

GENERAL PIER AND HARBOUR ACTS,
1861 TO 1915.

NORTH SUNDERLAND HARBOUR.

A.D. 1932.

Provisional Order of the Minister of Agriculture and Fisheries to repeal the North Sunderland Harbour Order 1885 to constitute Harbour Commissioners for the North Sunderland Harbour to authorise the transfer to them of the property in the harbour to provide for the construction of works in and the management and maintenance of the harbour and for other purposes connected therewith.

Preliminary.

1. This Order may be cited as the North Sunderland Harbour Order 1931. Short title.
2. This Order shall come into operation upon the date of its confirmation. Commencement.
3. Subject to the provisions of article 17 hereof the North Sunderland Harbour Order 1885 is hereby repealed. Repeal.
- 4.—(1) In this Order unless the context otherwise requires— Interpretation.
 - “The Commissioners” means the Commissioners incorporated and constituted by this Order;
 - “The clerk” means the clerk for the time being to the Commissioners;
 - “The office” means the office for the time being of the Commissioners;
 - “The harbour” means the harbour of North Sunderland within the limits described in this Order;
 - “The undertaking” means and includes the harbour and the conveniences connected therewith and the right to levy rates and tolls and all other rights conferred on or vested in the Commissioners by this Order and the entire undertaking of the Commissioners in connection with the harbour;
 - “The harbour revenue” means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or

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in respect of the undertaking under the authority of this Order;

“The works” means the works authorised by this Order;

“The Minister” means the Minister of Agriculture and Fisheries;

“The trustees” means the trustees of Lord Crewe’s Charity Registered.

(2) In the application to this Order of the Harbours Docks and Piers Clauses Act 1847 the expressions—

“Vessel” used in that Act shall include any aeroplane seaplane hydroplane or other aircraft;

“Packet boat” or “Post Office packet” and “Post Office bag of letters” used in that Act shall 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 a mail bag as defined by the same Act Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if the vessel also conveys passengers or goods for hire.

Undertakers.

Undertakers.

5. The North Sunderland Harbour Commissioners as incorporated and constituted by this Order shall be the undertakers for carrying this Order into execution.

Incorporation of Commissioners Clauses Act 1847.

6. The Commissioners Clauses Act 1847 is hereby incorporated with this Order except so much thereof as relates to the qualification of Commissioners the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers and other like class of electors and the accounts to be kept by the Commissioners and except as expressly varied by this Order.

Incorporation and Constitution of Commissioners.

Incorporation of Commissioners.

7.—(1) For the purpose of carrying this Order into execution there shall be a body of nine Commissioners and those Commissioners are hereby incorporated by the name of the “North Sunderland Harbour Commissioners” and by that name shall be a body corporate with perpetual succession and a common seal and have power to sue and be sued and to purchase take on lease hold and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

(2) The first Commissioners shall come into office at the expiration of one calendar month after the coming into operation of this Order and such of them as are elected Commissioners shall go out of office on the 31st day of October 1934.

8.—(1) The appointment and election of Commissioners shall be regulated as follows :—

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Constitution of Commissioners.

THREE (a) ~~Two~~ members shall be appointed by the Northumberland Local Fisheries Committee or if such committee shall cease to exist then by the Northumberland County Council;

(b) ~~One member shall be appointed by the Minister;~~

(c) One member shall be appointed by the trustees;

(d) Three members (in this Order referred to as "fishermen's Commissioners") shall be elected by the registered fishermen of North Sunderland provided that the first of those Commissioners shall be—

Nelson Allen North Street Seahouses;

Michael Robson Taylor Street Seahouses;

Charles Dawson Crown Street Seahouses;

(e) Two members shall be appointed by the Northumberland County Council.

(2) Any appointment of a Commissioner under the provisions of this article shall be determinable at any time by the body or person appointing such Commissioner.

*See ATTACHMENT
1993 No 1451*

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9.—(1) The Commissioners shall cause a register of fishermen to be kept in accordance with the following provisions and the persons registered therein shall be the registered fishermen of North Sunderland for the purposes of this Order.

Register of fishermen.

