other works machinery and conveniences ancillary to the harbour undertaking as may be necessary or convenient for and in connection with the traffic of the harbour and alter divert or shut up roads or ways and repair improve

Power to  
maintain  
harbour  
works and  
make and  
maintain  
subsidiary  
works.

renew and maintain all or any of the works for the time being constructed by or belonging to them. Provided that nothing in this section shall authorise the Trustees to interfere with any public or private rights of way.

Appropriation of lands.

**40.** The Trustees may from time to time appropriate and adapt such parts as they think fit of any lands for the time being vested in them for the purpose of shipbuilding yards warehouses or wharves and generally for manufacturing trading or commercial purposes and lease such lands or any parts thereof for such periods and upon such terms and for such rent or other consideration as they think fit : Provided that nothing in this section shall empower the Trustees to cause or permit a nuisance upon any such lands.

Powers as to dredging, &c.

**41.** The Trustees may from time to time—

(a) alter dredge and scour the entrance channels and waterways of the harbour ;

1816, s. 27.

(b) widen deepen enlarge improve and maintain the docks entrances channels and waterways of the harbour and reduce or remove any shoals or accumulations and for that purpose enter into agreements with the owners of land adjoining or in or near the harbour for the purchase of land ;

(c) abate or remove obstructions and nuisances in the entrance channels and waterways of the harbour or on the banks thereof ;

1876, s. 28.

(d) sell or dispose of any materials raised by them under this section or lay the same behind any piers or structure or otherwise use such materials for the purpose of making altering repairing and maintaining the banks and foreshore of and improving the harbour ; and

(e) execute all other works which shall be necessary or proper for rendering the harbour safe and commodious and for carrying out the purposes of this Act :

Provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

5 **42.** The Trustees may from time to time build purchase contract for or hire and may maintain use let sell and dispose of steamers tugs lighters and other ships or boats for the use and accommodation of vessels using or passing the harbour and also  
 5 dredgers eroders hoppers and other machinery and apparatus and may from time to time license such number of steamers tugs lighters and other ships or boats belonging to any person for such period and on such terms and conditions as they think fit.

Power to provide steamers tugs dredgers, &c.

1876, s. 26.

0 **43.** Subject to the provisions of this Act a person shall not  
 10 make any embankment or erect any building or work in the bed or on the banks of the Harbour or drive any pile therein without the written consent of the Trustees which consent shall be given unless in the opinion of the Trustees any such embankment  
 15 building work or pile would interfere with or endanger the use of the waterways of the Harbour. If any person acts in contravention of this section he shall be liable on summary conviction to a fine of twenty pounds and to a further penalty of forty shillings for every day on which the contravention continues after conviction :

Penalty for erections without consent of Trustees.

20 Provided that nothing in this section shall affect any rights or powers of the Postmaster-General under the Telegraph Acts 1863 to 1925 :

30 Provided also that nothing in this section shall affect any rights or powers of the Brighton and Hove General Gas Company as existing at the date of the passing of this Act.

15 **44.** The Trustees may from time to time if they shall deem it expedient so to do and subject to such terms conditions restrictions and regulations and to the payment of such rents or other sums of money as they shall think proper set apart and appropriate any particular portion of any basin dock wharf quay  
 30 warehouse shed or other work or building of the Trustees and any conveniences connected therewith or approaches leading thereto for the exclusive accommodation and use (either temporarily or permanently) of any company body firm or person engaged in carrying on any particular trade who shall be desirous of having  
 35 such exclusive accommodation for the reception of the vessels and goods belonging to or employed or conveyed by them : Provided that every company body firm or person to whom such exclusive accommodation as aforesaid shall be afforded and their vessels crews servants and other persons employed by them or under

Power to appropriate particular portions of docks, &c.

their control shall be subject to the general by-laws rules and regulations of the Trustees applicable to their basins docks wharves quays sheds and other works and the vessels entering or using the same and the crews and other persons employed in and about such vessels.

5

Proprietors  
of land  
may take  
shingle.

1816, S. 123.

**45.** Nothing in this Act shall prevent the owner or occupier of any land or property within or adjoining the harbour or any person duly authorised by him from taking or removing any ballast shingle stones or sand from off his property when and where the same shall not be prejudicial or injurious to any of the piers 10 wharves sluices platforms or other works of the Trustees or obstruct impede prejudice defeat or affect the navigation of the Harbour.

Power to  
build sell  
or let  
Custom  
House.

1876, S. 24.

**46.** The Trustees may at any time with the approval of the Commissioners of Customs and Excise and the Commissioners of 15 Works erect on such part of their land as seems to them convenient and may maintain a building suitable for the use of the former Commissioners as a custom house and for other purposes and may sell or let the same to the latter Commissioners at such price or at such rent and on such terms and conditions as 20 the Trustees and the latter Commissioners from time to time agree upon: Provided that nothing in this section affects or restricts the obligations of the Trustees under sections 14 and 15 of the Harbours Act 1847.

Power to  
acquire  
lands by  
agreement.

1876, S. 22.

**47.** The Trustees may in addition to any lands owned or leased 25 by them on the appointed day from time to time by agreement purchase or take on lease any lands which they may deem requisite or convenient for harbour purposes (including the deposit of ballast) and any easements rights and interests in over and affecting such lands and may for the purposes of this Act grant 30 leases or underleases of any such lands: Provided always that such power of purchase shall extend only to lands situate to the south of the northern limits of the eastern and western arms of the harbour and to lands not exceeding thirty acres in the whole situate to the north of the northern limits of the said arms. 35

Officers  
may be  
appointed.

**48.** The Trustees may appoint and remove a general manager clerk treasurer harbour master meters and weighers and all other officers authorised by the Harbours Act 1847.

- 5           **49.** The Trustees shall hoist on the lighthouse opposite the entrance to the harbour or near thereto a flag or ensign during such time in each day from sunrise to sunset as any ship or vessel drawing eleven feet of water may with safety as to the draught of water enter the harbour and shall take down such flag or ensign as soon as and during such time as such ship or vessel cannot with safety enter the harbour and the Trustees shall at the outer extremities of the piers of the harbour known as the East and West Piers keep burning from sunset to sunrise such light or lights (if any) as the Trinity House shall from time to time direct :  
10           Provided that the Trustees may with the consent of the Trinity House and subject to such conditions as to giving notice thereof and otherwise as the said Corporation may direct alter the position of the said flag or ensign or lights.
- 15           **50.** The prescribed limits under section 63 (Penalty on vessels lying near the entrance of harbour or dock without permission) of the Harbours Act 1847 shall be five hundred yards measured from the southernmost extremity of the Pier at the entrance to the Harbour known as the West Pier.
- 20           **51.** (1) The Trustees shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.
- 25           (2) If the Trustees fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.
- 30           **52.** The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.
- 35           **53.** The Trustees shall at all times keep at convenient places in the harbour and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Flag to be hoisted by day when water at a certain depth and lights to be kept at night.

1816, S. 101.

1876, S. 25.

Prescribed limits under Section 63 of Harbours Act 1847  
1816, S. 110.

Provision for life-saving apparatus.  
1918, S. 35.

Life-saving apparatus may be attached to harbour.

1918, S. 36.

Lifebuoys to be kept.

1918, S. 37.

Provision  
against  
danger to  
naviga-  
tion.

54. (1) In case of injury to or destruction or decay of any work within the harbour so far as the same shall be constructed on or under or over any tidal waters or tidal lands below high water mark of ordinary spring tides the Trustees 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 Trinity House and shall apply to that Corporation for directions as to the means to be taken. 5 5

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. 10 10  
15 15

Works  
below  
high-water  
mark not  
to be con-  
structed  
without  
consent of  
Board of  
Trade.

55. The Trustees shall not nor shall any other body or person under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work other than works of repair or do any dredging other than dredging the existing docks entrances channels and waterways of the Harbour 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 in writing under hand as last aforesaid and where any such work may have been constructed the Trustees or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. 20 20  
25 25  
30 30  
35 35  
3 3

If any work be commenced altered extended or completed contrary to the provision of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily.

For pro-  
tection of  
Hove Cor-  
poration.

56. (1) Notwithstanding anything in this Act or in any other Act relating to the Trustees or their undertaking the following provisions for the protection of the Hove Corporation 40

(in this section called "the Corporation") shall unless otherwise agreed in writing between the Trustees and the Corporation apply and have effect (that is to say)—

5                   5                   So much of the area coloured pink on the plan signed  
in duplicate by Cranfield Baguley on behalf of the Trustees  
and by William Jermyn Harrison on behalf of the Corpora-  
tion (one copy of which plan is in the possession of the  
Trustees and the other in the possession of the Corpora-  
tion) as is included in the Harbour shall only be included  
0                   10                   within the Harbour for the purpose of defining the  
seaward limits of the Harbour at the eastern end thereof  
and of enabling the Trustees to exercise in relation to  
the Wish or Wish Pond and sluicing reservoir all or  
any of the rights powers authorities or privileges conferred  
5                   15                   upon them in relation thereto by the Grant of 1873;

(2) Except as expressly provided by the provisions of Part X  
(Guarantee by Local Authorities) of this Act nothing in this  
Act shall prejudice or affect any property rights privileges or  
powers of the Corporation.

