

**CHAPTER cci.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Colwyn Bay Macduff Medina River Portsmouth Camber Quays and Southwold. A.D. 1898.

[2nd August 1898.]

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: 24 & 25 Vict.
c. 45.

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 as amended and 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. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Special pro-
visions as to
houses of
labouring
class.

A.D. 1898. — For the purposes of this section the expression “labouring class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1898.

THE SCHEDULE OF ORDERS.

1. COLWYN BAY.—Construction of pier.
2. MACDUFF.—Transfer of harbour to Town Council and construction of new works.
3. MEDINA RIVER.—Amendment of River Medina Navigation Act 1852.
4. PORTSMOUTH CAMBER QUAYS.—Construction of new harbour works.
5. SOUTHWOLD.—Transfer of harbour to Corporation.

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Medina.

								s.	d.
Washing powder per cwt.	-	-	-	-	-	-	-	0	1
Waters per cwt.	-	-	-	-	-	-	-	0	1
Wax per cwt.	-	-	-	-	-	-	-	0	1
Weed killer per cwt.	-	-	-	-	-	-	-	0	2
Weighing machines per cwt.	-	-	-	-	-	-	-	0	1
Whalebone per cwt.	-	-	-	-	-	-	-	0	2
Wheat per quarter	-	-	-	-	-	-	-	0	1
Wheel-barrows each	-	-	-	-	-	-	-	0	1
Wheels per pair	-	-	-	-	-	-	-	0	1
Whiting per ton	-	-	-	-	-	-	-	0	4
Wicker-work per cwt.	-	-	-	-	-	-	-	0	2
Wine (as spirits).									
Wine bottles per gross	-	-	-	-	-	-	-	0	2
Wire per cwt.	-	-	-	-	-	-	-	0	1
Ditto per ton	-	-	-	-	-	-	-	1	3
Withies per cwt.	-	-	-	-	-	-	-	0	2
Wood not before specified per 50 cubic feet	-	-	-	-	-	-	-	0	4
Wood skewers per cwt.	-	-	-	-	-	-	-	0	1
Wood ware per cwt.	-	-	-	-	-	-	-	0	2
Wool per ton	-	-	-	-	-	-	-	2	0
Yarn new per ton	-	-	-	-	-	-	-	1	8
Yarn old per ton	-	-	-	-	-	-	-	0	10
Yeast per cwt.	-	-	-	-	-	-	-	0	2
Yellow metal per cwt.	-	-	-	-	-	-	-	0	2
Zinc per cwt.	-	-	-	-	-	-	-	0	1

All "goods" not included in the foregoing list to be charged the same rate as articles of a similar nature and value.

N.B.—No rates shall be payable in respect of returned empties if harbour dues or rates have been paid upon them when delivered.

*Portsmouth
Camber
Quays.*

PORTSMOUTH CAMBER QUAYS.

Order for the Construction of Works in the Camber and for conferring further powers upon the Mayor Aldermen and Burgesses of the Borough of Portsmouth in relation thereto.

Preliminary.

Short title.
Construction
and definition.

1.—(1.) This Order may be cited as the Portsmouth Camber Quays Order 1898 and shall be construed as one with the Act passed in the third year of the reign of Her Majesty Queen Victoria intituled "An Act for enlarging the town quay of the borough of Portsmouth and for improving that portion of the harbour of Portsmouth called the Camber" (in this Order called the Act of 1839) and the Portsmouth Camber Quays Act 1868 (in this Order called the Act of 1868).

(2.) The expression "existing" means existing at the date of the passing of the Act confirming this Order.

Undertakers and Limits.

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Quays.

2. The mayor aldermen and burgesses of the borough of Portsmouth acting by the council of the said borough shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Corporation.

Undertakers.

3. The limits within which the Corporation and their officers and servants shall have authority shall for all purposes extend to and comprise the works authorised by this Order in addition to the existing harbour and the works authorised by the Act of 1839 and the Act of 1868.

Limits.

Works.

4. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Corporation may on the lands and in the lines and situation and according to the levels shown on the deposited plan and section and within the limits of deviation shown on the deposited plan make and maintain the works authorised by this Order.

Power to make works.

5. The works authorised by this Order include—

(1.) A wharf wall and embankment commencing at a point on the existing wharf on the north-east side of that part of the Camber called or known as the Outer Camber one hundred and eighty-seven feet or thereabouts measured in a south-easterly direction along that wharf from the north-west corner of the Camber dock wall and continuing from thence in a straight line for a distance of forty feet or thereabouts and from thence in a straight line in a southerly direction for a distance of two hundred and twenty feet and terminating at a point on the existing wharf on the east side of that part of the Camber called or known as the Inner Camber thirty feet or thereabouts south of the swing bridge over the Camber next herein-after mentioned The said wharf wall or embankment will be solid :

Description of works.

(2.) The removal of the existing swing bridge over the Camber and dividing that part called or known as the Inner Camber from the part called or known as the Outer Camber and the construction and maintenance in substitution therefor of a new bascule or other opening bridge :

The said works will be wholly situate in the parish and borough of Portsmouth in the county of Southampton.

