



## CHAPTER lxxx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Ilfracombe Llandudno and Scrabster. A.D. 1897.

[15th July 1897.]

**W**HEREAS 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 1867 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. 1897. — For the purposes of this section the expression “labouring class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Pier and Harbour Orders Confirmation (No. 5) Act 1897.

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## THE SCHEDULE OF ORDERS.

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1. ILFRACOMBE—Construction and maintenance of pier.
2. LLANDUDNO—Construction and maintenance of pier.
3. SCRABSTER—Improvement of harbour.

## ILFRACOMBE.

A.D. 1897.

*Ilfracombe.**Order for the construction of further Works at Ilfracombe in the  
County of Devon.**The Harbour Authority.*

1. The Ilfracombe Harbour Order 1870 (in this Order called "the Order of 1870") as varied or amended by the Ilfracombe Harbour Order 1873 (in this Order called "the Order of 1873") shall be read and have effect with the variations therein and the additions thereto made by this Order. Short title.

2. Reginald Joseph Weld of Lulworth Castle in the county of Dorset being the successor in estate of Sir Bouchier Palk Wrey Baronet named in the Order of 1870 acting so long as he is a person of unsound mind by the committee for the time being of his estate his heirs and assigns or other the person or persons from time to time entitled to the possession or receipt of the rents and profits of the lands and works to which this Order and the Orders of 1870 and 1873 relate shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers and shall have and may exercise the powers privileges and authorities conferred by the Orders of 1870 and 1873 and this Order. Undertakers.

*Works and Powers.*

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. Incorporation  
of Lands  
Clauses Acts.

4. For the purposes of the works authorised by this Order the Undertakers may by agreement purchase enter on take and use all or any part of the land shown on the plan deposited with reference to this Order and may acquire by agreement any easement over or interest in or right of using such land as they may think requisite for the purposes of this Order. Power to  
acquire lands  
by agreement.

5. The Undertakers may purchase and hold for extraordinary purposes any lands not exceeding in the whole three 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 section. Lands for  
extraordinary  
purposes.

6. The limits within which the Undertakers shall have authority under the Orders of 1870 and 1873 and this Order and which shall be deemed to be the limits to which the provisions of the Orders of 1870 and 1873 and of this Order and the power to levy demand and receive rates and duties extend shall comprise (in addition to the area defined by Section 8 of the Order of 1870) the area lying within the circumference of an imaginary circle having a radius of two hundred yards long and having as its centre the point to which the centre line of the proposed new pier or breakwater authorised by this Order will extend seaward as shown upon the maps and plans deposited for the purposes of this Order at the Board of Trade: Limits.

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Provided always that nothing contained in this Order or in the Orders of 1870 and 1873 shall authorise or be deemed hereafter to authorise the Undertakers to levy demand or receive any rate either—

(1.) In respect of any person who for the purpose of walking for exercise or pleasure or any other purpose except for embarking or disembarking shall use either—

(a) The existing quay which stretches from the Britannia Hotel eastward to the existing tollgates and barriers of the harbour or any part of that quay or

(b) The existing pier which lies outside of those tollgates and barriers and stretches from near the front of the Pier Hotel southward or any part of that pier or—

(2.) In respect of any vessel or boat which without entering the limits within which the Undertakers have authority under Section 8 of the Order of 1870 may nevertheless enter the limits within which the Undertakers have authority under this Section for the purpose merely of passing through the water therein and not for the purpose of loading receiving unloading discharging or delivering any cargo ballast tackle or thing or of embarking or disembarking any passenger or person or of anchoring beaching laying-up or laying-to therein or for any similar or like purpose.

Power to  
construct  
works.

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

Description of  
works.

8. The works authorised by this Order include the following—

A pier or breakwater commencing at a point marked "Y" on the plans and sections deposited for the purposes of this Order being the termination of the solid portion of the existing breakwater and extending thence seaward in an easterly direction for a distance of six hundred and eleven feet or thereabouts.

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

Subsidiary  
works.

9.—(1.) The Undertakers may make provide and maintain in connection with the new pier and works all necessary or convenient roads approaches slips quays shipping and landing-places sea walls jetties stages toll houses toll gates or bars sheds warehouses buildings saloons pavilions shops waiting and other rooms cranes lamps lamp-posts lighthouses buoys moorings ballards machinery sewers drains groynes and other works appliances and conveniences all of which are herein-after referred to as subsidiary works.

But the Undertakers shall not erect any new toll house toll gate or bar on any site other than that of the existing toll house toll gates or bars without the consent in writing of the Board of Trade first obtained.