20                   20                   **57.** (1) Notwithstanding anything in this Act the Railway  
Company shall not exercise the power of appointing a Trustee  
conferred upon them by this Act unless and until they shall have  
executed at their own expense and to the reasonable satisfaction  
of the Trustees so as to prevent (so far as may be) silting on the  
25                   25                   berths in front of the Kingston Wharf of the Railway Company  
such works as shall be agreed between the Railway Company and  
the Trustees (or failing agreement as may be settled by arbitration  
as in this section provided) to be necessary for enclosing and  
separating from the harbour the inner docks or recesses now  
30                   30                   existing at the said wharf or such portion of such inner docks or  
recesses as may be agreed between the Railway Company and the  
Trustees: Provided always that nothing in this Act contained  
shall impose any obligation upon the Railway Company to execute  
the said works.

Provisions  
as to  
Kingston  
Wharf.

35                   35                   (2) Any difference which may arise between the Railway  
Company and the Trustees under sub-section (1) of this section  
shall be referred to the arbitration of an engineer or other fit  
person to be appointed failing agreement between the parties on  
the application of either party after notice in writing to the other  
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by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) Upon the completion by the Railway Company of the said works the Trustees shall from time to time and at their own expense— 5

(a) carry out such dredging or other works in the harbour as shall be necessary to enable vessels of such draught (not exceeding thirteen feet) as can pass over the bar at the entrance to the harbour to obtain access to the said wharf; 10

(b) level the berths for vessels adjoining the said wharf and from time to time execute such other works at and on the berths as may be necessary for rendering such berths safe and suitable for vessels using the same and maintain such berths as far as practicable in such safe and suitable condition as aforesaid : 15

Provided that the works referred to in paragraphs (a) and (b) of this sub-section except scouring and clearing the bed of the said berths under the provisions of the said paragraph (b) shall be carried out executed and maintained by the Trustees except in cases of emergency subject to the provisions (so far as such provisions are applicable thereto) of the section of this Act the marginal note of which is "For protection of the Railway Company." 25

(4) From and after the completion by the Railway Company of the works referred to in sub-section (1) of this section and the completion by the Trustees of the levelling and of the execution of the other works referred to in paragraph (b) of sub-section (3) of this section the Trustees shall be solely responsible for the maintenance and upkeep of the berths for vessels adjoining the said wharf and the Trustees shall fully and effectually indemnify the Railway Company from all lawful claims and demands upon or against them by reason of any failure of the Trustees to perform the obligations imposed upon them by this section such indemnity to include the re-imbusement of any taxed costs which the Railway Company fail to recover from an unsuccessful claimant. 30

(5) The Trustees shall if required so to do by the Railway Company supply to them free of expense such quantities of material dredged from the harbour as may be available for the purpose of filling in any of the said inner docks or recesses: 40



Provided always that the filling in of such inner docks or recesses shall not be regarded as forming part of the works referred to in sub-section (1) of this section.

58. For the protection of the Railway Company the following provisions shall unless otherwise agreed in writing apply and have effect (that is to say) :—

For protection of the Railway Company.

- 10 (1) The Trustees shall not deepen dredge scour or excavate any portion of the harbour within fifty feet of the existing wharf bridges railways works or other property of the Railway Company until the Trustees shall have given to the Railway Company fourteen days' notice in writing of their intention so to do (except in case of emergency when they shall give as long a notice as is practicable) and stating the position depth and extent of the intended deepening dredging scouring or excavation ;
- 20 (2) Any such works of deepening dredging scouring or excavation carried out under the powers of this Act shall be executed under the supervision if given and to the reasonable satisfaction of the engineer of the Railway Company and in the event of any injury or damage to the said wharf bridges railways works or property being caused by any such works or operations the Trustees shall make full compensation to the Railway Company in respect thereof ;
- 25 (3) The Trustees shall not construct or execute any works or deepen dredge scour or excavate any portion of the harbour in such a manner as to prevent access to the wharf or other property of the Railway Company ;
- 30 (4) Any difference which may arise between the Railway Company and the Trustees under this section shall be referred to the arbitration of an engineer or other fit person to be appointed failing agreement between the parties on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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## PART VI.—RATES.

Rates on goods.  
1816, *S.* 83.  
1925, *Ss.* 4 and 5.

**59.** The Trustees may subject to the provisions of this Act levy demand and take in respect of all animals and goods shipped unshipped or transhipped within the harbour any sums not exceeding the rates specified in Part I of the Third Schedule to this Act with an addition thereto of a sum not exceeding eighty per centum on such rates. 5

Rates on vessels.

**60.** The Trustees may subject to the provisions of this Act levy demand and take for and in respect of every vessel entering or departing from or remaining in the harbour any sum not exceeding the rates specified in Parts II and III of the Third Schedule to this Act with an addition thereto of a sum not exceeding eighty per centum on such rates. 10

Charges for steam tugs.  
1876, *S.* 27.  
1876, *S.* 27.

**61.** The Trustees may from time to time fix such rates or charges as may appear to them reasonable for or in respect of the use of any steamers tugs lighters and other ships or boats let or licensed by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of any vessel obtaining the assistance or use of any such steamers tugs lighters or other ships or boats to the Trustees or to their licensee or to the person with whom they may contract or to the owner of the steamer tug lighter or other ship or boat if licensed by the Trustees as the case may be and such rates and charges shall be due and payable whether such steamers tugs lighters or other ships or boats shall be actually employed or not provided the assistance or use thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such steamer tug lighter or other ship or boat. 15 20 25

Rates on passengers.  
1876, *S.* 31.

**62.** The Trustees may demand and take for every passenger embarking within and departing from or entering and disembarking within the harbour any sum not exceeding one shilling. 30

Ballast rates  
1876, *S.* 32.

**63.** The Trustees may from time to time charge such reasonable rates as they think proper for the removal of ballast from and into vessels and such rates shall be payable by the master or owner of every vessel which discharges or loads any ballast in the harbour in respect of that vessel and shall be recoverable by the Trustees in the same manner as other rates in respect of vessels are recoverable under this Act. 35

5       **64.** The Trustees may make reasonable charges for all work done services rendered facilities afforded and plant and machinery or appliances provided by them for the despatch of business at the harbour or the convenience of shipmasters merchants and  
5 others concerned with the traffic thereat in so far as such charges are not expressly provided for by this Act.

Charges for services not otherwise provided for.

10       **65.** In levying and recovering any rates rents tolls duties dues or charges payable under the authority of this Act or any other Act relating to the harbour any fractional part of a penny  
10 in the total amount payable at any one time by any person may be reckoned as one penny.

Fractional part of a penny to be reckoned as one penny.

15       **66.** The rates by this Act authorised to be levied at the harbour shall at all times be charged equally to all persons in respect of the same class or description of vessel and the same  
15 class or description of goods and all the said rates shall be paid to the Trustees at the harbour office or at such other place as they may from time to time fix and appoint.

Rates to be charged equally.

20       **67.** The Trustees may confer vary or extinguish exemptions from and compound with any person with respect to the payment  
20 of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the harbour under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act.

Power to vary exemptions and compound for rates.

25       **68.** The harbour master may prevent the removal or sailing from the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until  
30 evidence has been produced to him of the payment of those rates to the collector.

Harbour master may prevent sailing of vessels.

30       **69.** All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or  
35 being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the harbour without payment.

Lifeboat crew exempt from tolls.

Exemption  
of officers  
of Board  
of Trade  
from rates.  
1918, S. 41.

Revision of  
rates &c.  
1925, S. 7.

**70.** Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

**71.** (1) If it is represented by application in writing to the Minister— 5

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose ; 10  
or

(b) by the Trustees

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an Order revising the authorised rates referred to in the application or any of them in such manner as in his opinion will 15 provide sufficient revenue to enable the Trustees to make the payments referred to in paragraphs (1) (2) (3) (4) and (5) of the section of this Act whereof the marginal note is " Application of harbour revenue after commencement of Act " and may fix the date as from which such Order shall take effect and thenceforth 20 such Order shall remain in force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this section provided that before making an Order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 25 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an Order has been made or the Minister has decided not to make an Order no further application for a revision of the rates or rate to which the application related shall be made 30 within twelve months from the date of such Order or decision as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the 35 Board of Trade ;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919

or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an Order of the Minister under section 2 of the said Act of 1874 ; and

(c) as if in section 4 of the said Act of 1874 the words " under the seal of the Minister of Transport " were substituted for the words " by writing under the hand of the President or of one of the Secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or person holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

#### PART VII.—BY-LAWS AND REGULATIONS.

72. (1) In addition to the by-laws which may be made under the provisions with respect to the by-laws to be made by the undertakers of the Harbours Act 1847 incorporated with this Act the Trustees may from time to time make alter and repeal such by-laws as they shall think fit for all or any of the following purposes (that is to say) :—

Additional  
by-laws:  
1816, s. 24.

