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CHAPTER xliii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Inverness, Lamlash, Leven, Methil, Porthleven, Truro, and Wick and Pulteney.

A.D. 1883.

[29th June 1883.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Confirmation of Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act, 1883.

Short title.



*M. S. S. S. S.*

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TRURO.

A. D. 1883.

Truro.

Order for the Maintenance, Improvement, and Regulation of the  
Port and Harbour of Truro, in the County of Cornwall.

2 The mayor, aldermen, and citizens of the city of Truro, in the county of Cornwall (in this Order referred to as the Corporation), acting by their Council, shall be the Undertakers for carrying this Order into execution.

Definition of Undertakers.

2 The limits within which the Corporation shall have authority (in this Order called "the harbour," and which shall be deemed the limits to which this Order and the power to levy rates extend) shall be all those parts of the Truro port and river (including all creeks therein, except Restrongett Creek, from Restrongett Passage to the point where the turnpike road from Falmouth to Truro crosses the same) lying to the north and west of an imaginary line to be drawn from a point called Messick Point, in the parish of Saint Just-in-Roseland, in the county of Cornwall, to a certain other point called Tarra Point, in the parish of Mylor, in the said county (herein-after referred to as "the harbour").

Limits of Order.

~~3 The works by this Order authorised, and which may be executed and maintained by the Corporation, comprise the deepening of the harbour, the improvement of the harbour and quays, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour; and for this purpose the Corporation may alter, dredge, scour, deepen, widen, straighten, improve, and maintain the entrances, channels, and waterways of the harbour: Provided that works authorised by this section below high water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.~~

Power to improve and maintain the harbour.

*Repealed*

~~4 When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Corporation may, subject and according to the provisions of this Order for the use of the harbour and works, and in addition to the other rates, tolls, or dues (if any) for the time being leviable by the Corporation, demand and receive in respect of vessels, goods, and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule.~~

Power to levy rates.

*do.*

~~5 When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Corporation, that works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works, the Corporation may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates, or such proportion of all~~

Rates may be levied though works not completed.

*do.*



A.D. 1883. ~~or any of the rates, specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate to the increased accommodation afforded.~~

Truro.

Rates for vessels south and east of Victoria Point.

*Repealed*

~~6. All vessels loading or unloading southward or eastward of Victoria Point shall be exempt from any payment under this Order, unless and until it shall be, in like manner as in the last preceding section mentioned, certified that increased accommodation has been afforded for such vessels, and the Corporation shall then only demand and receive such of the rates, or such proportion of all or any of the rates, specified in the schedule to this Order, as shall, in opinion of the Board of Trade, be commensurate to the increased accommodation so afforded.~~

Corporation may provide and license steam tugs.

7. The Corporation may from time to time build, purchase, contract for, or hire, and may maintain, use, and let, steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person, for such period and on such terms and conditions as they think fit.

Corporation may provide steam engines, dredgers, &c.

8. The Corporation may provide, maintain, and use such steam engines, steam vessels, piling engines, steam and other cranes, diving bells, dredgers, ballast lighters, barges, boats, buoys, mooring posts, mooring craft, weighing machines, tackle, machinery, appliances, and conveniences as they think proper for carrying on the business of the harbour, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Charges for steam tugs.

9. The Corporation may from time to time, with the approval of the Board of Trade, fix such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and 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 the vessel obtaining the assistance of such steam tug or other power to the Corporation, or to their lessee, or to the person with whom they may contract, or to the owner of such steam tug or other power if licensed by the Corporation, as the case may be, and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having the command of such steam tug or other power.

Rates to be revised.

10. The Corporation shall keep separate accounts of the rates received by them under this Order, and shall from time to time revise such rates, so that the same may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of this Order; and if at any time, and from time to time, the clear annual income derived under this Order on the average of the then three last preceding years, after payment of all expenses and interest, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such extent as will be sufficient to provide the amount aforesaid, and the rates shall thereupon be reduced accordingly, but



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with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by this Order.

Treasury.

11. The Corporation, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; and section 16 of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Corporation refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

*Repealed*

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

13. Officers of the Board of Trade and of the Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to or along and from the harbour and works by land, and with their vessels and otherwise, without payment.

Customs-house officers exempt from rates.

*Repealed*

14. The Corporation may from time to time borrow at interest for the purposes of this Order such sums as they require, not exceeding in the whole five thousand pounds, on the security of the rates and dues receivable under this Order, and for that purpose the Corporation may from time to time assign by way of mortgage all or any of such rates and dues, and may execute and do any deeds, acts, and things necessary or proper for that purpose.