(2.) The Undertakers may also with the consent in writing of the Board of Trade first obtained blast dredge scour and deepen the bed and shore of the

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sea within the limits within which they shall have authority under the Orders of 1870 and 1873 and this Order and at or near any part of the new pier and works and appropriate any rock mud sand or other material so dug and excavated and generally use the same for the construction and maintenance of the pier and works authorised by this Order or otherwise. But the Undertakers shall not permit any sand shingle rocks mud or other material to be removed from any part of the foreshore without the consent in writing of the Board of Trade having been first obtained.

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10. Subject to the provisions of this Order the Undertakers with the consent in writing of the Board of Trade may in the execution of the works authorised by this Order deviate the same laterally to any extent within the limits shown on the deposited plans and vertically to any extent approved by the Board of Trade.

Power to deviate.

11. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained and shall be executed in manner required by the Board of Trade.

Consent of Board of Trade to works.

12. The pier and works authorised by this Order shall be deemed to be part of the undertaking and works authorised by the Order of 1870 and the powers and provisions of that Order as amended or varied by the Order of 1873 and by this Order shall extend and apply to such pier and works accordingly.

Provisions of Order of 1870 to extend to new pier and works.

13. Any person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or pulls up or removes any pole or stake driven into the ground for the purpose of setting out the lines of such works or defaces damages or destroys such works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Penalty for obstructing works.

14. The Undertakers with the consent in writing of the Board of Trade first obtained may sell and may also lease their undertaking lands and works or any part thereof or the rates authorised by the Order of 1870 to any person or local authority upon such terms and conditions as they may think fit but so that any lease shall be for a term not exceeding seven years to take effect in possession and the purchaser or the lessee shall have and may exercise all the same powers of levying and recovering rates as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and the Orders of 1870 and 1873 and this Order and shall be subject to the same liabilities as to accounts or otherwise to which the Undertakers are made liable under the Order of 1870 and this Order.

Power to sell or lease undertaking.

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

Powers to cease in certain events.

(2.) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto

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(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works authorised by this Order 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.

#### *Rates.*

Powers to vary exemptions from rates and to enter into compositions &c.

16. The Undertakers may confer vary or extinguish exemptions from and enter into annual or other compositions with any person with respect to the payment of the rates and duties authorised by the Order of 1870 but so that no preference be in any case given to any person and that nothing be done under this section which shall prejudice the other provisions of this Order or affect the provisions of sections 11 and 12 of the Order of 1870. Provided that the composition for any one year for the rates payable in respect of any skiff trawler or other undecked or half-decked boat not exceeding fifteen tons register for entering the limits of the harbour shall be the sum of four shillings and fourpence payable in advance or any lesser sum at which the Undertakers may fix such composition.

Board of Trade may reduce rates.

17. If at any time the clear annual income derived from the pier and works authorised by the Order of 1870 and this Order on the average of the three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Undertakers in or about the construction of the pier and works so authorised the Board of Trade may if in their discretion they think fit reduce the rates authorised by the Order of 1870 or any of them to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time to raise the rates again to not exceeding the amounts specified in the schedule to that Order.

Officers of Board of Trade exempt from rates.

18. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress to on and along the pier and works of the Undertakers by land and with their vessels and otherwise without payment.

Lifeboat crew to be exempt from tolls.

19. 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 also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier and works of the Undertakers without payment.

#### *Finance.*

Further borrowing powers.

20. The Undertakers may borrow and re-borrow at interest on mortgage of the rates and duties authorised by the Order of 1870 any sum or sums of money

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which with the sums already borrowed under the Orders of 1870 and 1873 and for the time being outstanding shall not in the whole exceed at any one time the sum of one hundred thousand pounds and may out of any moneys borrowed under this Order 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 repayment thereof and a mortgage under this Order may be executed for securing moneys due or to become due to any contractor in payment for the execution of works authorised by this Order and interest on such moneys.

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21. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of this Order and so from time to time.

Re-borrowing.

22. All moneys borrowed under this Order shall be applied only for the repayment of moneys borrowed under the Orders of 1870 and 1873 and the other purposes of this Order to which capital is properly applicable.

Application of money borrowed.

23. All mortgages made under the Orders of 1870 and 1873 and subsisting at the time of the passing of the Act confirming this Order shall during the continuance of such mortgages have priority over all mortgages made under this Order.

Existing mortgages to have priority.

24. All moneys borrowed under this Order may be borrowed for any period of time not exceeding fifty years and the Undertakers shall subject to the other provisions of this Order out of the rates and other income received by them under the Order of 1870 either pay off the money so borrowed by equal annual instalments of principal or principal and interest or in every year set apart for a sinking fund and accumulate in the way of compound interest (by investing the same in securities in which trustees are by law for the time being authorised to invest) such a sum as will with accumulations in the way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within the respective periods of time for which the same are respectively borrowed and the Undertakers may apply any portion of the sinking fund in or towards paying off the moneys to pay off which it was created.