For preventing any part of any basin dock wharf quay warehouse street or other works or buildings specially appropriated or leased by the Trustees to or for any particular purpose trade or business being used for any purpose so as to prevent or interfere with its use for the purpose for which it is so appropriated or leased ;

For preventing and moving obstructions or impediments within the harbour and at the piers quays wharves and works and the roads and accesses thereto respectively;

1876, S. 29

For preventing and regulating the removal of boulders sand or shingle from the harbour so as to secure that such removal does not injuriously affect the harbour or the works or navigation thereof ;

For regulating the use of and the moving of carriages waggons trucks and animals and the moving of goods along the wharves and quays belonging to the Trustees and upon any overhead communication rails sidings and turntables of the Trustees ; 5

For regulating the conduct of the owners masters and crews of vessels propelled by mechanical power and the rate of speed at which vessels may proceed within the harbour and for requiring such vessels to stop or slow their engines at such times and places as the Trustees may require ; 10

For regulating the taking on board landing or putting out passengers ; 15

For regulating the towing of vessels within the harbour and the size and number of vessels to be towed at one time in one train or by one or more tug-boats the speed at which tug-boats shall proceed whether towing or not the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon the tug-boats ; 20

For regulating the conduct and behaviour of boatmen lumpers hoblers jobbers stevedores and others employed at or resorting to the harbour and the quays wharves and works of the Trustees whether in the employment of the Trustees or not ; 25

For regulating the ballasting of vessels within the harbour or the order and the manner in which they shall be supplied with ballast and the discharging removing or disposal of ballast ; 30

For preventing the placing on the wharves quays and works of the Trustees or in or on any part of the harbour of any goods other than such goods as the Trustees think fit to be permitted to be placed there and for providing for the removal of any such goods by the Trustees ; 35

For regulating the moving whether on water or on land and the storing of and if the Trustees deem fit for preventing the bringing into the harbour explosives or other goods which the Trustees deem dangerous within the harbour ;

For regulating the use of any overhead communications and works connected therewith ;

which by-laws may be enforced in the same manner as by-laws made by the Trustees under the Harbours Act 1847 and the penalties for any breach or contravention thereof may be enforced by the harbour master and may be recovered in any court of competent jurisdiction.

(2) All by-laws made by the Trustees under the powers of the Harbours Act 1847 and this section or either of them shall be observed under penalties not exceeding the sum of five pounds for each offence.

**73.** Notwithstanding anything in the Harbours Act 1847 or in this Act no by-law made by the Trustees under the powers of either of those Acts after the passing of this Act shall come into operation until it has received the allowance and confirmation of the Minister and that allowance and confirmation shall be sufficient for all purposes and no by-law so made shall require allowance or confirmation by a Judge of the High Court or by justices at quarter sessions :

As to  
allowance  
of by-laws.

Provided that in the case of any bye-laws which the Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the Minister and the allowance and confirmation of any such bye-laws by the Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section :

Provided also that no by-law affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

The provisions of this section shall not apply to by-laws made by the Trustees under sections 96 to 98 of the Commissioners Clauses Act 1847.

PART VIII.—ACCOUNTS AND AUDIT.

Appoint-  
ment of an  
Auditor

1918, s. 32.

**74.** (1) The Minister shall if he thinks fit appoint a person to be permanent auditor to examine and audit the accounts of the Trustees and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Trustees out of harbour revenue. 5

(2) The Minister may at any time revoke the appointment of any person as auditor and thereupon shall unless he sees special reason to the contrary appoint another person as auditor. 10

(3) The Trustees shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and furnish him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit. 15

(4) If the Trustees refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply. 20

Annual  
account to  
be sent to  
Minister of  
Transport.

1925, s 14.

**75.** (1) The Trustees shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Minister of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 25

(2) The Trustees shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions. 30

(3) The accounts of the Trustees referred to in this section and in section 50 of the Harbours Act 1847 respectively shall be made up to the end of March in each year.



76. The Trustees shall in each year as soon as practicable after their annual accounts and balance sheet are audited and passed by the Trustees send a copy thereof to each of the local authorities.

Annual accounts to be sent to local authorities.

5 77. The books of account of the Trustees shall be open at all reasonable times to the inspection of the holders of the guaranteed stock and the local authorities or any of them or to any person authorised by them respectively in writing with liberty to take extracts therefrom and without any payment being made therefor.

Account books to be open to inspection. s76, s. 78.

#### PART IX.—FINANCIAL.

10 78. (1) As on and from the commencement of this Act the loans and the stocks shall be deemed to be and the same are hereby consolidated and converted and shall be deemed to have been so consolidated and converted as from the prescribed date into eighty thousand three hundred and fifty-nine pounds guaranteed stock (in this Act referred to as "consolidated stock") bearing interest at the rate of four and a half per centum per annum (with the guarantee attached thereto) to be called "Shoreham Harbour four and a half per centum Guaranteed Redeemable Stock" which shall by virtue of this Act be vested in the then holders of the loans and the stocks as follows :—

Conversion and consolidation of loans and stocks.

15 in the holders of the 1918 loan three thousand seven hundred and fifty pounds consolidated stock ;

20 in the holders of the lock loan four thousand four hundred and fifty-five pounds consolidated stock ;

25 in the holders of " A " stock seventy-eight pounds consolidated stock for each one hundred pounds of " A " stock held by them and so in proportion for any less amount of such stock ; and

30 in the holders of " B " stock twenty-eight pounds and ten shillings consolidated stock for each one hundred pounds of " B " stock held by them and so in proportion for any less amount of such stock

35 and shall be forthwith registered in the respective names of such holders in the books of the Trustees.

(2) As on and from the commencement of this Act all mortgages or other securities relating to the loans and the stocks shall be deemed to be and the same are hereby cancelled and extinguished. No interest shall be deemed to have accrued due on any of the loans and the stocks as on and from the prescribed date but the consolidated stock shall be deemed to have carried interest as on and from the prescribed date and the Trustees shall subject to the provisions of the section of this Act of which the marginal note is "Interest on guaranteed stock" pay interest to the respective holders of such stock accordingly. 5 10

(3) Any fraction of one pound of consolidated stock resulting from the allocation of such stock to respective holders of the loans and the stocks in pursuance of this Act may be satisfied by the Trustees by a cash payment equivalent to the nominal value of such fraction calculated to the nearest penny. All consolidated stock so satisfied by a cash payment shall as from the date of such payment be cancelled and extinguished. 15

Cash  
payment  
to "A"  
stock-  
holders.

79. The Trustees shall upon the delivery to them of the certificates for the "A" stock as provided in the section of this Act of which the marginal note is "Certificates of stocks, &c." to be delivered up and new certificates issued" pay out of the funds in their hands at the commencement of this Act to the holders of such stock the sum of two pounds in respect of each one hundred pounds of "A" stock held by them respectively and so in proportion (calculated to the nearest penny) for any less amount of such stock. 20 25

Consolida-  
ted stock  
and cash  
to be held  
on the same  
trusts, &c.

80. All consolidated stock of which the holders of the loans and the stocks are pursuant to the foregoing provisions of this Act registered as holders and any sums to be paid by the Trustees in cash to such holders shall be held in the same rights and upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the loans or the stocks for which the consolidated stock and sums of cash are substituted were held immediately before the commencement of this Act and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any of the loans or the stocks and trustees executors administrators and all other holders in any representative or fiduciary capacities and persons under disability may and shall accept the consolidated stock of which they are 30 35 40

pursuant to the foregoing provisions of this Act registered as holders and any sums paid to them in cash under such provisions in substitution for the loans and the stocks held by them and may subject to the provisions of this Act retain dispose of or otherwise  
 5 deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with the loans and the stocks.

**81.** Within six months after the commencement of this Act or such longer period as may be agreed between the Trustees  
 10 on the one hand and the holders of the loans and the stocks respectively on the other hand such holders shall deliver to the Trustees for cancellation the mortgages or other securities for the loans and the certificates for the stocks respectively and the Trustees shall upon such delivery: (a) pay to the holders of "A" stock  
 5 the sum of cash to which they are entitled under this Act and (b) issue in exchange for the said securities and certificates to the respective holders thereof free of charge certificates of consolidated stock to the amount to which those holders are by this  
 20 Act respectively entitled but no holder shall be entitled to the payment of any sum of cash as aforesaid or to a new certificate until he shall have delivered up to the Trustees to be cancelled the existing security or certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the Trustees the loss or destruction thereof and shall have given  
 25 such guarantee or indemnity in respect thereof as the Trustees may require.

Certificates of stocks &c. to be delivered up and new certificates issued.

**82.** The consolidated stock vested by this Act in the holders of the loans and the stocks together with the cash paid to those holders as in this Act provided are so vested in and shall be  
 30 accepted by such holders in full satisfaction of all claims and demands including any claims to arrears of interest in respect of the loans and the stocks or any part thereof accrued due on or before the prescribed date and any such arrears of interest are as from the prescribed date hereby cancelled and extinguished and  
 35 the Trustees are hereby discharged from all liability in respect thereof.

Consolidated stock and cash to be accepted in full satisfaction.

**83.** Where the Trustees are for six months after the commencement of this Act unable after reasonable enquiry to ascertain the person entitled to any certificate of consolidated stock or to

Transfer of consolidated stock and payment of cash into court in certain cases.

any cash or where any person entitled to any such certificate or cash cannot give an effectual receipt for the same the Trustees shall transfer such stock and pay such cash to the Paymaster-General for and on behalf of the Supreme Court of Judicature in England under any Act for the time being in force for the relief of Trustees and every such transfer and payment shall discharge the Trustees from all further liability with respect to the consolidated stock so transferred and the cash so paid and for the purposes of this Act the certificate relating to such consolidated stock and the cash respectively shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court that he is entitled thereto may obtain transfer of the consolidated stock and of the cash accordingly. 5 10

Power to  
create  
additional  
stock.

**84.** The Trustees may after the appointed day from time to time raise by the creation and issue of additional Shoreham Harbour four and a half per centum Guaranteed Redeemable Stock (in this Act referred to as "new stock") at such price and generally on such terms and conditions as they think fit any sums not exceeding in the whole forty thousand pounds for the following purposes (that is to say):— 15 20

(a) For the purpose of paying the costs charges and expenses referred to in the final section of this Act; and

(b) For or in connection with the restoration and improvement of the harbour undertaking and the execution of any works incidental thereto and the acquisition of any lands rights or easements therefor or other purposes of this Act to which capital is properly applicable. 25

Conditions  
of creation  
of new  
stock.

