



CHAPTER cxxi.

An Act to confirm certain Provisional Orders made by A.D. 1920.
the Minister of Transport under the General Pier and
Harbour Act 1861 relating to Blackpool Deal Eyemouth
and Truro. [4th August 1920.]

WHEREAS a Provisional Order made by the Minister of
Transport under the General Pier and Harbour Act 1861 24 & 25 Vict.
is not of any validity or force whatever until the confirmation c. 45.
thereof by Act of Parliament:

And whereas it is expedient that the several Provisional
Orders made by the Minister of Transport 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 schedule.
in the said schedule shall from and after the passing of this Act
have full validity and force.

2. This Act may be cited as the **Pier and Harbour Orders** Short title.
Confirmation (No. 2) Act 1920.

11 GEO. 5.] *Pier and Harbour Orders* [Ch. cxxi.]
Confirmation (No. 2) Act, 1920.

In weighing and measuring goods for ascertaining the dues payable the weight or measurement of the packages is to be included. A.D. 1920.

All articles left upon any of the piers or quays or other part of the harbour and works more than 24 hours to be charged one-half of the foregoing rates for each 24 hours or parts thereof of additional time over and above the rates specified in the schedule. Eyemouth.

PART IV.

RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

	s.	d.
For each passenger embarking or disembarking in the harbour	0	3
For the personal luggage of each such passenger if exceeding		
1 lb. cwt. for each cwt. or part of a cwt.	-	0 3

TRURO HARBOUR.

For the amendment of the Truro Harbour Orders 1903 and 1909 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. Truro.

Preliminary.

1.-(1) This Order may be cited as the Truro Harbour Order 1920 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") the Order of 1903 as amended by the Truro Harbour Order 1909 (in this Order called "the Order of 1909") and the Order of 1909 as amended by this Order and this Order may together be cited as the Truro Harbour Orders 1883 to 1920. Short title, commencement and interpretation.

(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 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;

"The harbour revenue" means and includes the rates, tolls, rents and other moneys and receipts which may be taken and

[Ch. cxxi.]

Pier and Harbour Orders [10 & 11 Geo. 5.]
Confirmation (No. 2) Act, 1920.

A.D. 1920.

Truro.

received by way of income from or in respect of the harbour and the conveniences connected therewith under the authority of the Order of 1903 the Order of 1909 or this Order or otherwise.

Undertakers.

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

Revival of Powers.

Revival of powers for construction of works under Orders of 1903 and 1909.

3. The powers conferred by the Order of 1903 and the Order of 1909 upon the Corporation with respect to the construction of works and all the provisions of those Orders in relation thereto shall be and the same are hereby revived and may be exercised and enforced and shall have effect in like manner and subject to the like restrictions and with the same consequences 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.

Rates.

Repeal of rates under Orders of 1903 and 1909 and substitution of other rates.

4.—(1) Section 23 (Power to levy rates) of the Order of 1903 and section 5 (Repeal of rates under Order of 1903 and substitution of other rates) of the Order of 1909 and the respective schedules to the said Orders are hereby repealed.

increased by 50% by Section 4 1925 Act

(2) From and after the commencement of this Order the Corporation may subject to the provisions of the Order of 1903 and the Order of 1909 as amended by this Order demand recover and receive for the use of the harbour and in respect of vessels boats passengers materials merchandise minerals and goods and also in respect of services rendered described in the schedule to this Order any sums not exceeding the several rates tolls and dues specified in that schedule.

(3) 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.

Revision of rates.

5.—(1) The rates to be received by the Corporation shall be adjusted by them in such manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour.

(2) If at any time it appears to the Ministry of Transport from the annual account to be sent to them under the Order of 1883 that the clear annual income derived from the rates leviable by the

[10 & 11 GEO. 5.] *Pier and Harbour Orders*
Confirmation (No. 2) Act, 1920.

[Ch. cxxi.]

Corporation on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of the harbour the Ministry may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

A.D. 1920.

