



CHAPTER lxviii.

An Act to confirm certain Provisional Orders made A.D. 1928.  
by the Minister of Transport under the General  
Pier and Harbour Act 1861 relating to Gott  
Bay and Truro. [3rd August 1928.]

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

And whereas it is expedient that the 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 Orders as 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. Confirma-  
tion of  
Orders in  
schedule.

2. This Act may be cited as the Pier and Harbour Short title.  
Orders Confirmation Act 1928.

[Ch. lxviii.] *Pier and Harbour* [18. & 19 Geo. 5.]  
*Orders Confirmation Act, 1928.*

A.D. 1928.

TRURO HARBOUR.

*Truro.*

*Provisional Order for the amendment of the Truro Harbour Orders 1883 to 1920 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.*

Short title commencement and interpretation.

1.—(1) This Order may be cited as the Truro Harbour Order 1928 and shall be read together with the Truro Harbour Orders 1883 to 1920 as amended by this Order which Orders and this Order may together be cited as the Truro Harbour Orders 1883 to 1928.

(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 Order of 1903" "the Order of 1909" and "the Order of 1920" mean respectively the Truro Harbour Order 1903 the Truro Harbour Order 1909 and the Truro Harbour Order 1920;

"Authorised rates" and "authorised rate" mean respectively the rates tolls or dues or rate toll or due which the Corporation are for the time being authorised to levy demand and recover in pursuance of section 4 of the Order of 1920 and the schedule in that section referred to and by this Order;

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

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

Revival of powers for construction of works under Orders of 1903 1909 and 1920. 3. The powers conferred by the Order of 1903 the Order of 1909 and the Order of 1920 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.

POWER TO  
CONSTRUCT  
ARE LIFTED



[18 & 19 Geo. 5.] *Pier and Harbour* [Ch. lxviii.]  
*Orders Confirmation Act, 1928.*

4. As and from the commencement of this Order the provisions of the Order of 1920 shall be read and have effect as if the rates tolls and dues prescribed by section 4 (Repeal of rates under Orders of 1903 and 1906 and substitution of other rates) of the Order of 1920 and the schedule to that Order were in each case increased by fifty per centam. A.D. 1928  
True.  
Increase of rates.

RATES & TOLLS SET BY  
THE COUNCIL

5. Section 5 (Revision of rates) of the Order of 1920 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof:— Revision of rates.

(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")—

(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; or

(b) by the Corporation;

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 and may fix the date as from which such Order shall take effect and thenceforth 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 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 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 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 3 of

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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 persons 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.

Rates for tugs.

6. In addition to the rates tolls and dues prescribed by the Order of 1920 and the schedule thereto as increased by this Order the Corporation may demand recover and receive the following rates in respect of tugs using the harbour that is to say:—

|   | <i>s. d.</i> |
|---|--------------|
| Tugs under twenty tons register with no tow either way or with a tow one way only |              |
| each entry  | 3 0          |
| Tugs under twenty tons register with a tow both ways                              |              |
| each entry  | 6 0          |
| Tugs over twenty tons register with no tow either way or with a tow one way only  |              |
| each entry per ton register   | 0 2          |
| Tugs over twenty tons register with a tow both ways                               |              |
| each entry per ton register   | 0 4          |

Further amendment of paragraph VI of Schedule to Order of 1920.

7.—(1) The limits within which the Corporation may demand recover and receive the rates on timber bricks cement lime limestone stone merchandises and minerals prescribed by paragraph VI of the schedule to the Order of 1920 as increased by this Order shall be and the same are hereby extended so to include those parts of the Truro River and the Tresillian River respectively as lie to the westward and northward of the boundary hereinafter in this section referred to and the heading to the said paragraph VI shall accordingly be amended by substituting for the words "above Victoria Point in the Truro River or above the Ferry House in the Tresillian River" the words "in the Truro

LIMITS OF  
 JURISDICTION  
 EXTENDED



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“ River or the Tresillian River above an imaginary line drawn  
“ across the former river between Malpas Point and Kea Wood  
“ and following the parliamentary county union and rural district  
“ boundary as marked upon the 25-inch Ordnance map Cornwall  
“ Sheet LXV.1 Second Edition 1907.”

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(2) The provision contained in paragraph VI of the schedule to the Order of 1920 entitling the owner or charterer of any vessel to compound for the tonnage rates leviable thereon shall from and after the thirty-first day of December one thousand nine hundred and twenty-eight be and the same is hereby amended by the substitution of the words “ an amount equal to ten times the tonnage rates on such vessel ” for the words “ an amount equal to five times the tonnage rates on such vessel ” and such provision shall be read and have effect accordingly.

8.—(1) The Corporation shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such accounts.

Annual account to be sent to Ministry of Transport.

(2) The Corporation 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.

(3) The accounts of the Corporation referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

(4) Section 26 (Annual account to be sent to Board of Trade) of the Order of 1903 is hereby repealed.

9. 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 out of the harbour revenue or out of moneys to be borrowed for the purpose under the Order of 1920.

Costs of Order.

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