**85.** All new stock at any time and from time to time created under the provisions of this Act shall with the consolidated stock form one and the same class of stock bearing one and the same rate of interest with the guarantee attached thereto and shall be redeemed at par at the expiration of the periods provided in this Act. 30

Applica-  
tion of  
moneys  
raised.

**86.** All moneys raised by the creation and issue of new stock under the provisions of this Act shall be applied by the Trustees only to the purposes authorised by this Act. 35

**87.** Guaranteed stock shall be and shall have all the incidents of personal estate.

Incidents of guaranteed stock.  
1887, S. 6.

**88.** All guaranteed stock and the interest thereon shall be a mortgage or charge on the harbour undertaking and harbour revenue and shall except as to the date of redemption rank equally without any priority or preference by reason of any difference in the date of creation or date of issue of any portions of such guaranteed stock respectively or on any other grounds except as to the date of redemption.

Guaranteed stock how to be charged.

**89.** The interest on guaranteed stock shall be paid half-yearly on the thirtieth day of September and the thirty-first day of March and the interest in respect of the consolidated stock to be paid on the appointed day shall be in respect of the period from the prescribed date to the appointed day :  
Provided that any sums paid by the Trustees between the prescribed date and the commencement of this Act as interest in respect of the " A " stock (except the sum paid in July nineteen hundred and twenty-five on account of one year's interest accrued due prior to the prescribed date) shall be deemed to have been paid on account of interest in respect of the consolidated stock vested by this Act in the holders of the " A " stock and the Trustees shall accordingly deduct from the interest payable on the appointed day in respect of such consolidated stock the sums so paid by them as aforesaid and if those sums shall exceed the interest which would otherwise be payable on the appointed day the excess shall be repaid to the Trustees on demand.

Interest on guaranteed stock.

**90.** (1) The guaranteed stock shall be redeemed by means of a sinking fund within the periods following (each of which is hereinafter referred to as " the prescribed period ") that is to

Redemption of guaranteed stock.

say :—

As regards the consolidated stock within thirty years from the prescribed date ;

As regards the new stock within thirty years from the date or respective dates of raising the same.

(2) The Trustees shall in each year during the prescribed period pay into the sinking fund out of the harbour revenue and as part of the revenue expenses of that year—

- (i) such equal annual sums as with accumulations thereon at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the stock for the redemption of which the sinking fund is formed ; and 5
- (ii) such annual sums as are equivalent to interest on the amount from time to time in the sinking fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based ; 10

The first payment to the sinking fund shall subject to the provisions of this Act be made with respect to the consolidated stock immediately after the commencement of this Act from any funds in the hands of the Trustees at the commencement of this Act and with respect to the new stock within twelve months after the date or respective dates of the issue thereof. 15

(3) The Trustees shall from time to time invest the sinking fund in any statutory securities and all interest on the investments of the sinking fund shall be carried by the Trustees to the credit of the harbour revenue. 20

(4) The sinking fund shall be applied only to the redemption of the guaranteed stock and the Trustees may apply the whole or any part of the moneys and investments for the time being representing any part of the sinking fund in or towards the purchase of guaranteed stock before the date of redemption : Provided that if any part of the sinking fund is applied in or towards the purchase of guaranteed stock before the date of redemption the Trustees shall pay into the sinking fund each year during the residue of the prescribed period a sum equal to the interest which would have been produced in that year by the sinking fund or part thereof so applied as aforesaid if invested and accumulated at the rate per centum per annum on which the annual payments to the sinking fund are based. 30 35

(5) All guaranteed stock purchased by the Trustees shall be cancelled and extinguished.

(6) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to the sinking fund shall be paid by the Trustees in addition to the payments provided for by this Act.

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5 91. (1) The clerk shall within twenty-one days after the thirty-first day of March nineteen hundred and twenty-seven and on or before the same date in each succeeding year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid to the sinking fund in pursuance of the provisions of this Act and at any other time when the Minister may require such a return to be made send to the Minister a return in such form as may be prescribed by him and if required by him verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid to the sinking fund and the description of the securities in which the sinking fund has been invested and the portion of the sinking fund applied in the purchase or redemption of guaranteed stock and the total amount (if any) remaining invested at the end of the period with reference to which the return is made.

Return as  
to sinking  
fund, &c.  
to be made  
to  
Minister.

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(2) The clerk in the event of any wilful default by him in making the return under this section shall for each offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Minister and shall be recoverable by that Minister by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(3) If it appears to the Minister by any return under this section or otherwise that the Trustees have failed to pay any sum required to be paid into the sinking fund under this Act or have applied any portion of the sinking fund to any purpose other than the purchase or redemption of guaranteed stock the Minister may by order direct that the sum mentioned in that order not exceeding the amount in respect of which the default has been made shall be paid or applied as in that order mentioned and the order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Application  
of balance  
of revenue  
at  
commence-  
ment of  
Act.

**92.** Subject to the provisions of section 8 (Conditions as to increase) of the Act of 1925 the Trustees shall credit to capital account the balance of revenue in their hands at the commencement of this Act which remains after meeting—

- (1) all costs charges and expenses referred to in paragraph (ii) of sub-section (2) of section 12 of the Order of 1918 which are or have accrued due at the commencement of this Act ; 5
- (2) the payments of cash referred to in the sections of this Act of which the marginal notes are " Conversion and consolidation of loans and stocks " and " Cash payment to ' A ' stockholders " ; and 10
- (3) the interest and sinking fund payments in respect of the consolidated stock for the period from the appointed day to the commencement of this Act. 15

Application  
of harbour  
revenue  
after  
commence-  
ment of  
Act.  
1918, s. 12.

**93.** From and after the commencement of this Act the harbour revenue of each year shall be applied so far as the same is sufficient wholly for the purposes and in the manner and order following and not otherwise (namely) :—

- (1) the payment of the costs charges and expenses of and incident to the maintenance and management of the harbour undertaking depreciation of plant (but not works other than plant) renewals and all other proper revenue charges incurred subsequent to the commencement of this Act ; 25
- (2) the payment of the interest on the guaranteed stock or so much thereof as shall not for the time being have been redeemed under the provisions of this Act ;
- (3) the requisite payments to the sinking fund to be formed under the provisions of this Act ; 30
- (4) the repayment of the sums (if any) to be repaid by the Trustees to the guaranteeing body as required by any resolution passed under and in pursuance of the section of this Act of which the marginal note is " Repayment of sums paid under guarantee " ; 35
- (5) the establishment and keeping up of a reserve fund (if the Trustees think fit) by setting aside such money not exceeding one thousand pounds per annum and investing



5 the same and the resulting income thereof in statutory  
 securities in the name of the Trustees and accumulating  
 the same at compound interest until the fund so formed  
 amounts to the sum of twenty thousand pounds which  
 10 fund shall be applicable to answer any deficiency at any  
 time happening in the income of the Trustees or to meet  
 any extraordinary claim or demand at any time arising  
 against the Trustees in respect of any event happening  
 or liability incurred after the commencement of this Act  
 or for payment of the cost of renewing improving extending  
 or rebuilding any works and so that if that fund be at any  
 time reduced it may thereafter be again restored to the  
 said sum and so from time to time as often as such reduction  
 happens: Provided that resort may be had to the reserve  
 15 fund under the foregoing provisions although such fund  
 may not at the time have reached or may have been  
 reduced below the sum of twenty thousand pounds;

and the balance (if any) of such revenue at the end of the year  
 shall be carried forward to the next year and be deemed to be  
 20 and be treated as harbour revenue arising in the year to which  
 it is so carried forward: Provided that if the said balance exceeds  
 the total of the following sums viz. :—

- (i) a sum equal to one year's interest on the guaranteed  
 stock for the time being outstanding; and  
 25 (ii) such sum as may be reasonably necessary to meet current  
 expenses for a period of not exceeding three months  
 by an amount which is sufficient to enable a reduction of not  
 less than five per centum in the rates tolls and dues for the time  
 being in force to be made such excess of the said balance shall  
 30 be applied as soon as practicable after the annual accounts of the  
 Trustees have been audited in reduction of the rates tolls and  
 dues which the Trustees levy demand and take.

The certificate of the auditor of the accounts of the  
 Trustees shall be conclusive as to the amount available for any  
 35 of the purposes aforesaid.

5 **94.** The holders of guaranteed stock may enforce  
 payment of arrears of interest or principal or principal and interest  
 due in respect of their guaranteed stock by the appointment of a  
 receiver of the harbour undertaking and the harbour revenue and  
 40 other assets for the time being belonging to the Trustees. In

Appoint-  
 ment of  
 receiver.  
 1918, s. 14.

order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the stockholders by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Protection  
of holders of  
guaranteed  
stock.

1918, S. 15

95. Any person taking or holding guaranteed stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory power of the Trustees or otherwise in accordance with this Act or whether or not the Trustees or any meeting of the Trustees was properly constituted or convened or whether or not the proceedings at any meeting of the Trustees were legal or regular or to see to the application of any money raised by guaranteed stock or be answerable for any loss misapplication or non-application of such money or of any part thereof. 5

Trustees  
not to  
regard  
trusts.

1918, S. 16.

96. The Trustees shall not be bound to see to the execution of any trust whether express implied or constructive to which any guaranteed stock may be subject but the receipt of the person in whose name any guaranteed stock stands in the register of guaranteed stock of the Trustees shall be a sufficient discharge to the Trustees in respect thereof notwithstanding any trusts to which such guaranteed stock may be subject and whether or not the Trustees have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such guaranteed stock or any part thereof or any interest thereon not entered in their register. 15 25

Saving for  
power to  
redeem by  
agreement.