(2) Any person resident in the civil parish of North Sunderland who is owner or part owner of a fishing boat in respect of which composition duties have been duly paid for the use of the harbour or who wholly or partly derives his livelihood from sea fishing in such a boat shall on application to the clerk to the Commissioners be registered under this provision and shall remain so registered as long as he continues to be so qualified. Any question whether a person is entitled to be or remain registered shall be determined by the Commissioners but before making any determination they shall give notice to such person of their intention to determine the question and consider any representations he may make to them within such reasonable time as they may allow provided that a determination by the Commissioners shall be subject to appeal to the Minister.

10. The following provisions shall apply to the election of fishermen's Commissioners :—

Election of fishermen's Commissioners.

(1) An election of fishermen's Commissioners shall take place at a meeting to be held in the month of October 1934 and every subsequent third year and the Commissioners elected shall come into office on the first day of the month following the election and shall hold office until the 31st October in the third following year :

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- (2) At every election the clerk or one of the Commissioners for the time being shall act as chairman of the meeting and shall declare the number of votes given for each candidate :
- (3) Any two registered fishermen may nominate any person (being a registered fisherman) as a candidate by sending to the clerk a nomination paper. The nomination paper shall be dated and subscribed by the two registered fishermen and shall contain the Christian name surname place of abode and designation of each of the subscribers and of the candidate nominated. Any nomination paper received after four o'clock in the afternoon of the first Monday in October shall be deemed to be invalid :
- (4) If more than three persons are duly nominated on or before such date public notice shall be given by the clerk not later than the following Saturday of the day of election (which latter day shall not be later than the third Monday in October) and of the hour and place at which the election is to be held and of the names of the candidates by notice affixed to the door of the office and in such other conspicuous place as the Commissioners may direct. Any candidate may at any time before the day of election withdraw by the delivery to the clerk of a notice in writing signed by him to that effect :
- (5) In the event of three or less persons being duly nominated for election the clerk shall without further procedure declare such persons to be duly elected and such declaration shall be in writing signed by the clerk and shall be conclusive evidence of the due election of those persons :
- (6) At every election every registered fisherman shall be entitled to three votes and may distribute them among the candidates as he may think fit but in no case shall he be entitled to give more than one vote to any one candidate and the three candidates having the greatest number of votes at such election shall be elected :
- (7) In case of equality of votes at any election the chairman of the meeting shall have a casting vote or votes in addition to the vote or votes (if any) to which he may be entitled as an elector :
- (8) Any question or dispute regarding the election of a candidate shall be determined at the meeting by the chairman of the meeting whose decision shall be final :
- (9) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct :

(10) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Commissioners out of the funds belonging to them as such Commissioners : A.D. 1932.

(11) The chairman of the meeting at which any Commissioner is elected shall report to the Commissioners in writing the name of every Commissioner elected at that meeting.

11.—(1) A retiring Commissioner may be re-appointed or re-elected. Re-election quorum and resignation.

(2) The quorum for a meeting of Commissioners in any matter relating to the expenditure or raising of money or the alteration of rates dues or charges shall be four and in all other matters three.

(3) A Commissioner may resign office at any time by giving notice in writing of his resignation to the Commissioners or the clerk.

12.—(1) In the event of a casual vacancy occurring in the office of fishermen's Commissioners by reason of death or resignation or otherwise the Commissioners shall as soon as may be thereafter at a meeting of the Commissioners elect a person duly qualified as aforesaid to fill the vacancy and the Commissioner so elected shall continue in office for the same period and retire from office at the same time as the person whose vacancy he fills would in ordinary course have continued in or retired from office but shall be eligible for re-election. Casual vacancies among fishermen's Commissioners.

(2) In the case of an equality of votes at any such election the chairman for the time being of the Commissioners shall have a second or casting vote.

13.—(1) The Commissioners may act notwithstanding any vacancy in their body but if the number of the Commissioners is reduced below four they shall act only for the purpose of causing vacancies in their body to be filled up. Validity of acts of Commissioners.

(2) Every act of the Commissioners or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

14.—(1) The Commissioners shall hold at least two meetings in every year. Meetings.

(2) The first meeting of the Commissioners shall be held on the first Wednesday after the first Commissioners come into office at some convenient place.

(3) The annual meeting of the Commissioners shall be held in the first week of October in the year 1932 and in every

A.D. 1932. subsequent year at such time and place as may be fixed by the Commissioners.