6. The Corporation may construct and maintain for temporary or permanent use all necessary roads approaches quays wharves walls bascule and other bridges piers platforms jetties landing places mooring buoys lights and other subsidiary works and conveniences and may take down and remove so much of the existing wharf of the Corporation as is situate between the commencement and termination of the wharf wall or embankment authorised by this Order and may excavate and remove so much of the site of the said existing wharf as may be necessary or expedient in connection with the works authorised by this Order.

Power to make subsidiary works.

7. The Corporation in constructing the works authorised by this Order may with the consent in writing of the Admiralty first obtained deviate laterally from the lines of those works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan and vertically from the levels shown on the deposited section to any extent not exceeding three feet.

Powers of deviation.

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*Portsmouth
Camber
Quays.*Consent of
Board of Trade
and Admiralty
to works.Power to cross
and interfere
with foreshores
roads &c.Power to
dredge &c.
in vicinity of
works.As to material
dredged.Penalty for
obstructing
works.Powers to
cease in certain
events.

8. Any works below high-water mark shall not be commenced without the consent in writing of the Board of Trade and of the Admiralty and shall be executed only in the manner approved by that Board and by the Admiralty.

9. The Corporation may where the construction of the works authorised by this Order renders it necessary cross stop up alter or divert temporarily or permanently or otherwise interfere with foreshores roads passages watercourses sewers or other works but shall make compensation for any damage which may be done in the exercise of their powers under this section.

10.—(1.) The Corporation may dredge scour cleanse deepen and remove any rocks banks sand mud or shingle within or adjoining the works authorised by this Order or the approaches thereto but shall not do so without the consent of the Board of Trade and of the Admiralty first obtained to a greater extent than may be necessary to secure a depth at high water of eighteen feet.

(2.) The Corporation shall be liable to pay compensation for any damage caused to any buildings at the gun wharf by the exercise of the powers of dredging under this Order.

11. All sand mud and materials excavated dredged up or removed within the limits of this Order shall be the property of the Corporation and they may sell or otherwise dispose of the same or remove or deposit the same within those limits:

Provided that—

(a) no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade and of the Admiralty; and

(b) no such sand mud or other material shall be deposited within the limits of the dockyard port of Portsmouth.

12. If any person wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys the works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

13.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall be conclusive evidence for the purposes of this Order of the facts stated in that certificate.

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*Quays.*Works autho-
rised to form
part of under-
taking of
Corporation.*Rates.*

14. The works authorised by this Order shall for all purposes including the levying and collection of rates and dues and the making and authentication of byelaws be taken as forming part of the works belonging to the Corporation and constructed under the powers of the Act of 1839 and of the Act of 1868 and the rates and dues to be demanded levied and collected in respect of the works authorised by this Order shall be the rates and dues authorised to be demanded levied and collected under the Act of 1839 and the Act of 1868.

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

Board of Trade
officers exempt
from rates.*Finance.*

16. The Corporation may in addition to the moneys which the Corporation are authorised to borrow under the provisions of the Act of 1839 and the Act of 1868 or either of them borrow at interest such amount as they may require for the purposes of this Order not exceeding in the whole sixteen thousand pounds and the Corporation may raise all or any of the money so authorised to be borrowed by mortgage or otherwise on the security of the revenue arising under the said Acts and this Order and by way of collateral security on the borough fund and borough rate and sections 236 to 239 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order :

Power to
borrow.

Provided that—

- (a) no part of the said sum of sixteen thousand pounds shall be borrowed until plans of the permanent works authorised by this Order have been submitted to and sanctioned by the Board of Trade ; and
- (b) a person advancing or lending or proposing to advance or lend money to the Corporation borrowed by them under the powers herein contained shall not be concerned to see to the application thereof or be accountable for any loss or misapplication thereof.

17. The Corporation shall pay off all money borrowed by them under this Order within forty years from the time or respective times of borrowing the money by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act are hereby incorporated with this Order and shall apply accordingly Provided that the Corporation shall not invest any sinking fund created under this Order in their own securities or securities transferable by delivery.

Repayment of
borrowed
money.

18. Any money borrowed by the Corporation under this Order and repaid otherwise than in manner provided by this Order may be reborrowed by the Corporation but so that the money shall be repaid within the period limited by this Order and for the purposes of repayment and of sections 14 and 15 of the Local Loans Act 1875 the money reborrowed and the money originally borrowed shall be deemed to form the same loan.

Reborrowing.

19.—(1.) The town clerk shall within forty-two days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in pursuance of this Order

Annual return
to Board of
Trade as to
sinking fund.

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—
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Quays.

transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the money invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year.

(2.) The town clerk in the event of any wilful default on his part in making the return shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to and be recoverable by that Board in the same manner as penalties recoverable in a summary manner under the Public Health Act 1875 may be recovered by parties aggrieved within the meaning of that Act.