97. Nothing in this Act shall prevent the Trustees from redeeming any of the guaranteed stock by agreement with the stockholder or in the open market.

Certificates  
of stock.  
1887, S. 7.

98. (1) The Trustees shall deliver to each holder of guaranteed stock a certificate stating the amount held by him and such certificate shall be admitted in all courts as prima facie evidence of the title of such holder his executors administrators successors or assigns to the sum therein specified and any such certificate may be in the form of Form A set forth in the Fourth Schedule to this Act or to the like effect. 30 35

(2) If any such certificate be worn out or damaged then the same may on the production thereof be cancelled and a similar certificate may be given to the holder of the stock therein specified

or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Trustees a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the said register.

(3) For every certificate given in pursuance of this Act (other than a certificate issued under the section of this Act of which the marginal note is "Certificates of stocks &c. to be delivered up and new certificates issued") a fee not exceeding two shillings and sixpence may be charged by the Trustees.

**99.** (1) The Trustees shall keep books in which shall be entered the names and addresses of the holders from time to time of the guaranteed stock and the amounts held by them, and in which shall be entered a memorial of any transfer of any portion of the guaranteed stock.

Register of stock.  
1887, s. 8.

(2) No notice of any trust express implied or constructive shall be entered in the register or be receivable by the Trustees or by any persons who keep the register and the Trustees shall not be in any way affected by notice of any such trust.

(3) The register so kept shall be evidence of all matters therein entered under the provisions of this Act and of the title of the persons entered therein as owners of any guaranteed stock who are mentioned therein as such owners.

(4) The register shall be accessible for inspection at all reasonable times to holders of the guaranteed stock or to any person authorised by them in writing without charge.

**100.** (1) The guaranteed stock shall be transferable by deed which may be in the form of Form B set forth in the Fourth Schedule to this Act or to the like effect but the Trustees shall not be bound to register a memorial of any transfer except on production of the certificate relating to the stock to be transferred.

Mode of transfer of stock.  
1887, s. 9.

(2) On any sub-division of guaranteed stock by transfer the Trustees shall on delivery to them of the certificate grant to the transferees new certificates for the sums of stock so transferred.

**101.** All guaranteed stock shall be transferable in an integral number of pounds and not otherwise.

Guaranteed stock how transferable.

Closing  
register for  
transfers.  
1887, s. 10.

**102.** (1) The register may be closed for entering memorials of transfers during such time (not exceeding fifteen days) immediately preceding each half-yearly payment of interest on the guaranteed stock as may be directed by the Trustees.

(2) The persons who on the day of such closing are inscribed in the register as holders of guaranteed stock shall as between them and their transferees of any stock be entitled to the interest then next payable on such stock. 5

Trans-  
mission of  
stock.  
1887, s. 11.

**103.** (1) The executors or administrators of a deceased holder of guaranteed stock shall be the only persons recognised as having any title to the stock of such holder or any interest thereon. 10

(2) It shall not be obligatory on the Trustees to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any guaranteed stock except upon the production to and temporary deposit with the clerk of the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new certificate thereof and in case of the issue of a new certificate for the purpose of cancellation of the certificate so deposited. 20

(3) The Trustees shall not be required to allow any executors or administrators to transfer any guaranteed stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Trustees for registration. 25

Receipts of  
joint  
holders.  
1887, s. 12.

**104.** If two or more persons are registered as joint holders of any guaranteed stock any one of such persons may give effectual receipts for any interest on such stock unless notice to the contrary shall have been given to the Trustees or the person having the custody of the register by any other joint holder. 30

Receipt in  
case of  
persons  
not sui  
juris.

**105.** If any money is payable to a stockholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Trustees.

Money may  
be borrowed  
on cash  
account.

**106.** The Trustees may from time to time for temporary purposes accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank 35

or banking company in the name of the Trustees and they may from time to time secure the money to be advanced on such cash account with interest for the same upon the harbour revenue: Provided that the whole sum due and owing by the Trustees  
 5 on such cash account shall not at any time exceed the sum of five thousand pounds.

PART X.—GUARANTEE BY LOCAL AUTHORITIES.

**107.** The local authorities may guarantee and by virtue of Guarantee  
by local  
authorities.  
 this Act do guarantee the payment to the Trustees of such sums if  
 10 any (in this Part of this Act called " the required annual sum ") as  
 together with any revenue of the Trustees available for such  
 purposes shall be sufficient to enable the Trustees to make the  
 payment of interest on the consolidated stock in respect of the  
 period from the prescribed date to the appointed day referred  
 15 to in the section of this Act of which the marginal note is " Interest  
 on guaranteed stock " the first payment to the sinking fund  
 in respect of the consolidated stock referred to in the section  
 of this Act of which the marginal note is " Redemption of guar-  
 anteed stock " and the payments referred to in paragraphs (2)  
 20 and (3) of the section of this Act of which the marginal note is  
 " Application of harbour revenue after commencement of Act " or  
 any of them.

**108.** As between the local authorities each local authority Payments  
under  
guarantee.  
 shall subject to the provisions of this Act in each year on demand  
 25 pay to the Trustees the required annual sum in the following  
 proportions (that is to say) :—

Guaranteeing body.	Proportion of the required annual sum to be paid.
Brighton Corporation .. ..	Six-tenths.
Hove Corporation .. ..	Three-tenths.
30 Shoreham Council .. ..	One-thirtieth.
Southwick Council .. ..	One-thirtieth.
Portslade Council .. ..	One-thirtieth.

**109.** The proportion of the required annual sum payable Brighton  
Corporation  
to charge  
general  
district  
rate and  
electricity  
under-  
taking.  
 by the Brighton Corporation may and shall in the first instance  
 35 be charged assessed and levied as part of and in all respects in

the same way and with the same incidents and powers of recovery as the general district rate but any moneys paid by the Brighton Corporation in respect of their proportion of the required annual sum may if the Brighton Corporation so decide be debited to their electricity undertaking as a working expense.

5

Hove Corporation and the Councils to charge rates.

**110.** The Hove Corporation and the Councils may and shall charge assess and levy their respective proportions of the required annual sum as part of and in all respects in the same way and with the same incidents and powers of recovery as the general district rate.

10

Agreements as to collection &c. of required annual sum

**111.** The local authorities may enter into carry into effect vary and rescind agreements between themselves and with the Trustees in reference to the collection from the local authorities and the payment to the Trustees of the required annual sum and any such agreement may provide for the payment in the first instance of the whole of the required annual sum by any one or more of the local authorities.

15

Application of required annual sum.

**112.** The Trustees shall apply the required annual sum in and towards the payments referred to in the section of this Act whereof the marginal note is " Guarantee by local authorities " or to any of such payments as the case may require and to no other purpose.

20

Repayment of sums paid under guarantee.

**113.** (1) The Trustees if so required by any two or more of the local authorities whose respective proportions of the guarantee together represent not less than two-fifths of the total of the guarantee by resolutions passed as in this section provided may and shall subject to the provisions of the section of this Act of which the marginal note is " Application of harbour revenue after commencement of Act " repay any sum or sums paid to the Trustees by the local authorities under the guarantee: Provided that no resolution of a local authority under this sub-section shall be binding on the Trustees unless the resolution is passed within one year from the date of payment of the sum to which the resolution relates.

25

30

(2) A resolution passed by a local authority under the preceding sub-section of this section may be cancelled by such local authority at any time by a further resolution.

35

(3) A certified copy of any resolution passed under this section shall be served on the Trustees within one month of the date when the same was passed.

5 (4) All money repaid by the Trustees to the local authorities in pursuance of a resolution passed in pursuance of sub-section (1) of this section shall be repaid by the local authorities to the rate out of which the payment was made by them respectively or to the undertaking to which the payment was debited.

#### PART XI.—MISCELLANEOUS.

10 **114.** The Trustees may from time to time enter into and carry into effect contracts and arrangements with the Railway Company for or with respect to the building maintenance and use of warehouses and wharves and the receiving forwarding and delivery of traffic coming from or destined to the railway of such Company and resorting to or using the harbour. Working agreements with Railway Company. 1876, s. 83.

15 **115.** Notwithstanding anything in any Act relating to the Trustees any contract required to be in writing and not under seal may be signed on behalf of the Trustees by the clerk or other person authorised by the Trustees so to do. As to contracts.

20 **116.** It shall not be necessary for the Trustees to comply with the provisions of section 57 of the Commissioners Clauses Act 1847 with respect to contracts to the amount of one hundred pounds or upwards in any case of urgency or in any case where the Trustees by resolution determine that in their opinion greater efficiency or economy will be obtained by not complying with those provisions. Partial exemption of Trustees from section 57 of Commissioners Clauses Act 1847.

30 **117.** The Trustees may out of the harbour revenue as a management expense pay subscriptions whether annual or otherwise to the funds of any association of harbour dock or port authorities or of their officers or of employers of labour in harbours docks or ports and formed for the purposes of consideration of their common interests and of discussion of matters relating to the administration of harbours docks and ports and may also pay any expenses of the attendance of any members or officers of the Trustees at conferences and meetings of the said associations or any of them and of purchasing reports and contributing towards Power to subscribe to harbour associations &c.

the expenses of any such conferences and meetings: Provided that any sums paid under this section shall not exceed one hundred pounds in any one year.

Publication  
of notices.  
1876, s. 81.

