

TOWN CLERK'S DEPT. TOWN HALL.

TEL TRURO 2038.

CHAPTER CXV.

An Act to confirm certain Provisional Orders made by the A.D. 1909. Board of Trade under the General Pier and Harbour Act 1861 relating to Bognor Herne Bay and Truro. [16th August 1909.]

HEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of 24 & 25 Vict. any validity or force whatever until the confirmation thereof by c. 45. 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present, Parliament assembled and by the authority of the same as follows:-

1. The several Orders as amended and set out in the schedule Confirmation to this Act shall be and the same are hereby confirmed and all of Orders in 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.

2. The Order relating to the district of Bognor made by Repeal of the Local Government Board on the 8th day of June 1875 and Local Govconfirmed by the Local Government Board's Provisional Orders Board Provi-Confirmation (Abingdon &c.) Act 1875 and the Order relating sional Order 1875 and to the same district made by the Local Government Board on 1884 relating

[Price 3s. 3d.]

[Ch. cxv.] Pier and Harbour Orders Confirmation [9 Edw. 7.] (No. 2) Act, 1909.

A.D. 1909. the 11th day of February 1884 and confirmed v local Government Board's Provisional Orders Confirmati are hereby repealed.

Short title.

3. This Act may be cited as the Pier and Harbour Ord.

Confirmation (No. 2) Act 1909.

The SCHEDULE of Orders.

- 1. Bognor.—Provisional Order for the maintenance and management of the Bognor Pier in the county of Sussex for authorising widening thereof for repealing the Bognor Pier Orders 1893 and 1895 and for other purposes.
- 2. Herne Bay.—Provisional Order for the transfer of the undertaking of the Herne Bay Pier Company Limited to the Urban District Council of Herne Bay and for other purposes in connexion therewith.
- 3. Truro.—Provisional Order for the amendment of the Truro Harbour Order 1903 and for conferring further powers upon the Mayor Aldermen and Citizens of the City of Truro in the county of Cornwall in relation to Truro Harbour.

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	(No. 2) Act, 1909.		8.			

A.D. 1909. V.—RATES FOR USE OF WEIGHING MACHINES.

Herne Bay. For goods weighed for each ton or part of a ton - - 0 0 2

VI.—RATES FOR USE OF TRAMWAY.

For every passenger using	tramway	for each	time any	sum n	ot	^	^	9
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Light goods per cubic for	Ju 1					Λ	2	0
Heavy goods per ton -		-	_	(**))	-	U	had	U
neavy goods per ton				121 (2022)				

For passengers' luggage rates not exceeding rates on same

for use of pier.

TRURO HARBOUR.

Provisional Order for the amendment of the Truro Harbour Order 1903 and for conferring further powers upon the Mayor Aldermen and Citizens of the city of Truro in the county of Cornwall in relation to Truro Harbour.

Preliminary.

Short title commencement and interpretation.

- 1.—(1) This Order may be cited as the Truro Harbour Order 1909 and the Truro Harbour Order 1883 (in this Order called "the Order of 1883") as amended by the Truro Harbour Order 1903 (in this Order called "the Order of 1903") and the Order of 1903 as amended by this Order and this Order may together be cited as the Truro Harbour Orders 1883 to 1909.
- (2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."
- (3) In this Order unless the context otherwise requires the following expressions shall have the meanings herein-after assigned to them namely:—
 - "The Corporation" means the mayor aldermen and citizens of the city of Truro acting by the council of that city;

"The city" means the city of Truro;

"The harbour" has the same meaning as that assigned to it by the Order of 1903.

Undertakers.

Undertakers. 2. The Corporation shall be the undertakers for carrying this Order into execution.

Pier and Barbour Orders Confirmation [Ch. CXV.] [9 Epw. 7.] (No. 2) Act, 1909.

Revival of Powers.

3 The powers conferred by the Order of 1903 upon the Corporasion with respect to the construction of works and all the provisions Revival of of that Order in relation thereto shall be and the same are hereby construction revived and may be exercised and enforced and shall have effect in of works like manner and subject to the like restrictions and with the same con-of 1903. sequention whether as to commencement or cesser of powers execution or completion of works or otherwise as if such powers and provisions had been contained in this Order.

A.D. 1909.

Truro.

Works.

The Corporation may erect and construct upon the existing Power to conquay belonging to them and known as Worth's Quay shelters waiting struct additional works. rooms lavatories public conveniences ticket collectors' kiosks toll houses barriers gates turnstiles steps and such other works as they may deem expedient for the purpose of adapting and using the said quay for the numering of passenger and other vessels and the landing on and embarking therefrom of passengers and their luggage and for the purposens of a promenade and may furnish and equip the same and may lovy upon and take and receive from passengers landing on or embarking from Worth's Quay such reasonable charges for the use of such shelters waiting rooms lavatories public conveniences and other works or for admission thereto as they may from time to time think fit Provided that nothing in this section contained shall authorise or entitle the Corporation to levy upon or take or receive from any persone (other than and except such passengers as aforesaid) any chargen for entering on Worth's Quay or using that quay in the same manner and to the like extent in and to which they are now entitled to use it.