(4) Such parts of the Commissioners Clauses Act 1847 as are incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(5) The clerk on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any two of the Commissioners shall within forty-eight hours cause a special meeting of the Commissioners to be called for a day not later than fourteen days after the receipt of such requisition.

(6) The Commissioners need not hold monthly meetings but they may hold meetings at any time and place they think fit.

Disqualifica-
tion of
Commis-
sioners.

15.—(1) A person shall be disqualified from being elected or from being a Commissioner for the purposes of this Order if he be not a British subject or if he becomes bankrupt or compounds with his creditors or holds any paid office or place of profit under the Commissioners or in the case of an elected Commissioner if he ceases to be registered under this Order or is absent from the meetings of the Commissioners for more than twelve months consecutively except in the case of illness.

(2) A Commissioner shall not at any meeting of the Commissioners vote on any question arising in connection with any contract with or employment by the Commissioners in which he has directly or indirectly by himself or his partners any share or interest.

Appoint-
ment of
committees.

16.—(1) The Commissioners may from time to time appoint out of their own body such and so many committees either of a general or special nature and consisting of such number of persons as they may think fit for any purposes which in the opinion of the Commissioners would be better regulated and managed by means of such committees but the acts of every such committee shall be submitted to the Commissioners for their approval.

(2) The quorum of any committee shall unless otherwise fixed by the Commissioners be two.

Rights of the
trustees and
transfer of
property.

17. The trustees shall for the period of one calendar month after the coming into operation of this Order retain their office as undertakers for the purposes of the North Sunderland Harbour Order 1885 and all their rights powers authorities and duties thereunder as well as all their property in the harbour and their rights powers and obligations in connection with such property and at the conclusion of such period they shall vacate office as such undertakers and their rights powers authorities and duties under the said Order including the power to levy rates shall become vested in the Commissioners and there shall also be transferred to the Commissioners (under the authority of an order

of the Charity Commissioners for England and Wales) all their property in the harbour and all their rights powers and obligations in connection with such property and all funds and other property held by them as such undertakers But not so as to prejudice the rights of any creditor without his consent. A.D. 1932.

Acquisition of Lands.

18. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order. Incorporation of Lands Clauses Acts.

19. For the purposes of the works the Commissioners may purchase by agreement or take on lease and use such lands as they may think requisite for the purposes of the works. Power to take lands by agreement.

20. The Commissioners may in addition to the lands by the last preceding article authorised to be taken by them purchase by agreement or take on lease and hold for extraordinary purposes such lands as the Minister may approve in writing but nothing in this article shall exempt the Commissioners from any proceedings for nuisance caused or permitted by them on land acquired or taken on lease by them under the power conferred by this article. Lands for extraordinary purposes.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid. Power to take easements by agreement.

22. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they may think fit or may sell let lease or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell or dispose of any rents reserved on the sale lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease or other disposition. Power to retain and sell lands.

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Limits of Harbour.

Limits of
harbour.

23.—(1) The limits within which the Commissioners shall have authority (including authority to levy rates) and within which the powers of the harbour master may be exercised shall comprise—

- (i) the area below high-water mark of ordinary spring tides lying within the following imaginary lines that is to say an imaginary line commencing at a point at high-water mark of ordinary spring tides on the seashore about 155 yards measured in a westerly direction from the south-west or shore end of the old north-west pier and thence proceeding due north in a straight line for a length of 250 yards and thence due east for a further length of 740 yards and thence proceeding due south for a length of about 610 yards to a point on the shore at high-water mark of ordinary spring tides 240 yards or thereabouts measured in a south-easterly direction from the Sea Houses Point together with all land above high-water mark as delineated by a blue line on a map to be sealed by the Minister in relation to this Order; and
- (ii) any land which may be purchased or taken on lease by the Commissioners under the powers conferred by this Order.

(2) The line of high-water mark of ordinary spring tides shall for the purposes of this Order be deemed to be the green line shown on the map to be sealed by the Minister as aforesaid.

(3) The Commissioners shall cause copies of the sealed map certified by an assistant secretary of the Ministry of Agriculture and Fisheries to be deposited at the offices of the Board of Trade the Ministry of Transport the Commissioners of Crown Lands the clerk of the peace for the county of Northumberland and the Commissioners respectively.

Works and Powers.

Power to
construct
works.

24. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections in this article referred to as the Board of Trade may require before completion of the works the Commissioners may on the lands belonging to them or acquired or taken on lease under this Order and in the lines and according to the levels and within the limits of deviation shown on the plans and sections sealed by the Minister in relation to this Order make maintain and improve the works.

Description
of works.

25. The works authorised by this Order are—

- (a) the reconstruction of the existing pier or breakwater commencing at the north-west side of a rock called

Pace Hill upon the foreshore opposite Sea Houses Point and proceeding along the line of the existing breakwater in a north-westerly direction for a distance of 500 feet or thereabouts and the construction of an extension thereto continuing in the same straight line for a further distance of 300 feet or thereabouts; and

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- (b) the removal of the portion of the existing breakwater which is not to be reconstructed.

The said works will be situated at Seahouses and shall be deemed for all purposes in the parish of North Sunderland in the county of Northumberland.

26. Subject to the provisions of this Order in constructing the works the Commissioners may deviate laterally from the lines thereof as shown on the sealed plan to any extent not exceeding the limits of deviation shown on that plan and they may deviate vertically from the levels of the said works as shown on the sealed sections to any extent. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to deviate.

27.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this article the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

28. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

29.—(1) If within three years from the commencement of this Order any of the works are not substantially commenced the powers given by this Order for executing those works or

Powers to cease in certain events.

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

(3) A certificate by the Minister to the effect that any of the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

(4) The works shall be completed within five years from the commencement of this Order.

Power to maintain existing works.

30. Subject to the provisions of this Order the Commissioners may maintain and improve any works within the limits of the harbour existing at the commencement of this Order.

Power to dredge.

31.—(1) The Commissioners may with the consent of the Board of Trade deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour and works for vessels using the same.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid under the powers contained in subsection (1) of this article shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit provided that 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 having been first obtained.

(3) All money arising from any sale or other disposition of mud and other materials under this article after payment of the expenses connected therewith shall be applied in the same manner as the harbour revenue is to be applied.

(4) Provided that the powers of the Commissioners under this article shall be exercisable subject to the provisions of article 64 of this Order and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Commissioners to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials

raised from any place below high-water mark and sold by the Commissioners under this article or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be. A.D. 1932.

32. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. Local light-house authority.

33.—(1) The Commissioners shall at or near such part of the works by this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve. Lights on works during construction.

(2) If the Commissioners fail to comply in any respect with the provisions of this article they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

34. After completion of the works by this Order authorised the Commissioners shall at the outer extremity of those works below high water of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. Permanent lights on works.

If the Commissioners fail to comply in any respect with the provisions of the present article they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

35. The Commissioners may from time to time provide purchase take on lease hire and use such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose thereof All sums received in respect of such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale or disposal shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable. Power to purchase dredgers &c.

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Power to erect warehouses &c.

36. The Commissioners may subject to the provisions of this Order from time to time purchase construct and maintain or take on lease any land warehouses offices sheds weighing machines cranes winches slips landing places drains moorings and other works buildings and conveniences in connection with the harbour and the works for the accommodation of vessels using the harbour and the works and the traffic landed at or embarked from the vessels.

Meters and weighers.

37. The Commissioners shall have the appointment of meters checkers and weighers within the harbour.

Byelaws.

38.—(1) The byelaws which may from time to time be made by the Commissioners in exercise of the power in that behalf conferred on them by section 83 of the Harbours Docks and Piers Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister and that allowance and confirmation shall be sufficient for all purposes :

Provided that in the case of any byelaw which the Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this article shall apply as if the said Board were substituted for the Minister and the allowance and confirmation of any such byelaw by the Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this article.

Provision against danger to navigation.

39.—(1) In case of injury to or destruction or decay of the works by this Order authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Commissioners fail to comply in any respect with the provisions of this article they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Power to levy rates.

40. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all

consents and approvals on the part of that Board required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order demand receive and recover for the use of the works and the conveniences connected therewith and in respect of vessels boats goods animals fish and things and for services described in the Schedule to this Order such rates not exceeding those specified in that Schedule as the Minister after consultation with the Minister of Transport may approve.

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41. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Minister that the works authorised by this Order have been so far completed as to afford increased accommodation for the shelter and launching of boats or the landing and embarking or the shipping and unshipping of animals or goods by means of those works the Commissioners may notwithstanding section 25 of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand recover and receive such of the rates or such portion of all or any of the rates specified in the Schedule to this Order as will in the opinion of the Minister be commensurate with the increased accommodation afforded.

