



CHAPTER cxxviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Blackpool Lynmouth and Otter Ferry. A.D. 1899.
[13th July 1899.]

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 provisions as to houses of labouring class.

A.D. 1899.

If 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" means 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. 1) Act 1899.

THE SCHEDULE OF ORDERS.

1. BLACKPOOL.—Extension of existing pier.
2. LYNMOUTH.—Construction of pier,
3. OTTER FERRY.—Construction of pier.

LYNMOUTH.

Lynmouth. Provisional Order for the construction maintenance and regulation of a Promenade Pier with approaches at Lynmouth in the County of Devon.

The Undertakers.

Undertakers. 1. The Lynmouth Promenade Pier Company Limited (in this Order called "the Company") shall be the Undertakers for carrying the works authorised by this Order into execution.

Acquisition of Land.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (except so much thereof as relates to the purchase or 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.

Power to acquire lands.

3.—(1) For the purposes of the works authorised by this Order the Company may by agreement enter on take and use all or such part of the lands shown on the plan deposited with reference to this Order as they think requisite for the purposes of the works authorised by this Order.

(2) The Company may purchase and hold for extraordinary purposes any lands not exceeding in the whole one acre.

(3) This section or anything contained therein shall not exempt the Company from any proceedings for nuisance caused or permitted by them on lands taken by them under the powers conferred by this Order:

Works &c.

A.D. 1899.

Lynmouth.

Power to
make works.

4. 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 as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Company may on the lands acquired by them under this Order and in the lines and situations and according to the levels shown on the said plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans make and maintain the works authorised by this Order.

5. The works authorised by this Order comprise the following :—

Description
of works
authorised.

(1) A promenade pier jetty and landing place with pier head (in this Order called "the pier") commencing at a point on the sea shore two hundred and eighty yards (or thereabouts) measured in a north-easterly direction from the most northerly corner of the main building of the Torrs Park Hotel and extending thence seawards in a northerly direction twelve hundred feet (or thereabouts) into the sea and there terminating ;

(2) An approach road commencing at a point on the north side of the main road leading from Lynmouth to Porlock in the county of Devon known as the Countisbury Road fifty-three yards or thereabouts measured in a northerly direction from the most northerly corner of the main building of the said Torrs Park Hotel and terminating by a junction with the proposed pier at the point of commencement thereof :

The works will be situated in the parish of Countisbury in the county of Devon or on the foreshore or in the sea and bed thereof adjacent thereto.

The pier will be constructed of open cast iron pile work.

6. In constructing the works authorised by this Order the Company may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the plan deposited with reference to this Order and vertically to any extent approved by the Board of Trade.

Power to
deviate.

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

Penalty for
obstructing
works.

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

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 given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of the works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed

[Ch. cxxviii.] *Pier and Harbour Orders*
Confirmation (No. 1) Act, 1899. [62 & 63 Vict.]

A.D. 1899. to remain in force for any period not exceeding five years from the date of the
passing of the Act confirming this Order.
Lynmouth.

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

Subsidiary works.

9.—(1) The Company may provide and maintain in connexion with the pier all proper landing-stages approaches toll-houses toll-gates turnstiles mooring posts and other works and conveniences.

(2) The Company may erect upon the pier such shelters and other conveniences with suitable approaches thereto as may be found necessary or convenient.

Steam engines diving bells lighters &c.

10. The Company may provide such steam engines steam vessels tugs piling engines diving bells ballast lighters moorings dredging machines and other machinery vessels and things as they think necessary for carrying into effect this Order and may demand and receive such sums for the use of them as they think reasonable.

Restriction on use of pier.

11. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep cattle or merchandise or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier for recreation or for the embarking or landing of passengers.

Rates.

Power to levy rates.
10 & 11 Vict.
c. 27.

12. When in addition to the certificate to be granted under the twenty-sixth section 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 the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand recover and receive for the use of the pier any sums not exceeding the several rates specified in the Schedule to this Order.

Rates may be levied though works not completed.

13. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods by means of those works the Company may notwithstanding the twenty-fifth section 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 and recover such of the rates or such proportion of all or any of the rates specified in the Schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Pass tickets for use of pier.

14.—(1.) The Company may grant to passengers promenaders and others pass tickets for the use of the pier at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person.

(2.) A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use.

A.D. 1899.

Lynmouth.

(3.) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit pass ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

15. The Company may lease the rates and other charges authorised under this Order for any period not exceeding seven years on such terms and conditions as they think fit and on any such lease the lessee during the term of the lease shall have and may exercise the same powers of levying and recovering rates and charges as the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all and the same provisions as to accounts and otherwise to which the Company are made subject by this Order.