Power to borrow.

15. All sums borrowed by the Corporation under this Order shall be repaid within a period not exceeding fifty years after the same are respectively borrowed, either by annual instalments or by means of a sinking fund created and invested, and with the accumulations thereof from time to time applied by the Corporation in such manner as to secure the discharges of the sums borrowed within such period as aforesaid. All sums paid into any such sinking fund shall be, as soon as may be, invested by the Corporation in securities in which trustees are for the time being authorised by law to invest trust moneys.

Period for repayment of borrowed moneys.

16. All moneys borrowed by the Corporation under this Order, and repaid otherwise than by instalments or by means of a sinking fund in manner provided by this Order, may be from time to time reborrowed by the Corporation, but so that the same shall be repaid within the period limited by this Order.

Re-borrowing.

17. All money borrowed by the Corporation under this Order shall be applied only for the purposes of this Order, and not otherwise.

Application of money borrowed.

The Corporation shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say,

Priorities in application of money borrowed.

- (1) In payment of the costs and expenses of and connected with the preparation and making of this Order;
- (2) In defraying the cost of the works authorised by this Order.



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*Truro.*Application  
of rates and  
income.*Repealed*

19. The rates, tolls, and dues received by the Corporation in respect of the harbour and works shall be applied for the purposes and in the order following, and not otherwise :

- (1.) In paying so much of the costs, charges, and expenses of and incidental to obtaining this Order as shall not be otherwise discharged :
- (2.) In paying the expense of the maintenance, improvement, management, lighting, and regulation of the harbour and works :
- (3.) In paying, year by year, the interest accrued due on money borrowed under this Order :
- (4.) In providing the sinking fund in manner and so far as the circumstances of the case will admit in the proportion directed by this Order :
- (5.) So much of the rates as may remain after answering the several purposes aforesaid shall be applied by the Corporation to the general improvement of the harbour, and to no other purpose.

Parts of Har-  
bour, Docks,  
and Piers  
Clauses Act,  
1847, excepted.*do*

20. Sections 16, 17, 18, and 19 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Corporation shall, at their own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Meters and  
weighers.

21. The Corporation shall have the appointment of meters and weighers within the limits of this Order.

Corporation to  
be pilotage  
authority.*Repealed*

22. Within the limits of this Order, the Corporation shall be a pilotage authority and local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Power to make  
byelaws.*do*

23. The Corporation may make byelaws for the regulation and control of vessels and boats within or leaving the limits of the harbour, and for landing, shipping, and storage of goods and other traffic, and for the regulation and control of the fishermen and others, and for the supply of ballast to vessels and boats, and for the deposit or removal of ballast on the quays, jetties, wharves, roads, approaches, and other works of the Corporation, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Saving rights  
under Crown  
Lands Act,  
1866.*do*

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "the Crown Lands Act, 1866," nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having first been obtained.

Saving the  
rights of the  
Duchy of  
Cornwall.

25. The consent of His Royal Highness the Prince of Wales, in right of His Duchy of Cornwall, signified to this Order, shall not be taken as a consent to the surrender of, and nothing in this Order contained shall prejudice or affect, any property, rights, powers, authorities, or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.



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26. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Corporation.

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 Costs of Order.

27. This Order may be cited as *The Truro Harbour Order, 1883.*

Short title.

SCHEDULE to which the foregoing Order refers:

~~RATES ON VESSELS AND BOATS USING THE HARBOUR, WHARVES, OR QUAYS  
 FOR SHIPPING, UNSHIPPING, OR TRANSHIPPING GOODS:~~

	£	s.	d.
On each coasting vessel, per ton register	0	0	2
If such vessel remains in the harbour for more than two months continuously, then for every month after the first two months, per ton register	0	0	1
On each vessel from or to foreign parts, per ton register	0	0	3

~~RATES ON OTHER VESSELS:~~

On each wind-bound vessel remaining beyond 48 hours, and not breaking bulk, per ton register	0	0	0½
On each vessel entering the harbour for orders, or for refuge, and remaining beyond seven days, and not breaking bulk, per ton register	0	0	0½

~~DUES ON TIMBER, MERCHANDISE, AND MINERALS SHIPPED,  
 UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR, OR  
 CARRIED IN VESSELS OR BOATS, OR BY RAFTS, ABOVE  
 VICTORIA POINT.~~

For every 50 cubic feet of timber	0	0	2
For all merchandise and minerals not already paying dues, per ton	0	0	4

~~In charging dues, the gross measurement or weight shall be taken, and for any less measurement or weight than above mentioned, a proportionate amount shall be charged.~~