



CHAPTER lx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Eastbourne Ilfracombe Lowestoft and Portessie. A.D. 1900.
[10th July 1900.]

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. 1900. — any Undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" includes mechanics artificers 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. The expression "house" means any house or part of a house occupied as a separate dwelling.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1900.

THE SCHEDULE OF ORDERS.

1. EASTBOURNE.—Widening and extension of existing pier.
2. ILFRACOMBE.—Construction of pier and amendment of former Orders.
3. LOWESTOFT.—Construction of pier.
4. PORTESSIE.—Construction of harbour.

36. 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.

A.D. 1900.

Eastbourne.
Saving rights
under Crown
Lands Act
1866.

37. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any right of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

Saving rights
of the Crown.

38. The pier and works of the Company shall in respect of all matters crimes or offences arising or committed thereon or within the limits to which this Order extends requiring the cognisance of any justice of the peace be deemed and taken to be within or as forming part of the parish of Eastbourne in the county of Sussex and within the jurisdiction of any justice acting within and for the petty sessional division of which that parish forms part and shall for rating and other purposes be deemed to be within the parish and borough of Eastbourne but the pier and works (except so far as they are rateable at the commencement of this Order) shall not be rateable for a period of five years from the commencement of this Order.

Pier and works
to be deemed
within the
parish of
Eastbourne.

39. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company.

Costs of Order.

ILFRACOMBE HARBOUR.

Provisional Order for construction of further works at Ilfracombe in the County of Devon and the amendment of the Ilfracombe Harbour Orders of 1870 1873 and 1897.

Ilfracombe.

Preliminary.

1. In this Order the Ilfracombe Harbour Order 1870 the Ilfracombe Harbour Order 1873 and the Ilfracombe Harbour Order 1897 are respectively referred to as the Order of 1870 the Order of 1873 and the Order of 1897.

Orders of 1870
1873 and 1897.

The Harbour Authority.

2. The Undertakers named in the Order of 1897 shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers.

Undertakers.

A.D. 1900.

*Acquisition of Land.**Ilfracombe.*
Incorporation
of Lands
Clauses Acts.

3. 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 Undertakers shall be incorporated with this Order.

Power to
acquire lands
by agreement.

4. For the purposes of the works authorised by this Order the Undertakers may by agreement purchase enter on take and use such of the lands shown on the plans deposited with the Board of Trade with reference to this Order as they think requisite for the purpose of those works or any easement or right over or affecting those lands.

Lands for
extraordinary
purposes.

5. The Undertakers may purchase and hold for extraordinary purposes any lands not exceeding in the whole two acres but this section shall not exempt the Undertakers from any proceedings for a nuisance caused or permitted by them upon any land acquired by them under this Order.

Limits and Works.

Limits.

6.—(1.) The limits within which the Undertakers shall have authority under the Orders of 1870 1873 1897 and this Order and which shall be deemed to be the limits to which the provisions of those Orders extend shall comprise an area defined by an imaginary straight line commencing at the centre of the northern wall of the Britannia Hotel and extending thence to and terminating at a point distant three hundred and thirty yards northward from the said wall and by a second straight line extending due east from the point of termination of the first-mentioned straight line until such second straight line joins the high water line on the western side of Beacon Point and from that point by the high water line in a south-west and westerly direction to a point on the said high water line due south of the southernmost end of the old inner harbour pier and from the last-mentioned point by an imaginary straight line extending sixty yards or thereabouts south-west to and intersecting the Quayfield Road and thence by the centre of the Quayfield Road the Cove Road Broad Street and the Quay to the point of commencement of the firstly-mentioned straight line at the centre of the northern wall of the Britannia Hotel.

(2.) Section eight of the Order of 1870 and section six of the Order of 1897 (with the exception of the proviso to that section) shall cease to have effect as from the commencement of this Order.

Power to
construct
works.

7. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order with the Board of Trade as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Undertakers may on the lands and in the lines and according to the levels and within the limits of deviation shown on the said deposited plans and sections (so far as the same are shown thereon) make and maintain the pier or jetty authorised by this Order with all necessary works accesses and conveniences.