Power to lease rates.

16. If at any time the clear annual income derived from the pier and works authorised by this Order on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of 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 Company in executing works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order 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 them again to sums not exceeding the amounts specified in the Schedule to this Order.

Board of Trade may reduce pier rates.

17.—(1.) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract shall send a copy of it 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 such account.

Annual account to be sent to Board of Trade.
25 & 26 Vict.
c. 19.

(2.) If the Company refuse or neglect to comply with this section they shall for each refusal or neglect be liable to a penalty not exceeding twenty pounds.

(3.) The accounts shall be made up to the twenty-fifth day of March in each year.

18. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order.

Part V. of 24 & 25 Vict.
c. 47. to apply.

19. 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 pier or works authorised by this Order and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

20. 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

Lifeboat crews exempt from tolls.

A.D. 1899.

Lynnmouth.

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 works authorised by this Order without payment.

Life-saving Apparatus and Lights &c.

Parts of
Harbours &c.
Act 1847
excepted.

21.—(1.) Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2.) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving
apparatus may
be attached to
the pier.

22. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the works authorised by this Order 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 works.

Lifebuoys to be
kept.

23. The Company shall at all times keep at the outer extremity of the pier lifebuoys and lifelines in good order and fit and ready for use.

As to lights
during
construction
of works.

24.—(1) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

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

As to lights
after com-
pletion of
works.

25.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier or the completed portion thereof or in such other place as may be required from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

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

[62 & 63 VICT.]

*Pier and Harbour Orders
Confirmation (No. 1) Act, 1899.*

[Ch. cxxviii.]

A.D. 1899.

Lynmouth.

As to buoys
and lights in
case of decay
of works.

26.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

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

Miscellaneous.

27. 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 and for all the purposes of that Act this Order shall be deemed the special Act.

Recovery of
penalties.
10 & 11 Vict.
c. 27.

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

Saving for
Commissioners
of Woods.

29. 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 consent of the Board of Trade.

Saving rights
under Crown
Lands Act
1866.

30. Sections twenty-eight and ninety-nine 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.

Extension of
10 & 11 Vict.
c. 27 (ss. 28
99) as to
exemption of
Government
officers.

31. The pier and works authorised by this Order shall in respect of all matters crimes or offences arising or committed thereon requiring the cognisance of any justices of the peace be deemed and taken to be within and as forming part of the parish of Countisbury in the county of Devon and within the jurisdiction of any justices acting within and for the division of which that parish forms part.

Pier to be
deemed within
parish of
Countisbury.

32. All the costs charges and expenses of and incidental to the obtaining of this Order and otherwise incurred in relation thereto shall be paid by the Company.

Costs of Order.

33. This Order may be cited as the Lynmouth Pier Order 1899

Short title.

A.D. 1899.
Lynnmouth.

SCHEDULE.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time any sum not exceeding	0 4
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each and every time any sum not exceeding	0 4
For every bath or sedan chair (including persons in charge) taken on the pier for each and every time any sum not exceeding	0 2
For every perambulator (including person in charge) for each and every time any sum not exceeding	0 4
For every master of any vessel boat or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	0 2
Or where the annual sum is not paid for each time	10 0 0 1

II.—RATES ON PASSENGERS' LUGGAGE &c. LANDED ON OR EMBARKED FROM THE PIER.

For every trunk portmanteau box parcel or package not exceeding 28 lbs.	0 2
Over 28 lbs. and not exceeding 84 lbs.	0 4
Over 84 lbs. and not exceeding 112 lbs.	0 5
Over 112 lbs. and not exceeding 140 lbs.	0 6
Over 140 lbs. and not exceeding 196 lbs.	0 7
Over 196 lbs. and not exceeding 2 cwts.	0 8
And for every cwt. beyond	0 4
And for every 20 lbs. weight in addition	0 1

III.—RATES ON VESSELS USING THE PIER.

For every vessel under the burden of 15 tons register	per ton 0 4
For every vessel of the burden of 15 tons and under 50 tons register	per ton register 0 6
For every vessel of the burden of 50 tons and under 100 tons register	per ton register 0 8
For every vessel of the burden of 100 tons and under 150 tons register	per ton register 0 10
For every vessel of the burden of 150 tons register and upwards	per ton register 1 0
For every lighter for each trip	per ton 0 2

IV.—RATES FOR SUPPLYING WATER.

Fresh water on pier per 100 gallons not exceeding	1 6
Sea water per 3 gallons not exceeding	0 2