
**PORTSMOUTH CAMBER DOCK AND FLATHOUSE
WHARF ORDER 1911.**

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PORTSMOUTH CAMBER DOCK AND FLATHOUSE WHARF ORDER 1911.

ORDER

Empowering the Corporation of Portsmouth to construct subsidiary works in connexion with the Camber Dock and Flathouse Wharf and to levy rates and dues and for other purposes.

[*Royal Assent 18th August 1911.*]

1. (1) This Order may be cited as the Portsmouth Camber Dock and Flathouse Wharf Order 1911.

Short title
commence-
ment and
interpreta-
tion.

(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 the following words and expressions shall unless the context otherwise requires have the meanings hereinafter assigned to them namely :—

10 “The Corporation” means the Mayor Aldermen and Burgesses of the borough of Portsmouth acting by the council of that borough.

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“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the Borough of Portsmouth.

“The Harbours Act 1847” means the Harbours Docks and Piers Clauses Act 1847. 5

“The Act of 1839” means the Act 2 and 3 Victoria cap. lxxii 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.”

(4) The following expressions used in the Harbours Act 1847 shall have the following respective meanings (that is to say):— 10

The expressions “Packet Boat” and “Post Office Packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “Post Office bag of letters” 15 means a mail bag as defined by the same Act Provided that nothing in the Harbours Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Under-
takers.

2. The Corporation shall be the undertakers for carrying this Order into execution. 20

Power to
construct
additional
works.

3. The Corporation may erect construct and maintain in and upon or in connexion with their existing Camber Dock and Flathouse Wharf and any other existing docks wharves piers landing places or other property of the Corporation within or adjacent to those parts 25 of the Camber Dock known as the Inner Camber and the Outer Camber and within or adjacent to the Flathouse Wharf warehouses buildings stores offices urinals lavatories weighbridges jetties shipping places landing slips stairs and stages cranes drops gates entrances conveniences and such other works and apparatus as they may from 30 time to time think fit: Provided always that the Corporation shall not commence the erection or construction of any work authorised by this section until the written consent of the Admiralty shall have

5 been obtained to such work being commenced and until details of the proposed work together with all necessary plans elevations and drawings thereof shall have been approved by the Admiralty in writing and if and when such consent and approval shall have been given to any
5 work that work shall be executed in accordance in all respects with the details plans elevations and drawings so approved and not otherwise.

0 4. (1) The Corporation may independently of any other ^{Power to borrow.} borrowing power from time to time borrow at interest not exceeding
10 five per centum per annum:—

(a) For the construction erection and equipment of works authorised by this Order any sum or sums not exceeding in the whole ten thousand pounds ;

5
15 (b) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the Camber Dock and Flathouse Wharf undertakings of the Corporation ; and

0 (c) Such sum as may be required for the payment of the costs charges and expenses of this Order.

20 (2) In order to secure the repayment of money borrowed for the purposes (a) and (b) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the revenue arising from the
25 said Camber Dock and Flathouse Wharf undertakings.

25 (3) In order to secure the repayment of money borrowed for the purpose (c) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge the revenue arising
30 from the said Camber Dock and Flathouse Wharf undertakings and also but only by way of collateral security the borough fund and the borough rate.

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Periods for repayment of money borrowed. 5. All moneys borrowed by the Corporation under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say) :—

(a) As to the money borrowed for the purpose (a) mentioned in the preceding section within thirty years from the date of borrowing ; 5

(b) As to the money borrowed with the consent of the Board of Trade within such period as that Board may determine ;

(c) As to the money borrowed for the purpose (c) mentioned in the preceding section within five years from the commencement of this Order. 10

Provisions as to borrowing. 6. (1) Sections 236, 237, 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order.

(2) A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent. 15

Mode of repayment of borrowed money. 7. (1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of 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 equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made. 25

(2) The following provisions shall apply in respect to any sinking fund to be formed under this Order :—

(a) The Corporation in every year shall appropriate and set apart out of the revenue arising from the said Camber Dock and Flathouse Wharf undertakings or rate on the security 30

of which the moneys are borrowed such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (hereinafter in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the period by this Order prescribed for the repayment thereof respectively ;

(b) 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) and if and as often as the income derived from such investment is not equal to the income which would be derived therefrom at the prescribed rate any deficiency shall be made good out of the revenue aforesaid or rate on the security of which moneys are borrowed under this Order and if and so often as the income derived from such investments is in excess of the income which would be derived therefrom at the prescribed rate any such excess may be applied as part of such equal annual payments ;

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

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(d) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be not less in value than the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto. 5 10

Power to
re-borrow.

8. (1) The Corporation shall have power

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid : or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys. 15

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section. 20 25

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid : 30

(a) by instalments or annual payments ; or

(b) by means of a sinking fund ; or

(c) out of moneys derived from the sale of land ; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

5

9. (1) The town clerk shall within twenty-one 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 under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration of the town clerk 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.

Annual
return to
Board of
Trade
with respect
to sinking
fund.

20 (2) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Board of Trade and shall be recoverable by that Board in a summary manner.