Rates may be levied though works not completed.

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

Minister may reduce rates.

(2) If at any time it appears to the Minister from the annual account to be sent to him under this Order that the clear annual income derived from the rates leviable by the Commissioners 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 Minister after consultation with the Minister of Transport may if in his discretion he thinks 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 Provided that in the case of reduction preference shall be given to reduction of dues on boats engaged in the fishing industry and rates on fish.

43. The Commissioners may confer vary or extinguish exemptions from and compound with any person with respect to the payment of the rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this article shall not prejudice the other provisions of this Order.

Power to vary exemptions and compound for rates.

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Rates for
warehouses
&c.

44. The Commissioners may (so far as the rates specified in the Schedule to this Order do not extend) demand and recover such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings yards weighing machines moorings mooring posts cranes buoys works and conveniences belonging to or provided by the Commissioners or in respect of any services rendered or accommodation or facilities provided by them in connection with the landing shipping storage removal transport sale or disposal of goods animals fish and things.

Master of
fishing
vessel to
report take
of fish.

45.—(1) The master or owner of any vessel with a take or cargo of fish shall on the arrival of the vessel within the harbour as soon as practicable furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof He shall also as soon as practicable furnish to the collector a true account of the proceeds of sale of the fish If the master or owner of a vessel fails to comply with this article he shall for each offence be liable to a penalty not exceeding ten pounds.

(2) For the purposes of rates under this Order the value of the fish shall if it is sold within the harbour or in the vicinity thereof be taken to be the net proceeds of sale after payment of salesmen's commission (if any) If the fish is not so sold the value shall be such sum as the harbour master may determine.

Harbour
master may
prevent
sailing of
vessels.

46. The harbour master may prevent the removal or sailing from within the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish or of any sale of fish required by this Order.

Certain
fishing
vessels under
stress of
weather
exempt from
tonnage
duties.

47. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while within the harbour be exempt from tonnage duties leviable under this Order.

Exemption
of lifeboat
crew.

48. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Commissioners.

49. The Commissioners shall not levy any rates dues or charges in respect of any vessel engaged in the service of any local fisheries committee constituted under the Sea Fisheries Regulation Act 1888.

Exemption of vessels engaged in service of sea fisheries committees.

Finance.

50. The Commissioners may with the consent of the Minister from time to time borrow at interest not exceeding the rate sanctioned by the Minister on the security of the works and the land and property connected therewith and of the rates and charges authorised by this Order such sums as may be required for any work or thing which the Commissioners are hereby authorised to execute or do and the cost of which ought in the opinion of the Minister to be spread over a term of years. For securing any money so borrowed the Commissioners may subject to the conditions on which the loan is granted being approved by the Minister from time to time convey assign and charge by means of mortgages the works and the land and property connected therewith and the rates and charges authorised by this Order and may execute and do all deeds acts and things necessary or proper for that purpose.

Power to borrow.

51. All money borrowed by the Commissioners under this Order shall be repaid within such period not exceeding forty years and in such manner as the Commissioners with the consent of the Minister may determine.

Repayment of borrowed money.

52. All money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

Application of money borrowed.

53.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver.

Appointment of a receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole.

54. In sections 75 to 88 (both inclusive) of the Commissioners Clauses Act 1847 incorporated with this Order the expression "Commissioners" shall mean the Commissioners and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Application of sections 75 to 88 of Commissioners Clauses Act 1847.

55. Any person advancing money to the Commissioners shall not be bound to require any further or other evidence of the power of the Commissioners to borrow the money advanced by such person than such as is afforded by a copy of the consent

Protection of lenders.

A.D. 1932. — of the Minister to the borrowing certified by the secretary of the Ministry or any other officer of the Ministry authorised by the Minister to act on his behalf for the purposes of the authentication of the seal of the Ministry.

Application of rates received.

56. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

- (1) In payment of the costs of and connected with the preparation and making and confirmation of this Order :
- (2) In payment of the expenses properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith :
- (3) In payment year by year of the interest accruing on any loans made under the Development and Road Improvement Funds Act 1909 and on any money borrowed under this Order :
- (4) In payment of the instalments as they become due in discharge of such loans or any money so borrowed and repayable by instalments and in forming any sinking fund required by the terms of the consent to the borrowing of any money under this Order :
- (5) In making such payments (if any) as may be prescribed into a contingency and development fund established under the provisions of this Order :

The surplus (if any) after providing for the purposes aforesaid shall be applied in the further general improvement of the harbour and the works.