Rates.

5 -(1) From and after the commencement of this Order the schedule Repeal of to the Order of 1903 shall be and the same is hereby cancelled and rates under repealed and the schedule to this Order shall be taken to be and 1903 and shall be substituted for the schedule to the Order of 1903 and that Order substitution and this Order shall be construed and have effect accordingly.

(2) All dues rates and moneys leviable and becoming due before the commencement of this Order may be levied received and recovered in like manner as if this Order had not been made.

6. The Corporation may confer vary or extinguish exemptions from Power to and enter into compositions with any persons with respect to the payment vary exemptions from of the tates authorised by this Order but so that no preference be in any rates and to case given to any person and that anything done under this section shall enter into not projudice the other provisions of this Order Provided nevertheless &c.

[Ch. cxv.] Pier and Harbour Orders Confirmation [9 EDw. 7.] (No. 2) Act, 1909.

A.D. 1909 Truro. that the levying of different rates at different quays wharves and landing places in the harbour shall not be deemed a preference within the meaning of this Order and that the Corporation may levy such rates accordingly notwithstanding the provisions of section 17 of the General Pier and Harbour Act 1861 Amendment Act.

Power to lease.

- 7.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person the entire undertaking of the harbour or the rates and other charges by this Order authorised to be taken.
- (2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by the Truro Harbour Orders 1883 to 1909 which the Corporation have or might exercise under those Orders and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under those Orders.
- (3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.
- (4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month 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 this subsection.
- (5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.
- (6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of the Truro Harbour Orders 1883 to 1909 as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Harbour Master.

Further powers to harbour master. 8. In addition to the powers conferred on the harbour master by the Harbours Docks and Piers Clauses Act 1847 and amending Acts it shall be lawful for the harbour master to give directions specifying the quay wharf or landing place in such part of the harbour as is

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situated northward and north-westward of an imaginary straight line A.D. 1909. drawn due east (true) from Trevaster Farm House in the parish of Kea to and terminating at a point on the eastern bank of the Truro River distant seven hundred yards or thereabouts from the said farm house at which any vessel shall land or embark passengers and their luggage and no vessel shall land or embark passengers and their luggage at any quay wharf landing place or elsewhere within such part of the harbour as aforesaid except in accordance with such directions Provided that nothing in this section contained shall prevent the owner or occupier of any quay wharf or landing place not belonging to the Corporation from using the same for the landing or embarking of himself or members of his family or household or persons in his employment Provided further that nothing in this section shall extend or apply to the quays and wharves now owned or occupied by the Great Western Railway Company at Newhaven.

Truro.

9. The harbour master may prevent the removal or sailing out of Harbour the harbour of any vessel in respect of which or the goods imported master may or exported therein any rates or dues are payable until evidence has ing of vessel. been produced to him of the payment of those rates or dues.

Finance.

10.-(1) The Corporation may from time to time in addition to Power to any other borrowing power borrow at interest not exceeding five pounds per centum per annum on the security of the rates authorised by this Order and the charges and revenue arising from the harbour and authorised by the Order of 1903 as amended by this Order (herein-after together called "the harbour revenue") and if thought fit as collateral security on the city fund and city rate of the city for the purposes following (that is to say):-

- (a) For the improvement of Worth's Quay and the channels thereto and for the construction erection and equipment of the works by this Order authorised a sum not exceeding in the whole one thousand pounds:
 - (b) Such sum as may be required for the payment of the costs charges and expenses of this Order.
- (2) The Corporation may secure by mortgage under this section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by this Order and any money so secured shall be considered to be money borrowed under this Order.
- (3) Sections 236 237 238 and 239 of the Public Health Act 1875 chall apply to all mortgages respectively made under this Order and the Order of 1903 as amended by this Order.

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(4) A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provisions of the Order of 1903 or this Order or be bound to see to the application or be answerable for any loss or non-application of the money lent.

Periods for repayment of borrowed moneys.

11. All moneys borrowed by the Corporation under this Order shall be repaid within the respective periods following (in this Order called "the prescribed periods") (that is to say):—

As to moneys borrowed for the purposes (a) mentioned in the last preceding section of this Order within twenty years from the date of borrowing the same:

As to moneys borrowed for the purposes (b) mentioned in the same section within five years from the commencement of this Order

Mode of payment off of moneys borrowed.

12. The Corporation shall pay off all moneys which may hereafter be borrowed by them on mortgage under the powers of the Order of 1903 and this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments after the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

- 13.—(1) If the Corporation determine to repay by means of a sinking fund any moneys hereafter borrowed under the Order of 1903 or this Order the Corporation in every year shall appropriate and set apart out of the harbour revenue and the city fund and city rate such equal annual sums as will with the accumulation thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed within the period by the Order of 1903 or this Order prescribed for the repayment thereof respectively.
- (2) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stocks debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Corporation and securities transferable by delivery).
- (3) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner

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as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys is discharged a sum equal to the interest produced by the sinking fund or the part thereof so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based.