(3.) If it appears to the Board of Trade by the return made under this section or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order that Board may by Order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and that order shall be enforceable by writ of mandamus to be obtained by that Board out of the High Court.

(4.) The provisions of this section shall apply with the necessary modifications to appropriations and annual repayments.

As to borrow-
ing powers
under Acts of
1839 and 1868.

20.—(1.) Sections 54 to 57 of the Act of 1839 and section 15 of the Act of 1868 are as regards any future operation thereof hereby repealed.

(2.) The Corporation shall repay any moneys borrowed under the authority of those Acts and outstanding at the date of the passing of the Act for confirming this Order within forty years from that date and the provisions of this Order which relate to the repayment of borrowed money and to reborrowing and to the annual return to the Board of Trade as to the sinking fund and the powers of the Board of Trade with regard to that return and to sinking funds and instalments and sections 236 to 239 of the Public Health Act 1875 shall so far as applicable apply in relation to the money so borrowed and outstanding.

Application
of money
borrowed.

21. All moneys borrowed under this Order shall be applied only for the purposes and in the manner following and not otherwise (that is to say):—

In payment of the cost of the construction of the permanent works and conveniences and for the other purposes of this Order to which capital money is properly applicable under this Order not including experimental works.

Application of
harbour rates
to maintenance
&c. of works.

22. The Corporation may at any time in addition to the purposes to which money received by them from the rates authorised by the Act of 1839 and by the Act of 1868 are by those Acts made applicable apply that money in paying the expenses of the maintenance repair alteration extension and management of the works authorised by this Order and in paying year by year the interest of any money borrowed for the purposes of this Order and in providing sums for the repayment of that borrowed money by annual appropriations or instalments (if either of those modes of repayment is adopted) or in the creation of a sinking

fund in manner provided by this Order and in the construction and maintenance of such further works outside the harbour in connexion with the works authorised by this Order as may be approved by the Board of Trade.

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23. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under the Act of 1839 the Act of 1868 and this Order respectively.

Audit of
accounts.*Life-buoys and Lights.*

24.—(1.) The Corporation shall at all times keep at such places on the works authorised by this Order as may be directed by the Board of Trade life-buoys and lines in good order and ready for use and shall apply for the directions of the Board under this section as soon as the works are completed.

Life-buoys.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such directions.

25.—(1.) Before commencing the works authorised by this Order the Corporation shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon that application or afterwards given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works.

Temporary
lights on works.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

26.—(1.) The Corporation shall provide maintain and use on the bascule or other opening bridge authorised to be constructed under the Order such signal lights for the purpose of showing whether the bridge is open or shut as the Board of Trade direct and shall apply for the directions of the Board under this section as soon as the bridge is completed.

Lights on
bridge.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

General.

27. 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 limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained.

Saving rights
under Crown
Lands Act
1866.

28. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Woods or either of them.

Saving rights
of the Crown.

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Portsmouth
Camber
Quays.
Costs of Order.

29. 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.

Southwold.

SOUTHWOLD HARBOUR.

Order to transfer to and vest in the Mayor Aldermen and Burgesses of the Borough of Southwold in the County of Suffolk the Undertaking of the Commissioners of the Harbour of Southwold to dissolve those Commissioners and for the improvement maintenance and regulation of the Harbour.

Preliminary.

Short title.

1. This Order may be cited as the Southwold Harbour Order 1898.

Interpretation.

2. In this Order unless the context otherwise requires—

The expression "the harbour" means the harbour of Southwold as situate in the River Blyth below a straight line drawn across that river from the upper or north-western bank of Buss Creek including that creek Salt Works Creek and Dunwich Creek the piers quays wharves houses warehouses sheds buildings machinery cranes works and conveniences lands property rights powers and privileges connected therewith or appertaining thereto ;

The expression "the Act of 1830" means the Act passed in the eleventh year of the reign of King George the Fourth intituled "An Act for more effectually improving the harbour of Southwold in the county of Suffolk" ;

The expression "the Commissioners" means the Commissioners of the harbour constituted under the Act of 1830 ;

The expression "the borough" means the borough of Southwold ;

The expression "existing" means existing at the time of the commencement of this Order ;

The day on which the Act confirming this Order is passed is in this Order referred to as "the commencement of the Order."

The Undertakers.

The Undertakers.

3. The mayor aldermen and burgesses of the borough of Southwold in the county of Suffolk (in this Order referred to as "the Corporation") acting by their council shall be the Undertakers for carrying this Order into execution.

Transfer of Harbour Undertaking to the Corporation.

Undertaking
rights &c. of
Commissioners
vested in
Corporation.

4. From and after the commencement of this Order the harbour and undertaking and all other real and personal estate vested in the Commissioners before that date and all their rights and remedies in respect thereof are vested in and may be maintained and exercised by the Corporation.

Dissolution of
Commissioners
&c.

5. From and after the commencement of this Order the Commissioners as constituted by the Act of 1830 are dissolved and are from that date freed and discharged from all liabilities claims demands actions suits or other