Description
of works.

8. The works authorised by this Order comprise a pier or jetty in the parish of Ilfracombe in the county of Devon commencing at the seaward termination of the present solid portion of the existing landing berth known as the Crane Berth

and extending thence in a north-easterly direction seawards to and terminating at a point two hundred and fifty yards or thereabouts north-east from the above-mentioned point of commencement. A.D. 1900.
Ilfracombe.

The pier may be constructed as a solid pier or as an open pier or partly in one way and partly in the other.

9. Sections 9 10 11 and 13 of the Order of 1897 (which relate to subsidiary works the power to deviate the consent of the Board of Trade to works and the penalty for obstructing works) shall apply in relation to the works authorised by this Order as they apply in relation to the works authorised by that Order. Subsidiary works.

10. The pier and works authorised by this Order shall be deemed to be part of the undertaking and works authorised by the Orders of 1870 and 1897 and the powers and provisions of the Order of 1870 as amended or varied by the Orders of 1873 and 1897 and by this Order shall extend and apply to the pier and works accordingly. Provisions of Order of 1870 to extend to new pier and works.

Completion of Works under the Order of 1897 and this Order.

11.—(1.) The works authorised by this Order shall not be commenced until the pier or breakwater authorised by the Order of 1897 has been completed. Completion of works authorised by this Order and Order of 1897.

(2.) If within two years from the commencement of this Order the works authorised by the Order of 1897 and by this Order and shown on the plans deposited with reference to those Orders are not substantially commenced the powers given by the Order of 1897 or by this Order as the case may be 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.

(3.) If the works authorised by the Order of 1897 or by this Order and so shown on the plans after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by the Order of 1897 or by this Order as the case may be for executing those works or otherwise in relation thereto shall cease except as to so much of those works respectively 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 commencement of this Order.

(4.) 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 for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Sale or Lease of Undertaking.

12. Section 14 of the Order of 1897 shall extend to the works authorised by this Order and shall as from the commencement of this Order be read and have effect as if the word "Company" were contained therein after the word "person" and as if a reference to the Order of 1870 included a reference to this Order. Amendment of Order of 1897 as to power to sell or lease undertaking.

A.D. 1900.

Finance.

Ilfracombe.
Borrowing
powers.

13.—(1.) The Undertakers may borrow and reborrow at interest on mortgage or on debentures secured on the rates duties or other revenue leviable or to be received under the Orders of 1870 1873 1897 and this Order such money as may be required for the purposes of those Orders not exceeding in the whole together with any money already borrowed under any of the said Orders and for the time being outstanding at any one time the sum of one hundred thousand pounds and may out of any money so borrowed repay any moneys borrowed under the Orders of 1870 and 1873 and still outstanding as and when they may be entitled or liable to make or the lenders may be willing to accept payment thereof.

(2.) The Undertakers may secure by mortgage under this section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by the Order of 1897 and by this Order and any money so secured shall be considered to be money borrowed under this Order.

(3.) Subject to the provisions of Section 23 of the Order of 1897 any money borrowed under this Order may be borrowed in such amounts at such times and with such priorities and preferential right to payment both for principal and interest as the Undertakers think fit.

(4.) All sums borrowed by the Undertakers under this Order shall be applied for the purposes of the Orders of 1870 and 1897 and this Order to which capital is properly applicable and not otherwise.

(5.) Sections 17 18 19 and 20 of the Order of 1870 and Sections 3 and 4 of the Order of 1873 (except in so far as they apply to or affect mortgages created thereunder and for the time being in force) and Section 20 of the Order of 1897 shall cease to have effect.

Payment of
arrears of
interest and
principal may
be enforced by
appointment of
a receiver.

14. If within two months after the interest on any mortgage granted by the Undertakers has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver under this Order.

Appointment
of a receiver.

15.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the peace of the county of Devon and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rates and duties authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates and duties are fully paid and on that appointment being made the rates and duties shall be paid to and received by the receiver.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver as aforesaid shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates duties and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

A.D. 1900.