**118.** Where any public notice is required by this Act to be given it shall unless the contrary is provided be given by advertisement in a newspaper published in the borough of Brighton and by means of a placard posted on a board placed near the outer door of the harbour office.

Power to  
grant  
pensions.

**119.** (1) The Trustees may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum or make other pension allowance or payment to any officers or servants of the Trustees who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Trustees and on such terms and conditions as to contributions by such officers or servants or otherwise as the Trustees may think fit and the Trustees may grant a gratuity of any sum to the widow or family of any such officer or servant who may die in their service.

(2) Such payments or allowances shall for the purposes of this Act be deemed to be part of the costs charges and expenses incident to the management of the harbour and harbour undertaking.

Crown  
rights.  
1918, s. 42.

**120.** Except as hereinafter expressly provided nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Trustees or any other body or person 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 lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

**121.** Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective

Crown  
interests.



interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Trustees authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be  
 5 exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Act and as  
 10 if the Trustees were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Trustees to or for the benefit of His Majesty as  
 15 the mine owner or royalty owner or payable to the Trustees by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

**122.** Nothing in this Act shall lessen or abate or in any manner affect or prejudice the right or title if any of the lord  
 20 of the manor for the time being of North Lancing and Monks South Lancing and Lyons his heirs successors or assigns to any rights of foreshore and other rights wrecks royalties or other things which are now and shall happen or come within the limits of the said manor or other benefits or advantages belonging  
 25 or in anywise appertaining to the said manor but that he and they and all other persons authorised by him or them may take away receive and enjoy the same as fully and beneficially to all intents and purposes whatsoever as if this Act had not been passed.

Saving manorial rights of Lancing. 1925, S. 16.

**123.** Nothing in this Act shall lessen or abate or in any manner affect or prejudice the right or title if any of the lord  
 30 of the manor for the time being of New Shoreham or of Old Shoreham his heirs successors or assigns to any customs tolls or other rights wrecks royalties or other things which are now and shall happen or come within the limits of the said manors or other  
 35 benefits or advantages belonging or in anywise appertaining to the said manors but that he and they and all other persons authorised by him or them may take away receive and enjoy the same as fully and beneficially to all intents and purposes whatsoever as if this Act had not been passed.

Saving manorial rights of New and Old Shoreham. 1816, S. 122.

Reserving  
Merchant  
Shipping  
and general  
Acts.

**124.** Nothing in this Act shall be deemed to exempt the harbour or the Trustees from the provisions of the Merchant Shipping Act 1894 or from any general Act relating to merchant shipping harbours or docks or to dues on shipping or on goods carried in vessels now in force or which may 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 rates authorised by this Act. 5

Costs of  
Act.

**125.** All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the harbour revenue or out of moneys authorised to be raised under the authority of this Act. 10

[SCHEDULES.]

## SCHEDULES referred to in the foregoing Act.

### FIRST SCHEDULE.

#### PART I.

#### REPEAL OF ACTS AND ORDER.

Acts.	Title of Acts and Orders.	Extension of Repeal.
56 Geo. III c. lxxxii	An Act for the more effectual security and improvement of the Harbour of New Shoreham in the County of Sussex.	The whole Act.
36 & 37 Vict. c. ccxi	The New Shoreham Harbour Act 1876	The whole Act except Sections 9 and 11.
9 & 40 Vict. c. ccxi	The New Shoreham Harbour Act 1887	The whole Act.
8 & 9 Geo. V c. xxxi	The New Shoreham Harbour Order 1918 confirmed by the Pier and Harbour Orders Confirmation Act 1918.	The whole Order.
15 & 16 Geo. V c.	The New Shoreham Harbour Act 1925	The whole Act except Sections 3, 10, 11, 12 and 13.

#### PART II.

#### SECTIONS OF THE ACT OF 1876 EXCEPTED FROM REPEAL.

9. Whereas a battery has been erected for the protection of Shoreham Harbour, and is vested in Her Majesty's Principal Secretary of State for the War Department for the public service, the fire from the guns of which should be preserved free from all intrusion or obstruction: Be it therefore enacted that nothing in this Act contained shall authorise the Trustees to build any structure of any kind other than the piers shown upon the deposited plans that will mask or interfere with the fire of the guns from the battery aforesaid towards the sea, or to enter, use, or interfere with any land, soil, water or any right in respect thereof, vested in or exercised by the said Principal Secretary for the time being, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without

Saving rights  
of Her  
Majesty's  
Principal  
Secretary of  
State for the  
War  
Department.

his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the said Trustees.

\* \* \* \* \*

Power to  
Brighton and  
Hove Gas  
Company to  
lay mains with  
consent of  
Trustees.

11. The said Company may with the consent of the Trustees, have an easement, and the Trustees are hereby empowered to consent thereto, to lay down, use, and continue a pipe or pipes under the bed of the canal or eastern arm of the harbour in a northerly direction for the purpose of enabling the said Company to form a communication with the works of the said Company on the south side of the said canal or eastern arm, and with main or mains of the said Company now or hereafter to be made under the turnpike road leading from Brighton to Shoreham, and also with the like consent to extend the existing wharf belonging to the said Company at either end thereof but so as not to interfere with or lessen the navigation in the said canal or eastern arm, and such easements shall be deemed to be lands within the meaning of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and the provisions of the said Acts as to notice and otherwise shall be applicable thereto: Provided always, that in the event of the said Company with such consent laying any pipe or pipes in or under the said canal or eastern arm, they shall in the first instance lay the same at a depth of at least six feet below the then present bottom level of the said canal or eastern arm, and if and so often as the said level shall be lowered by dredging or otherwise, the Company shall on the expiration of one month from receipt of a notice in writing to be given by the said Trustees or their Clerk or Harbour Master for the time being on their behalf, take up and relay at the cost of the Company the said pipe or pipes at a like depth of at least six feet, the intent and meaning of this provision being that the said pipe or pipes shall at all times be at a uniform depth of at least six feet below the said bottom level for the time being of the said canal or eastern arm of the said harbour: Provided further, that if the Company for fourteen days next after the receipt by them of the notice to be given by the said Trustees, or their Clerk or Harbour Master for the time being on their behalf, fail to commence or at any time thereafter fail to proceed with reasonable despatch to relay the said pipes as occasion may require, the said Trustees may relay the same, and the reasonable costs incurred therein shall on demand be repaid by the Company, and in default thereof of such costs may be recovered by the said Trustees in any court of competent jurisdiction, and the Company shall thereafter be subject to the same liability with reference to any subsequent relaying of the said pipes as if they had been relaid by the Company.

\* \* \* \* \*

Interpre-  
tation.

### SECTIONS OF THE ACT OF 1925 EXCEPTED FROM REPEAL.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings and the following words and expressions have the several meanings assigned to them (that is to say):—

\* \* \* \* \*

“The Corporation” means the Mayor Alderman and Burgesses of the County Borough of Brighton;

“The Company” means the Brighton and Hove General Gas Company;

\* \* \* \* \*

“The Grant of 1873 ” means the Indenture of Grant dated the twenty-fifth day of March one thousand eight hundred and seventy-three made between Mary Ingram The Reverend Manning Ingram and Robert Bethune Ingram of the first part Robert Upperton of the second part and the Commissioners of Shoreham Harbour of the third part ;

“The signed plan ” means the plan signed in duplicate by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (one copy of which has been deposited in the Private Bill office of the House of Commons and the other in the Parliament Office of the House of Lords).

\* \* \* \* \*

10. (1) The Trustees may subject to the provisions of this Act acquire \* \* \* \* \* by agreement the outstanding or other estate interest right or title (if any) of the grantors their heirs or assigns (hereinafter in this section referred to as “the grantors”) in or to all or any of the lands and premises numbered 1, 3, 6 and 7 on the deposited plans such lands and premises being part of the lands and premises granted to the Trustees or their predecessors under the Grant of 1873 and the Trustees may acquire compulsorily or by agreement any part of the said lands and premises numbered 1, 3, 6 and 7 on the deposited plans and any estate interest right or title in or to the said lands and premises or any part thereof which is not vested in the Trustees.

Power to acquire lands and outstanding interest in lands.

(2) The Trustees may as consideration or part consideration for the acquisition of any part of the said lands and premises or of any such estate interest right or title therein as aforesaid grant to the grantors freed and discharged from the restrictions as to user contained in the grant any estate interest right or title the Trustees possess in or to such other part of such lands and premises as may be agreed between the Trustees and the Grantors.

\* \* \* \* \*

11. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection and benefit of Hove Seaside Villas Limited or their assigns (in this section referred to as “the Owner”) and Paget Baxter on the one hand and the Trustees on the other hand shall apply and have effect that is to say :—

For the mutual protection of the Hove Seaside Villas Limited, Paget Baxter and the Trustees.