Sinking fund.

25. The Undertakers shall within two months after the expiration of each year during which any sum is required to be paid as an instalment or set apart for a sinking fund 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 if so required by that Board showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during that year and the description of the securities upon which such amount has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during that year and the total amount remaining invested at the end of that year and in the event of any wilful default in making such return the Undertakers shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Board of Trade. If it appears to the Board of Trade by such return or otherwise that the Undertakers have failed to set apart in accordance with the provisions of this Order any sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes

Annual return to be made to Board of Trade.

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other than those authorised by this Order the Board of Trade may if that Board think fit and after hearing the Undertakers if desiring to be heard by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested as part of the sinking fund and such Order shall be enforceable by writ of mandamus to be obtained by the Board of Trade out of the Queen's Bench Division of the High Court of Justice.

Application of  
income.

26. From and after the passing of the Act confirming this Order section 6 of the Order of 1873 is hereby repealed and the Undertakers shall apply the rates and other income received by them under the Order of 1870 for the purposes and in the order following and not otherwise (that is to say) :—

- (1) In paying all the costs charges and expenses of or incidental to applying for preparing and obtaining this Order or otherwise incurred in relation thereto except so far as the same are paid out of the moneys to be borrowed under this Order :
- (2) In paying the expenses of the maintenance repair management and regulation of the harbour pier lighthouse and works including the works authorised by this Order :
- (3) In paying year by year the interest and principal moneys and the instalments of principal moneys properly payable in respect of any moneys secured by mortgage and remaining due at the time of the passing of the Act confirming this Order :
- (4) In paying year by year the interest of any money borrowed under this Order and any instalments of principal moneys properly payable in respect thereof :
- (5) In paying the cost of constructing any subsidiary works so far as such cost has not been paid out of borrowed moneys :
- (6) In payments to a sinking fund for the repayment of the principal moneys borrowed under the Orders of 1870 and 1873 so far as the repayment of such principal by instalments may not be otherwise provided for :
- (7) In payments to a sinking fund for the repayment of the principal of moneys borrowed under this Order in accordance with the terms thereof and so far as the repayment of such principal by instalments may not be otherwise provided for :
- (8) The surplus income (if any) may be applied in the further general improvement of the harbour and works or may be retained by the Undertakers for their own use.

Annual account  
to be sent to  
Board of Trade.

27. The Undertakers within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up to the end of the day on the 25th day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

24 & 25 Vict.  
c. 19.*Life Saving Apparatus.*Portions of  
Harbours  
Clauses Act  
excepted.

28. Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Undertakers shall



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whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required to do so by the Board of Trade.

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29. 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 to or cause to be attached to any part of the pier or works of the Undertakers 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 pier or works.

Life-saving apparatus may be attached to pier &c.

30. The Undertakers shall at all times keep at the outer extremity of the pier a life buoy and line in good order and fit and ready for use.

Life buoy to be kept.

*Lights.*

31. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to lights (if any) to be exhibited and shall in all respects obey any direction upon such application or afterwards given by the Board of Trade as to lights during the construction of such works and compliance with the directions so given shall be deemed to satisfy every statutory or other requirement as to lights during the construction of such works and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

As to lights during construction of works.

32. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall at the outer extremity of the pier authorised by this Order or the completed portion thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to lighting and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

As to lights after completion of works.

33. In case of injury to or destruction or decay of the pier or any other works of the Undertakers or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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 and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

As to buoys &c. in case of decay of works.

*Miscellaneous.*

34. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for

Recovery of penalties.

A.D. 1897. all the purposes of that Act this Order and the Order of 1870 and the Order of 1873 shall be deemed the Special Act.

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Saving rights  
under Crown  
Lands Act  
1866.

35. 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.

36. 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.

37. 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.

Short titles.

38. This Order may be cited as the Ilfracombe Harbour Order 1897 and the Orders of 1870 and 1873 and this Order may be cited as the Ilfracombe Harbour Orders 1870 to 1897.

*Llandudno.*

## LLANDUDNO.

*Order for the Construction Maintenance and Regulation of a Pier  
and Works at Llandudno in the County of Carnarvon.*

*The Undertakers.*

Undertakers.

1. The Llandudno Victoria Pier Company (Limited) in this Order called "the Company" shall be the Undertakers for the purposes of this Order and shall have and may exercise the powers privileges and authorities conferred by this Order and may carry this Order in all respects into effect.

*Works and Powers.*

Incorporation  
of Lands  
Clauses Acts.

2. 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) shall be (except where the same are expressly varied by this Order) incorporated with this Order.