Contingency fund.

57. The Commissioners shall for the purposes of meeting any extraordinary claim or demand or any unforeseen accident or extraordinary expenditure which may become necessary for the proper development of the harbour form and maintain a contingency and development fund of such amount as may be prescribed by the Minister and shall in each year appropriate and set apart subject to the provisions of this Order as to application of revenue such amount out of the revenue received under this Order as the Minister may prescribe and shall deposit such amount in some joint stock bank to be increased by accumulation in the way of compound interest or invest the same and the accumulated interest thereof in trust securities until required for any of the aforesaid purposes :

Provided that no part of the contingency and development fund shall be expended without the consent of the Minister.

Appointment of an auditor.

58.—(1) The Minister shall unless he sees special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall

fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this Order. A.D. 1932.

(2) The Minister may at any time revoke the appointment of any person as auditor and thereupon shall unless he sees special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this article they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

59.—(1) The Commissioners shall within two months of the date to which their annual accounts are made up send a copy of the same to the Ministry of Agriculture and Fisheries and the Ministry of Transport and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. Annual account to be sent to Ministry of Agriculture and Fisheries and Ministry of Transport.

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

(3) The Commissioners shall as from the expiration of the month of May 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 article.

(4) In addition to the accounts to be lodged with the clerk of the peace in accordance with section 50 of the Harbours Docks and Piers Clauses Act 1847 the Commissioners shall also lodge with him a full and detailed statement showing the capital expenditure of the Commissioners during the year covered by the said accounts.

Miscellaneous.

60. The officers of the coastguard and all other persons for the time being actually employed in connection 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 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 harbour. Life-saving apparatus may be attached to harbour.

61. The Harbours Docks and Piers Clauses Act 1847 is hereby incorporated with this Order except sections 6 to 13 and (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather Application of Harbours &c. Clauses Act 10 & 11 Vict. c. 27.

A.D. 1932. gauge) sections 16 to 19 and except sections 84 and 85 and this Order shall for the purposes of the Harbours Docks and Piers Clauses Act 1847 be deemed to be "the special Act."

Recovery of penalties. 62. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Exemptions and savings for Government departments. 63. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Crown rights. 64. Except as hereinafter expressly provided nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any 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 in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown minerals. 65. Notwithstanding the provisions contained in article 64 of this Order or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Commissioners authorised to be taken or constructed by this Order as freely as if the said lands had not been taken or works constructed under the provisions of this Order.

Settled by the Minister of Agriculture and Fisheries as a Provisional Order under the Fishery Harbours Act 1915 the fourteenth day of September nineteen hundred and thirty-one.

CHARLES J. H. THOMAS

Secretary.

Confirmed by the Minister of Agriculture and Fisheries the twentieth day of October nineteen hundred and thirty-one.

L.S.

In witness whereof the official seal of the Minister of Agriculture and Fisheries is hereunto affixed this twentieth day of October nineteen hundred and thirty-one.

HENRY G. MAURICE

Fisheries Secretary.

The SCHEDULE to which the foregoing Order refers. A.D. 1932.

PART I.—RATES ON VESSEL.

- (A) For every vessel or boat (including steam trawlers steam liners and steam drifters exceeding 20 tons register) other than those provided for under (B) hereof entering the harbour except on account of stress of weather :—

	£	s.	d.
Per registered ton or per ton if unregistered	-	0	0 4

- (B) For every fishing vessel or boat (other than steam trawlers steam liners and steam drifters exceeding 20 tons register) and for pleasure boats not exceeding 15 tons register—

On each occasion of entering the harbour—

For every vessel or boat not exceeding 20 feet over all	-	0	1 6
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For every vessel or boat exceeding 20 feet over all	-	0	2 0
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or as a composition in full of tonnage rates for a period of 12 months payable in advance—

For every vessel or boat not exceeding 12 feet over all	-	1	0 0
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For every vessel or boat exceeding 12 feet over all and not exceeding 16 feet over all	-	1	10 0
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For every vessel or boat exceeding 16 feet over all and not exceeding 20 feet over all	-	2	0 0
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For every additional foot or part of a foot exceeding 20 feet over all	-	0	2 0
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or as a composition in full of tonnage rates for a continuous period of less than 4 months—half the above rates.