- (1) The provisions of the section of this Act whereof the marginal note is “Power to acquire lands and outstanding interest in lands ” shall not apply to (a) the plot of land coloured dark red on the signed plan (b) the road coloured yellow and hatched with black lines on the signed plan (c) the sluice between the points marked L and M on the signed plan and (d) the lands numbered 2, 4, 8 and 9 on the deposited plan ;
- (2) All rights and interests of the Trustees in the lands coloured green and green hatched with black lines on the signed plan shall be and are by virtue of this Act vested absolutely in the Owner freed and discharged from all rights easements and trusts created by the Grant of 1873 ;
- (3) The lands coloured pink and so much of the Aldrington Basin coloured blue on the signed plan as is the property of the Owner shall be and are by virtue of this Act vested absolutely in the Trustees in fee simple

free from incumbrances together with a right of way for all purposes and at all times over the piece of land coloured pink and hatched with black lines freed and discharged from all restrictions contained in the Grant of 1873 and from all estate right title interest claim and demand of the Owner but subject to all existing easements over or in relation to the said lands coloured pink on the signed plan: Provided that the Trustees shall not be entitled to any part of the rent or consideration payable under the Grant of Easement dated the twenty-fifth day of December one thousand nine hundred and twenty and made between the Owner of the one part and the Anglo-American Oil Company Limited of the other part and such rent or consideration shall remain the property of the Owner;

- (4) For the purpose of sub-section (3) of Section 9 of the Conveyancing Act 1881 the Trustees shall be deemed to be persons becoming through or under the said Paget Baxter interested in or affected by the terms of the documents to which the acknowledgment of right to production contained in an Indenture of Conveyance dated the second day of June one thousand nine hundred and ten and made between Augustus Stretton and James Harris of the one part and the said Paget Baxter of the other part relates;
- (5) The Owner shall give to the Trustees a statutory acknowledgment of the right of the Trustees to production of all documents in the possession of the Owner relating to the lands coloured pink and the Aldrington Basin coloured blue on the signed plan and to delivery of copies thereof and also a statutory undertaking for the safe custody thereof such acknowledgment and undertaking to be prepared at the expense of the Trustees;
- (6) The Trustees shall at all times hereafter afford to the Owner reasonable and proper free access to and over the lands coloured pink and marked "South Wharf" on the signed plan for the purpose of loading and unloading vessels in Aldrington Basin.

For the protection of the Anglo-American Oil Company Limited.

12. For the protection of the Anglo-American Oil Company (in this section referred to as "the Company") the following provisions shall have effect unless otherwise agreed in writing between the Trustees and the Company that is to say:—

The Trustees shall not in any way alter or interfere with the existing pipe line facilities for loading and unloading oil to and from vessels in the Aldrington Basin enjoyed by the Company on the South Wharf coloured pink on the signed plan except with the written consent of the Company.

For protection of Brighton and Hove General Gas Company.

13. For the protection of the Company the following provisions shall have effect that is to say:—

- (1) Notwithstanding anything in this Act contained the Trustees shall not acquire (a) any portion of the lands and premises numbered 7 on the deposited plan which is comprised in and granted by an Indenture dated the fifteenth day of August one thousand nine hundred and five and made between James Martin Carr Lloyd of the first part Edwin Frederick Wodehouse and Richard Arthur Hamilton Seymour of the

second part and the Company of the third part or which is comprised in and granted by an Indenture dated the twentieth day of December one thousand nine hundred and five and made between Augustus Stretton and James Harris of the one part and the Company of the other part (b) any estate right or title in or over such portion of such lands and premises and (c) any estate right or title in or over the road shown on the signed plan and thereon coloured yellow and hatched with black lines ;

- (2) Nothing in the section of this Act of which the marginal note is "For the mutual protection of the Hove Seaside Villas Limited Paget Baxter and the Trustees" shall extend or apply to any parts of the lands (including the part of the lands numbered 8 on the deposited plan and that part of Aldrington Basin coloured blue on the signed plan) which are comprised in and conveyed to the Company under the said Indentures of the fifteenth day of August and the twentieth day of December one thousand nine hundred and five or either of them ;
  
- (3) Nothing in this Act shall affect the existing rights of the Company over the lands numbered 2 and 4 on the deposited plans or over any portion of the said land numbered 8 as aforesaid which are not comprised in the said Indentures or either of them but which rights are granted by Indentures dated the second day of February one thousand eight hundred and seventy-two and made between Mary Ingram the Reverend Henry Manning Ingram the Reverend Hugh Ingram and Robert Bethune Ingram of the one part and the Company of the other part and the tenth day of November one thousand eight hundred and eighty and made between George Gallard William John Williams and Joseph Harris Stretton of the first part the Land Securities Company Limited of the second part Evan Vaughan of the third part and the Company of the fourth part.

THE SECOND SCHEDULE.

SHOREHAM HARBOUR.

NOMINATION OF ELECTED TRUSTEES.

We A.B. (here insert name and designation) and B.C. (here insert name and designation) hereby nominate (here insert name and designation of candidate) for election as elected Trustee.

Given under our hands this ( ) day of ( ) 19 ( ).

Two

Electors.

And I the said ( ) hereby sanction and approve of the said nomination.

Candidate.

To the Clerk to the Shoreham Harbour Trustees.

DIRECTION FOR SIGNING.

This nomination shall be signed by two electors and the candidate and delivered to the returning officer fifteen days at least prior to the ( ) day of ( ) (19 ) being the day of election.

Each candidate must be nominated by a separate nomination paper.

Each elector may sign as many nomination papers as there are vacancies to be filled but no more.

The nomination paper shall be signed in case of a partnership by one of the partners in the partnership name and in the case of a company shall be signed by the person appointed to nominate candidates.

SHOREHAM HARBOUR.

ELECTION OF ELECTED TRUSTEES ON THE ( ) DAY OF ( ) (19 ).

VOTING PAPER.

Number of Voting Paper.	Name and Address of Voter.	Number of Votes.



Name and Address of Candidates.	Nominated by	Column for Voter's Cross.

I (or we as the case may be) vote for the persons in the above list against whose names I (or we) have placed a cross.

Signed ( .)

Signature of witness

Address of witness

DIRECTIONS FOR VOTING.

The voter shall place a X against the name of each candidate for whom he votes in the column for that purpose and shall sign the voting paper in the presence of a witness who must affix his signature and address in verification of the signature of the voter.

The voter can only vote once for each candidate and for as many candidates as there are Trustees to be elected.

The cross placed against the name of each candidate voted for will entitle him to the number of votes specified in the above voting paper.

The voting paper must be delivered by post or otherwise to the returning officer in a sealed envelope addressed to him so that the same shall be received by him at the harbour office at not later than 6 o'clock of the afternoon of the day before the day of election and must be delivered complete.

In case of a partnership the voting paper is to be signed by one of the partners in the partnership name and in the case of a company in the corporate name and countersigned by the person nominated to vote.

## THE THIRD SCHEDULE.

## PART I.

RATES IN RESPECT OF ANIMALS AND GOODS SHIPPED, UNSHIPPED OR  
TRANSHIPPED IN THE HARBOUR.

	Per	s.	d.
Agricultural Implements	ton	1	8
Alum	ton	1	8
Ammonia, Sulphate of	ton	1	0
Anchors, iron or steel	ton	1	8
Animals, live :			
Asses	each	0	6
Bulls	each	0	6
Calves	each	0	3
Cows	each	0	6
Dogs	each	0	3
Goats	each	0	3
Horses	each	1	0
Lambs	each	0	1
Mules	each	0	6
Pigs	each	0	2
Sheep	each	0	2
Ashes	ton	0	2
Bacon	ton	3	4
Ballast	ton	0	2
Bark	ton	1	0
Barrels, empty	each	0	$\frac{1}{2}$
Bars, iron or steel	ton	1	8
Baskets, not exceeding 12 ins. diameter	dozen	1	0
Baskets, exceeding 12 ins. diameter	dozen	1	6
Beer in casks	36 galls.	0	3
Bones	ton	0	6
Bolts and nuts, iron or steel	ton	1	8
Books	ton	5	0
Bottles	gross	0	3
" broken	ton	0	2
Brass	ton	1	8
Bricks	ton	0	4
Brooms	gross	1	6
Burnt ore	ton	0	4
Butter	ton	1	8
Cabbages	100	0	4
Candles	ton	1	8
Canvas	ton	1	8
Carriages :—			
Four wheels	each	5	0
Two wheels	each	2	6
Castings, iron or steel	ton	1	8
Cement	ton	0	6

	Per	s.	d.
Chains, iron or steel .. .. .	ton	1	8
Chalk .. .. .	ton	0	2
Cheese .. .. .	ton	1	8
Chemicals, not otherwise specified .. .. .	ton	1	0
Chimney pots, clay .. .. .	ton	0	8
Chimney pots or tops, metal .. .. .	ton	0	8
Cider .. .. .	ton	1	0
Cinders .. .. .	ton	0	5
Clay .. .. .	ton	0	4
Clinkers .. .. .	ton	0	1
Coal .. .. .	ton	0	10
Cocoa .. .. .	ton	2	1
Coffee .. .. .	ton	2	1
Coke .. .. .	ton	0	5
Copper :—			
New .. .. .	ton	3	4
Old .. .. .	ton	1	8
Concrete or breeze blocks .. .. .	ton	0	4
Cordage .. .. .	ton	3	4
Cork .. .. .	ton	6	8
Corn meal, etc. :—			
Barley .. .. .	ton	1	3
Beans .. .. .	ton	1	0
Bran .. .. .	ton	1	0
Flour .. .. .	ton	0	8
Maize (Indian Corn) .. .. .	ton	1	0
Malt .. .. .	ton	1	0
Oats .. .. .	ton	1	2
Oatmeal .. .. .	ton	1	0
Peas .. .. .	ton	1	0
Rye .. .. .	ton	1	0
Tares .. .. .	ton	1	0
Wheat .. .. .	ton	0	8
Culm .. .. .	ton	0	8½
Drain pipes .. .. .	ton	0	8
Earthenware .. .. .	ton	1	8
Eggs .. .. .	120	0	¼
Feathers .. .. .	ton	10	0
Fish :—			
(Other than shell fish) fresh or salted .. .. .	cwt	0	1
Shell fish .. .. .	cwt	0	2
Fruit, dried .. .. .	ton	1	8
Fruit, fresh, not otherwise specified .. .. .	ton	2	6
Glass :—			
window or unenumerated .. .. .	ton	1	8
broken .. .. .	ton	0	2
Glassware .. .. .	ton	1	8
Granite .. .. .	ton	0	4
Gravestones :—			
Marble .. .. .	ton	1	0
Other Stone .. .. .	ton	0	6