Truro.

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

Finance.

7. (1) The Corporation may from time to time in addition to any other borrowing power borrow at interest at a rate not exceeding without the consent of the Ministry of Transport seven per cent. on the security of 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):—

Power to borrow.

- (a) Such sum or sums not exceeding in the whole ten thousand pounds as may be necessary for the execution and completion of the works authorised by the Order of 1903 and the Order of 1909 respectively as amended by this Order;
- (b) Such sum or sums not exceeding in the whole eight thousand pounds as may be necessary for the purchase of a steam or other dredger;
- (c) Such sum as may be required for the payment of the costs charges and expenses of this Order; and
- (d) With the consent of the Ministry of Transport such further sum or sums as may from time to time be required for the purposes of the Order of 1903 the Order of 1909 and 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 the works authorised by the Order

[Ch. cxxi.]

Pier and Harbour Orders [10 & 11 GEO. 5.]
Confirmation (No. 2) Act, 1920.

A.D. 1920. of 1903 and the Order of 1909 respectively as amended by this Order
Truro. 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
shall apply to all mortgages made under this Order.

(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 the Order of 1909 or this Order or be bound to
see to the application or be answerable for any loss or non-application
of the money lent.

8. All moneys borrowed by the Corporation under this Order shall
be repaid within the respective periods following (that is to say):—
Periods for
repayment of
borrowed
money.

As to moneys borrowed for the purposes (a) and (b) mentioned in
the last preceding section of this Order within thirty years
from the date or dates of borrowing the same;

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

As to moneys borrowed for the purpose (d) mentioned in the
same section within such period from the date or dates of
borrowing the same as the Ministry of Transport may prescribe.

9. The following provisions of the Order of 1909 shall with any
necessary modifications extend and apply to the exercise of the powers
conferred upon the Corporation by this Order as if the same were
re-enacted in this Order (namely):—
Incorporation of
provisions of
Order of
1909.

Section 12 (Mode of payment off of moneys borrowed);

Section 13 (Sinking fund);

Section 14 (Sinking fund may be adjusted in certain events);

Section 15 (Power to re-borrow);

Section 16 (Return respecting sinking fund to Local Govern-
ment Board);

Section 18 (Power to borrow under Local Loans Act 1875);
and

Section 20 (Application of borrowed moneys):

Provided that in the application to this Order of section 13
(Sinking fund) of the Order of 1909 subsection 1. of that section shall
be read and construed as if the words "or such other rate as the
" Ministry of Health may from time to time approve " were inserted
therein immediately after the words "three pounds per centum per
annum."

11 GEO. 5.] *Pier and Harbour Orders*
Confirmation (No. 2) Act, 1920.

[Ch. cxxi.]

10.—(1) Section 28 (Application of revenue) of the Order of 1903 and section 19 (Application of rates and revenue) of the Order of 1909 are hereby repealed. A.D. 1920.
Truro.
Application
of harbour
revenue.

(2) The harbour revenue shall be applied for the purposes and in the order following and not otherwise:—

- (i) 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;
- (ii) In paying the interest on all moneys borrowed under the Order of 1903 the Order of 1909 and this Order which are for the time being outstanding;
- (iii) In providing the requisite appropriations instalments and sinking fund payments in respect of all moneys borrowed under the Order of 1903 the Order of 1909 and this Order which are for the time being outstanding;
- (iv) In repaying to the city fund and city rate of the city all moneys and interest which may have been paid thereout respectively for the purposes of the harbour;
- (v) 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 the Order of 1909 and this Order or any of them which may for the time being be outstanding.

11. All the costs charges and expenses of and 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. Costs of
Order.

increased by 50% Sec. 4 1928 Order

The SCHEDULE to which the foregoing Order refers.

I.—RATES FOR USE OF QUAYS WHARVES AND LANDING-PLACES
BELONGING TO THE CORPORATION.