For every punt not exceeding 9 feet over all and used as a dinghy to a fishing vessel in respect of which rates are paid—half the above rates.

- (C) For every vessel or boat remaining in the harbour for more than 4 weeks—

For every completed period of 4 weeks—

Vessels or boats provided for under (A) hereof per registered ton or per ton if unregistered	-	0	0 3
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Vessels or boats provided for under (B) hereof each	-	0	1 6
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A.D. 1932. PART II.—RATES ON GOODS AND ARTICLES SHIPPED UNSHIPPED
OR TRANSHIPPED WITHIN THE RATING LIMITS OF THE HARBOUR.

	s.	d.
Animals except cattle and horses each - - -	0	2
Ballast—		
Inward whether landed or shifted into another vessel		
per ton - - - - -	1	6
Outward whether taken out of another vessel or from		
the shore per ton - - - - -	1	6
Barrels kits and boxes (empty) per dozen - - -	0	6
Baskets per dozen - - - - -	0	3
Beverages other than spirits per gallon - - -	0	0 $\frac{1}{4}$
Bicycles each - - - - -	0	3
Bricks per 1,000 - - - - -	1	0
Canvas or sailcloth per 36 yards - - - - -	0	1
Cattle each - - - - -	1	0
Casks empty each - - - - -	0	2
Cement and concrete of all kinds per ton - - -	1	0
Coals per ton - - - - -	1	0
Cordage rope twine and netting per cwt. - - -	0	1
Corn and grain of all sorts per quarter - - -	0	2
Drain pipes per dozen - - - - -	0	2
Feeding stuffs for cattle (manufactured) per ton - - -	1	0
Fish including shell-fish per £ value - - - - -	1	0
Flour sack of four bushels - - - - -	0	3
Fruit per cwt. - - - - -	0	2
Groceries of all sorts per cwt. - - - - -	0	4
Horses each - - - - -	0	6
Household furniture per cwt. - - - - -	0	3
Husbandry implements and utensils per cwt. - - -	0	2
Ironmongery per ton - - - - -	1	8
Lime per ton - - - - -	1	0
Manure artificial per ton - - - - -	1	0
Manure other kinds including seaweed per ton - - -	0	3
Meat per cwt. - - - - -	0	1
Ores metallic per ton - - - - -	0	6
Potatoes per ton - - - - -	1	0
Salt per ton - - - - -	1	0
Sand per ton - - - - -	0	3
Seeds per ton - - - - -	2	6
Slates per ton - - - - -	1	0
Spirits per gallon - - - - -	0	0 $\frac{1}{2}$
Staves barrel per 120 - - - - -	0	1
Staves cutting or board ends per 1,000 - - -	0	2
Stone (including road metal) per ton - - - - -	0	4
Textiles per ton - - - - -	3	0
Tiles per 1,000 - - - - -	1	0
Vegetables (except potatoes) per ton - - - - -	0	6

	s.	d.	A.D. 1932.
Vehicles each - - - - -	2	6	—
Wheelbarrows each - - - - -	0	2	
Wheels carriage or cart per pair - - - - -	0	3	
Wood on all timber of any denomination per ton of 40 cubic feet - - - - -	1	0	

For all articles not specified in this Schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity or at the option of the Commissioners one shilling per ton.

PART III.—RATES ON PERSONS LANDING OR EMBARKING
IN THE HARBOUR.

For every person who within the harbour lands from or embarks on a boat or vessel used for pleasure whether the landing or embarking is direct from or on the vessel or by means of a boat - - - - - 1d.

(This rate is not payable for the master or a member of the crew of a vessel.)

PART IV.—HARBOUR LIGHTS.

	s.	d.
For every fishing vessel compounding for one year - - -	2	0
For every fishing vessel not compounding for each entry into the harbour - - - - -	0	6
For every other vessel entering the harbour per registered ton - - - - -	0	1

Rates for lights shall only be demanded and received during so long as a light or lights are duly exhibited at the harbour.

General Note.

Unless otherwise provided for all rates and duties must be paid before the vessel leaves the harbour.