16. The amount to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money for the time being borrowed under this Order.

Ilfracombe.
Amount to authorise application for receiver.

17.—(1.) Sections 21 22 23 24 25 26 and 27 of the Order of 1897 shall apply with reference to money borrowed under this Order as they apply with reference to money borrowed under that Order.

Application of provisions of Order of 1897.

(2.) Sub-section (4) of Section 26 of the Order of 1897 shall be read and have effect as if the words "according to their respective priorities" were inserted at the end thereof.

Erection of a Lighthouse.

18.—(1.) The Undertakers may arrange with the Trinity House for the erection either by the Trinity House or by the Undertakers in a position and according to plans approved by the Trinity House of a lighthouse or beacon light on or near the northern point of Beacon Point or at such other point within the limits to which this Order extends as the Trinity House approve and for the maintenance by the Undertakers of any such lighthouse or beacon light in a manner approved by the Trinity House.

Erection of lighthouse.

(2.) The payment of the cost of the erection of the lighthouse or beacon light whether erected by the Trinity House or the Undertakers shall be a purpose of this Order to which capital is properly applicable and for which money may be borrowed accordingly under this Order.

(3.) For the purposes of the application of the rates and income of the Undertakers the cost of the maintenance of any such lighthouse or beacon light (if it is maintained by the Undertakers) shall be included in paragraph (2) of Section 26 of the Order of 1897.

(4.) In this section the expression "Trinity House" means the Corporation of Trinity House Deptford Strond.

Life Buoys and Lights.

19. The Undertakers shall at all times keep at the outer extremity of the pier authorised by this Order life-buoys and life-lines in good order and fit and ready for use.

Life-buoy.

20. The maximum penalty under Sections 31 32 and 33 of the Order of 1897 (which relate to the provision of lights) shall be in each case ten pounds for every day instead of ten pounds for every month during which the omission to apply or the refusal or neglect to obey any directions as provided by those sections continues.

Penalty under Order of 1897 for not providing lights.

21. Sections 31 32 and 33 of the Order of 1897 (which relate to the provision of lights) shall (as amended by this Order) apply with reference to the works authorised by this Order as they apply with reference to the works authorised by that Order.

Application of ss. 31 32 & 33 of the Order of 1897 to this Order.

Supplemental.

22. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order or the Orders of 1870 or 1897 shall apply to and for the benefit of any Government Department in the same manner as they

Extension of 10 & 11 Vict. c. 27. (ss. 28 99) to all

A.D. 1900.

Ilfracombe.
 Government
 Departments.

apply to and for the benefit of the Government Departments specially named in those sections.

Saving rights
 under Crown
 Lands Act
 1866.

23. 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 authorised by this Order be commenced within the 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
 of Crown.

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

Costs of Order.

25. All the costs charges and expenses of or incidental to applying for preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Undertakers out of the moneys to be borrowed under this Order or out of the rates duties and other income received by them under the Order of 1870 or partly in one way and partly in the other.

Repeal.

26. The provisions specified in the Schedule to this Order are hereby repealed to the extent mentioned in that Schedule as from the commencement of this Order.

Short title and
 commence-
 ment.

27.—(1.) This Order may be cited as the *Ilfracombe Harbour Order 1900* and the Orders of 1870 1873 and 1897 and this Order may be cited as the *Ilfracombe Harbour Orders 1870 to 1900.*

(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.

SCHEDULE.

REPEALS.

Short Title.	Provisions Repealed.
The <i>Ilfracombe Harbour Order 1870</i> (confirmed by 33 & 34 Vict. c. lxxxii.)	Section eight sections seventeen eighteen nineteen twenty except as respects mortgages created under the Order of 1870 and for the time being in force.
The <i>Ilfracombe Harbour Order 1873</i> (confirmed by 36 & 37 Vict. c. lxiii.)	Sections three and four except as respects mortgages created under the Order of 1873 and for the time being in force.
The <i>Ilfracombe Harbour Order 1897</i> (confirmed by 60 & 61 Vict. c. lxxx.)	Section six to "at the Board of Trade" sections fifteen and twenty.