For every passenger who shall land on or embark from any quay wharf or landing-place belonging to the Corporation for each time of landing or embarking any sum not exceeding - - - - -

s. d.

0 1

[Ch. CXXI.]

Pier and Harbour Orders [10 & 11 GEO. 5.]
Confirmation (No. 2) Act, 1920.

A.D. 1920.
Truro.

II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED
AT THE QUAYS WHARVES AND LANDING-PLACES BELONGING TO THE
CORPORATION.

For every trunk portmanteau box parcel or other package within
the description of luggage and not borne by passengers a
sum not exceeding - - - - - s. d.
- - - - - 0 2 2

III.—RATES ON VESSELS USING THE HARBOUR BUT NOT SHIPPING
UNSHIPPING OR TRANSHIPPING GOODS.

For every vessel (moved by steam or other mechanical power)
employed in carrying passengers and their luggage for
hire which shall enter or come within the harbour per ton
register not exceeding - - - - - s. d.
- - - - - 0 2 2

IV.—RATES ON VESSELS AND BOATS USING THE HARBOUR FOR SHIPPING
UNSHIPPING OR TRANSHIPPING GOODS.

On each coasting vessel per ton register - - - - - s. d.
- - - - - 0 5
On each vessel from or to foreign parts per ton register - - - - - 0 7½
If any such vessel whether coasting or otherwise remains in
the harbour for more than two months continuously then
for every month or part of a month after the first two
months per ton register - - - - - 0 2½

V.—RATES ON OTHER VESSELS.

On each wind-bound vessel remaining more than forty-eight
hours and not breaking bulk for each week or part of a
week after the first forty-eight hours per ton register - - - - - 0 1½
On each vessel entering the harbour for orders or for refuge
and remaining more than a week and not breaking bulk
for each week or part of a week after the first week per
ton register - - - - - 0 1½

VI.—RATES ON TIMBER BRICKS CEMENT LIME LIMESTONE STONE
MERCHANDISE AND MINERALS SHIPPED UNSHIPPED OR TRANSHIPPED
WITHIN THE HARBOUR FOR ANY PORT OUTSIDE THE HARBOUR OR
CARRIED IN VESSELS OR BOATS OR BY RAFT ^{in the three hours of the tidal flow}
~~IN THE TIDEWAYS OR ABOVE THE TIDEWAYS~~ ^{between Malpas}
~~TRUSMILLAN LIMEWORK AND FOLLOWING THE PARISH BOUNDARY~~ ^{map Cornwall sheet LXVI second edition 1907}
For every fifty cubic feet of timber - - - - - s. d.
- - - - - 0 3½

For bricks cement limestone salt and manures (other than and
except guano sulphate of ammonia and nitrate of soda)
per ton - - - - - s. d.
- - - - - 0 3½

*Amended
by Section 7
of the 1928
Order*

10 & 11 Geo. 5.] *Pier and Harbour Orders* [Ch. cxxi.]
Confirmation (No. 2) Act, 1920.

For all merchandise and minerals not already paying dues s. d. A.D. 1920.
 (including guano sulphate of ammonia and nitrate of soda) Truro.
 per ton - - - - - 0 7½ 10 ¾

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 ~~two~~^{ten} 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.

*Amended by
 Sec. 10 (2)
 of 1923
 C. 20*

VII.—TOLLS AND DUES ON COALS CORN GRAIN PULSE AND FLOUR
 IMPORTED INTO OR EXPORTED FROM THE HARBOUR.

	s.	d.
Coals per chaldron or one ton and a half	-	0 10
Corn grain and pulse per quarter	-	0 2½
Flour per sack of 280 lbs.	-	0 1¼

Provided that one half only of the foregoing tolls and dues shall be chargeable if the use of a meter is not required:

Provided further that in lieu of the said toll and due upon corn grain and pulse when imported into the harbour and exported without breaking bulk there shall be levied a toll or due of 1s. 3d. per cargo.

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