	Per	s.	d.
Hams .. .. .	ton	3	4
Hay .. .. .	ton	1	0
Hemp .. .. .	ton	2	6
Honey .. .. .	ton	3	4
Hoops, iron or steel .. .. .	ton	1	8
Hops .. .. .	cwt.	0	3
Ice .. .. .	ton	0	3
Kelp .. .. .	ton	1	8
Lard .. .. .	ton	1	8
Lead, black, red, white .. .. .	ton	1	8
Lead sheet .. .. .	ton	1	8
Leather .. .. .	ton	1	8
Lemons .. .. .	1,000	0	6
Lime .. .. .	ton	0	2½
Machines and machinery, not otherwise specified .. .. .	ton	2	0
Manure :—			
Chemical :—			
Kainit .. .. .	ton	0	6
Basic Slag .. .. .	ton	0	6
All other Chemical and Artificial Manures not enumerated .. .. .	ton	1	0
Marble .. .. .	ton	1	6
Masts, wooden :—			
Not exceeding 12 inches in diameter .. .. .	each	3	0
Exceeding 12 inches in diameter .. .. .	each	5	0
Mats .. .. .	100	0	3
Meal, <i>see</i> corn meal.			
Millstones .. .. .	each	0	6
Mineral waters .. .. .	ton	1	0
Moss and peat litter .. .. .	ton	0	3
Nails, iron or steel .. .. .	ton	1	8
Nitrate of soda .. .. .	ton	1	0
Oakum .. .. .	ton	1	8
Ochre .. .. .	ton	1	8
Oil, not otherwise specified .. .. .	ton	0	10
Oilcake .. .. .	ton	1	0
Ores, crude or partly manufactured .. .. .	ton	0	4
Oxide of iron .. .. .	ton	0	4
Paints and colours .. .. .	ton	1	8
Paper .. .. .	ton	1	8
Patent fuel .. .. .	ton	0	3
Paving stones .. .. .	ton	0	8
Perry .. .. .	ton	1	0
Pewter .. .. .	ton	0	10
Pig iron .. .. .	ton	0	6
Pipes, iron or steel .. .. .	ton	1	8
Piping, lead .. .. .	ton	1	8
Pitch .. .. .	ton	0	3
Plaster of Paris .. .. .	ton	1	0
Plates, iron or steel .. .. .	ton	1	8

	Per	s.	d.
Potatoes .. .. .	ton	1	0
Poultry .. .. .	cwt.	0	6
Rags .. .. .	ton	1	8
Rails, iron or steel .. .. .	ton	1	8
Residual products of gas manufacture :—			
Tar and tar water .. .. .	200 galls.	0	1½
Oil .. .. .	100 galls.	0	3
Creosote .. .. .	200 galls.	0	3
Rice .. .. .	ton	1	8
Ropes, new .. .. .	ton	3	4
Ropes, old .. .. .	ton	0	5
Rods, iron and steel .. .. .	ton	1	8
Rosin .. .. .	ton	1	8
Salt .. .. .	ton	1	0
Saltpetre .. .. .	ton	1	0
Sand or shingle not for ballast .. .. .	ton	0	1
Scrap iron or steel .. .. .	ton	0	6
Screws, iron or steel .. .. .	ton	1	8
Scythes .. .. .	ton	1	8
Seeds, agricultural and vegetable, not otherwise specified .. .. .	ton	1	0
Sheets, iron or steel .. .. .	ton	1	8
Shot lead .. .. .	ton	1	8
Slates, common .. .. .	ton	0	8
Slates, writing .. .. .	ton	0	8
Soap .. .. .	ton	1	8
Spars :—			
Not exceeding 4 ins. in diameter .. .. .	20	0	6
Exceeding 4 ins. but not exceeding 6 ins. in diameter .. .. .	each	0	2
Exceeding 6 ins. but not exceeding 8 ins. in diameter .. .. .	each	0	4
Starch .. .. .	ton	1	8
Straw .. .. .	ton	0	2
Sugar .. .. .	ton	1	8
Tallow .. .. .	ton	1	8
Tiles :—			
Unglazed .. .. .	ton	0	6
Glazed .. .. .	ton	0	8
Tin .. .. .	ton	1	8
Tinplate .. .. .	ton	1	8
Tobacco .. .. .	ton	1	8
Tow .. .. .	ton	2	1
Vegetables, not otherwise enumerated .. .. .	bushel	0	½
Vitriol .. .. .	gallon	0	¼
Wines and spirits .. .. .	gallon	0	¼
Wood :—			
Battens, deals and deal ends, per load of 50 cubic feet .. .. .		0	6
Firewood, per fathom of 216 cubic feet .. .. .		1	0
Oak or elm, per load of 50 cubic feet .. .. .		0	3
Trenails .. .. .	1,000	0	6
Wool .. .. .	ton	1	0
Yarn cotton .. .. .	ton	1	0

For all articles not specified in this part of the Schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature, package and quantity.

All returned empties are exempted from payment of rates.

In charging the rates on goods the gross weight or measurement of all goods shall be taken. (Fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny.)

#### PART II.

##### RATES IN RESPECT OF VESSELS OTHER THAN SEAPLANES HYDROPLANES OR SIMILAR CRAFT.

###### (a) TONNAGE RATES.

For every vessel which shall load or unload within the Harbour (fishing vessels excepted) the several rates following, videlicet :—

Under 100 tons	.. .. .	..	3d. per register ton
Of 100 tons and under 150 tons	.. .. .	..	4d. per register ton
Of 150 tons and under 200 tons	.. .. .	..	5d. per register ton
Of 200 tons and upwards	.. .. .	..	6d. per register ton

For every vessel which shall enter the Harbour, and shall neither load nor unload therein :—

The several rates following, videlicet :—

Under 100 tons	.. .. .	..	2d. per register ton
Of 100 tons and 150 tons	.. .. .	..	3d. per register ton
Of 150 tons and under 200 tons	.. .. .	..	4d. per register ton
Of 200 tons and under 250 tons	.. .. .	..	5d. per register ton
Of 250 tons and upwards	.. .. .	..	6d. per register ton

###### (b) LIGHTAGE RATES.

For every vessel entering the Harbour the following lightage rates, in addition to the above-mentioned rates, videlicet :—

For every foot depth of water drawn on entering the Harbour up to 12 feet	.. .. .	..	4d. per foot
For every additional foot above 12 feet	.. .. .	..	6d. per foot

###### (c) REMAINING IN THE HARBOUR MORE THAN 30 DAYS.

For every month or part of a month during which a vessel remains in the Harbour more than 30 days, in addition to the above rates, the several rates following :—

Not exceeding 50 tons register tonnage	..	2d. per register ton
Exceeding 50 tons but not exceeding 100 tons register tonnage :—		
For the first 50 tons	.. .. .	2d. per register ton
For every ton beyond 50 tons	.. .. .	1½d. per register ton
Exceeding 100 tons register tonnage :—		
For the first 50 tons	.. .. .	2d. per register ton
For the second 50 tons	.. .. .	1½d. per register ton
For every ton beyond 100 tons	.. .. .	1d. per register ton

#### PART III.

For every seaplane, hydroplane or similar craft such reasonable rates as may from time to time be fixed by the Trustees.

FOURTH SCHEDULE.

FORM A.

FORM OF GUARANTEED STOCK CERTIFICATE.

SHOREHAM HARBOUR.

Number \_\_\_\_\_ £  
 This is to certify that (A.B.) of \_\_\_\_\_ is the proprietor  
 of \_\_\_\_\_ pounds Shoreham  
 Harbour four and a half per centum Guaranteed Redeemable Stock issued under  
 the powers of the Shoreham Harbour Act 1926.

Given under the common seal of the Shoreham Harbour Trustees this  
 day of \_\_\_\_\_ 19 \_\_\_\_\_

FORM B.

FORM OF DEED OF TRANSFER OF GUARANTEED STOCK.

I (A.B.) of \_\_\_\_\_ in consideration  
 of the sum of \_\_\_\_\_ pounds paid to me by  
 (C.D.) of \_\_\_\_\_ (hereinafter called  
 the said transferee) do hereby transfer to the said Transferee his executors  
 administrators and assigns the sum of \_\_\_\_\_  
 Shoreham Harbour four and a half per centum Guaranteed Redeemable Stock  
 standing in my name in the register of such stock.

To hold to the said transferee his executors administrators and assigns  
 subject to the several conditions on which I held the same at the time of the  
 execution hereof and I the said transferee do hereby agree to take the said stock  
 subject to the same conditions.

As witness our hands and seals this \_\_\_\_\_ day of  
 19 \_\_\_\_\_

Witness to the signature of the said	}	A.B.
A.B,		
Witness to the signature of the said	}	C.D.
C.D.		

**SHOREHAM HARB  
ACT 1926.**

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AN

**ACT**

To re-arrange the finances of and reconstitute and re-incorporate the Shoreham Harbour Trustees, to consolidate with amendments the Acts relating to the Trustees, to change the name of the Harbour; and for other purposes.

[ROYAL ASSENT, 15TH JULY 1926.]

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16 & 17 GEORGE V.—SESSION 1926.

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