A.D. 1909. Truro

- (4) If and so often as the income of the sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the prescribed rate any deficiency shall be made good by the Corporation.
- (5) If and so often as the income of the sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the prescribed rate any such excess may be applied towards such annual payments.
- (6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.
- (7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.
- (8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund created to meet that loan.
- (9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.
- (10) If the amount in any sinking fund at any time together with the probable accumulations thereon will in the opinion of the Local

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(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Sinking fund may be adjusted in certain events. 14. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of the Order of 1903 or this Order the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to re-borrow.

15. The Corporation may except as herein-after provided re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under the Order of 1903 or this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Return respecting sinking fund to Local Government Board. 16.—(1) The town clerk shall within twenty-one days after the 31st day of March in each year if during the twelve months next preceding the said 31st day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or the Order of 1903 or in respect of any money raised under this Order and the Order of 1903 or either of them and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been appropriated

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and the amounts which have been paid to or invested or applied for the purpose of each sinking fund (if any) for the time being subsisting and the description of the securities upon which any investment has been made and the purposes to which any portion of each such sinking fund as aforesaid or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his wilfully failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered 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 Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or the Order of 1903 or by the Local Government Board in virtue of those Orders respectively to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

17.—(1) Subsection (1) of section 15 of the Order of 1903 is Amendment hereby amended by the insertion after the words "the security of of section 15 the rates authorised by this Order" of the words "and if thought 1903: " fit as collateral security on the city fund and city rate of the city " of Truro."

(2) Subsections (3) and (4) of section 15 of the Order of 1903 are

hereby repealed. 18.-(1) The Corporation if they think fit may borrow the moneys Power to borwhich they are by the Order of 1903 and this Order authorised to row under Local Loans borrow or any part thereof under the powers and subject to the Act 1875. provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

(2) Any moneys borrowed by the Corporation in manner by this section authorised for the purposes of the Order of 1903 and this Order shall be a charge upon and shall be paid out of the rates and revenue to be derived by the Corporation under the Order of 1903 and this Order and if so thought fit by the Corporation as a collateral security

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A.D. 1909 Truro. on the city fund and city rate aforesaid and such rates and revenue or revenue funds and rates as the case may be shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3) Every such loan shall be discharged within the periods respectively prescribed for the repayment of moneys borrowed under the Order of 1903 and this Order and where any such loan is made repayable by means of a sinking fund the provisions of this Order shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

Application of rates and revenue.

19. The Corporation shall apply the rates charges and other income and revenue which shall from time to time be derived by the Corporation under the Order of 1903 and this Order in manner and order following (that is to say):—

(1) In paying the expenses of the maintenance and repair of the harbour and all works buildings and conveniences connected therewith and the management and regulation of the same and in defraying all other expenses of the Corporation properly incurred in relation to the harbour:

(2) In paying the interest on all-moneys borrowed under the Order of 1903 and this Order which are for the time being outstanding:

(3) In providing the requisite appropriations instalments and sinking fund payments in respect of all moneys borrowed under the Order of 1903 and this Order which are for the time being outstanding:

(4) In repaying to the city fund and city rate respectively all moneys and interest which may have been paid thereout respectively for the purposes of the harbour:

(5) In the general improvement of the harbour and the works buildings and conveniences connected therewith or in reduction of any principal moneys borrowed under the Order of 1903 and this Order or either of them which may for the time being be outstanding:

Application of borrowed moneys.

20. All moneys borrowed ander this Order shall be applied by the Corporation only for the process for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Repeal.

21. Subsections (2) and (3) of section 16 and sections 17 and 18 and subsection (5) of section 19 of the Order of 1903 are hereby repealed.

Costs of Order. 22. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Corporation.

[9 EDW. 7.] Rick and Harbour Orders Confirmation [Ch. CXV.]	
Port and harron of Frank Palo Schedule of Rate and Palo	
Soldiele et Rates and Palo	
The SCHEDULE to which the foregoing Orders refers.	A.D. 1909.
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A. RATES FOR USE OF QUAYS WHARVES AND LANDING PLACES	
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H.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED AT	
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RATES ON OTHER VESSELS.	
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1.D. 1909. VI.—Rates on Timber Bricks Cement Lime Limestone Stone Merchandise and Minerals shipped unshipped or transhipped within the Harbour for any Port outside the Black Rock or carried in Vessels or Boats or by Raft above Victoria Point.

For every fifty cubic feet of timber - - 0 1¼

For bricks cement limestone salt and manures (other than and except guano sulphate of ammonia and nitrate of soda) per ton 0 1¼

For all merchandise and minerals not already paying dues (including guano sulphate of ammonia and nitrate of soda)

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.

The owner or charterer of any vessel carrying materials merchandise and minerals as aforesaid and plying to and from the harbour shall be entitled to compound for the tonnage rates leviable on such vessel under the provisions of this Order by paying to the Corporation on the first day of January or on the day of the first visit of such vessel to the harbour in any year an amount equal to five times the tonnage rates on such vessel and from and after such payment the said vessel shall for the current year or part of a year ending the 31st day of December next ensuing only be free of all tonnage rates but this provision shall in no way affect the liability (if any) of such vessel to dues in respect of the materials merchandise and minerals carried by any such vessel.

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