(3) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required for the sinking fund under this Order or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Order the Board of Trade 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 the Board of Trade out of the High Court.

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

Annual account to be sent to Board of Trade 25 and 26 Vict. c. 19. **10.** (1) The Corporation shall within one month after sending to the clerk of the peace the copy of their annual account in abstract 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 such account. 5

(2) The account shall be made up to the end of the thirty-first day of March in each year.

(3) The Corporation 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 section. 10

Application of money borrowed. **11.** All moneys borrowed under this Order shall be applied by the Corporation only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable. 15

Power to levy rates. **12.** As and from the commencement of this Order the Act of 1839 shall be amended by the addition to the Third Schedule thereto of the following rates :— 20

					s.	d.	
Baking powder ... ..	...	...	...	per ton	1	0	
Canned fruit meat and vegetables ... ..	...	...	...	per ton		10	
Coke ... ..	...	...	...	per ton		6	
Cordial... ..	...	...	...	per ton	1	3	25
Cream of tartar ... ..	...	...	...	per ton		10	
Dates ... ..	...	...	...	per ton		10	
Disinfectants ... ..	...	...	...	per ton		10	
Doors ... ..	...	...	...	each		0½	
Drain pipes ... ..	...	...	...	per ton		6	30
Drugs ... ..	...	...	...	per ton	1	8	
Fibre ... ..	...	...	...	per ton		10	
Gasoline ... ..	...	...	...	per ton		10	

			s. d.
	Granite (polished or monumental)	per ton	1 8
	Granite dressed	per ton	10
	Granite setts or broken	per ton	2
5	Ice	per ton	6
	Ink	per ton	1 8
5	Linoleum	per ton	1 8
	Mahogany	per ton	1 8
	Margarine	per cwt.	1
10	Mineral water	per gross	1
	Moss litter	per ton	6
	Motor cars	each	10 0
0	Motor bicycles or tricycles	each	5 0
	Other bicycles or tricycles... ..	each	2
15	Pickles	per ton	10
	Refuse from chemicals	per ton	6
	Tapioca	per ton	1 8
	Vans (loaded lift)	each	5 0

and any reference in any subsequent Act or Order to the said
 20 Third Schedule shall be deemed to be a reference to that schedule
 as amended by this Order.

13. As and from the commencement of this Order so much of
 the Fourth Schedule to the Act of 1839 as relates to ships and vessels
 of four hundred tons and upwards is hereby repealed and the said
 25 schedule shall be amended by the addition thereto of the following
 dues :—

For all ships and vessels—			£ s. d.
	400 tons and under 500 tons		0 10 0
	500 tons and under 600 tons		0 12 0
30	600 tons and under 700 tons		0 14 0
	700 tons and under 800 tons		0 16 0
	800 tons and under 900 tons		0 18 0
	900 tons and upwards		1 0 0

Exemptions:—Pilot boats fishing vessels
 35 boats not decked and ships and vessels
 arriving in distress.

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And any reference in any subsequent Act or Order to the said Fourth Schedule shall be deemed to be a reference to that schedule as amended by this Order.

Audit of accounts.

14. 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 this Order. 5

Exclusion of Sections 16-19 of Harbours Act 1847.

15. Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order. 10

Life-saving apparatus may be attached to pier.

16. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour pier or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the Camber Dock and Flathouse Wharf. 15

For protection of War Department.

17. (1) Nothing in this Order contained authorises the Corporation to interfere with any right vested in or exercised or exercisable by His Majesty or by His Majesty's Principal Secretary of State for the War Department. 20

(2) No buildings works or apparatus by this Order authorised to be erected by the Corporation shall be erected upon any site or sites situate within a distance of forty feet of the building now used by the War Department as the "married quarters" in White Hart Road until the Corporation shall have submitted to the said Secretary of State for the War Department a plan or plans showing the position and elevation of any such buildings works or apparatus proposed to be so erected and until such plan or plans shall have received the approval of the said Secretary of State for the War Department 30

signified in writing under his hand and the said Secretary of State is hereby authorised to give such approval subject to such special conditions as he shall see fit to impose.

5 18. Nothing in this Order affects prejudicially any estate right Saving
power privilege or exemption of the Crown and in particular nothing rights of
herein contained authorises the Corporation to take use or in any Crown.
manner interfere with any portion of the shore or bed of the sea or of
any river channel creek bay or estuary or any land hereditaments
subjects or rights of whatsoever description belonging to His Majesty
10 in right of His Crown and under the management of the Commissioners
of Woods or of the Board of Trade respectively without the consent
in writing of the Commissioners of Woods or the Board of Trade as
the case may be on behalf of His Majesty first had and obtained for
that purpose (which consent the said Commissioners and Board are
15 hereby respectively authorised to give).

19. All costs charges and expenses of and incident to the Costs of
preparation and obtaining of this Order and otherwise incurred in Order.
reference thereto as taxed by the taxing officer of the House of
Lords or of the House of Commons shall be paid by the Corporation
20 out of money borrowed for the purposes of the promotion of this
Order or out of the revenue from the said Camber Dock and the
Flathouse Wharf undertakings.