

**CHAPTER cxlvi.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Berwick-upon-Tweed Lymington and Padstow. A.D. 1913.
[15th August 1913.]

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 King'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. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1913. Short title.

A.D. 1913.

THE SCHEDULE OF ORDERS.

1. BERWICK-UPON-TWEED—Construction of quay &c.
 2. LYMINGTON—Authorising the Corporation of Lymington to maintain and improve the river and harbour to borrow money &c.
 3. PADSTOW—Construction of works &c.
-

	s.	d.	A.D. 1913.
Stones grinding or millstones per ton - - - - -	0	8	<i>Lymington.</i>
Ditto grave or marble per ton - - - - -	1	4	
Slates per ton - - - - -	0	6	
Spars under 16 feet in length - - - - -	0	1	
Ditto over 16 feet in length - - - - -	0	2	
Soda per ton - - - - -	0	8	
Tar or pitch per cwt. - - - - -	0	1	
Tea per cwt. - - - - -	0	2	
Tiles roofing per 1,000 - - - - -	0	8	
Ditto paving or ornamental per 1,000 - - - - -	1	4	
Timber per ton - - - - -	0	3	
Tobacco pipes per cwt. - - - - -	0	2	
Trees bundles under 112 lbs. - - - - -	0	2	
Ditto above 112 lbs. - - - - -	0	4	
Turf per ton - - - - -	0	4	
Wool per ton - - - - -	1	4	
Wine or spirits per 63 gallons - - - - -	0	8	
Ditto bottled per ton - - - - -	2	0	
All other commodities not enumerated above per cwt. - - - - -	0	1	

The Corporation may demand for goods remaining on the quay for a longer time than 48 hours threepence per ton each day during which the goods shall remain after the first 48 hours.

RATE FOR SUPPLYING WATER.

	s.	d.
For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel - - - - -	0	1½

PADSTOW HARBOUR.

Order to authorise the Padstow Harbour Commissioners to construct additional works to confer further powers on the Commissioners to amend the Acts and Order relating to the harbour and for other purposes.

Padstow.

1.—(1) This Order may be cited as the Padstow Harbour Order 1913. Short title and construction.

(2) The Act 7 Vict. cap. XXIV. intituled "An Act for regulating maintaining and improving the Port of Padstow in the County of Cornwall and the navigable parts of the River Camel or Allen in the same county" may hereafter be cited as the Padstow Harbour Act 1844.

A.D. 1913. (3) The Padstow Harbour Act 1844 (in this Order referred to as "the principal Act") the Padstow Harbour Improvement Order 1869 scheduled to and confirmed by the Pier and Harbour Orders Confirmation Act 1869 (in this Order referred to as "the Order of 1869") and the Padstow Harbour Act 1910 (in this Order referred to as "the Act of 1910") as those Acts and the Order of 1869 are varied and amended by this Order and this Order may for all purposes be cited together as the Padstow Harbour Acts and Orders 1844 to 1913.

Commence-
ment of
Order. 2. This Order shall come into operation 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."

Definitions. 3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings hereinafter assigned to them (namely):—

"The Commissioners" means the Padstow Harbour Commissioners;

"The former Acts and Order" means the principal Act the Order of 1869 and the Act of 1910;

"The Port of Padstow" has the meaning assigned to it in section 68 of the principal Act;

"The pier" means and includes the existing piers or breakwaters at the Port of Padstow and the piers or breakwaters authorised by this Order;

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

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

Undertakers.

Undertakers. 4. The Commissioners shall be the Undertakers for carrying this Order into execution.

Lands.

A.D. 1913.

5. 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.

Padstow.
Incorporation of
Lands
Clauses
Acts.

6. For the purposes of the works authorised by this Order the Commissioners may purchase by agreement and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they may think requisite for the purposes of the works.

Power to
take lands
by agree-
ment.

7. 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 exchange 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 or acquired by them under the former Acts and Order or this Order and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to
retain and
sell lands.

8. The Commissioners may if they think fit grant convey and assign to the North Cornwall Railway Company and the London and South Western Railway Company or either of the said companies upon such terms and conditions and for such consideration (if any) as the Commissioners may determine any lands acquired by the Commissioners under the powers of this Order and the whole or any part or parts of the land and foreshore in or adjoining the Port of Padstow which was granted and conveyed to the Commissioners in pursuance of the agreement scheduled to and confirmed by the Act of 1910.

Power to
convey
certain
lands and
foreshore.

Works and Powers.

9. 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 may require or sanction before the completion of the works the Commissioners may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on

Power to
construct
works.

A.D. 1913. the deposited plans and sections make and maintain the following works :—
Padstow.

Work No. 1 A pier or breakwater (wholly of solid construction) commencing at the termination of the pier or jetty authorised by the Act of 1910 and now in course of construction and extending seawards in a north-westerly direction for a distance of 205 feet or thereabouts from the point of commencement and there terminating :

Work No. 2 A dock wall and wharf commencing at the termination of the existing dock wall of the London and South Western Railway Company adjacent to the end of the quay at the north end of the existing fish shed and extending in a direction approximately north-westwards for a distance of 845 feet or thereabouts and terminating at the extreme easterly end of the southerly arm wall of the harbour as existing at the commencement of this Order :

Work No. 3 A pier or breakwater (wholly of solid construction) commencing at the termination of Work No. 2 and extending in a direction approximately easterly for a distance of 160 feet or thereabouts and there terminating :

Work No. 4 A wet dock $2\frac{1}{2}$ acres or thereabouts in extent to be situate in the existing bed and foreshore of the River Camel immediately between the pier or jetty authorised by the Act of 1910 and now in course of construction and Works Nos. 1 2 and 3 hereinbefore described :

Work No. 5 Two entrance gates to the proposed wet dock each 25 feet or thereabouts in width situate side by side and connecting Works Nos. 1 and 3 at or near their respective points of termination.

Power to
improve
works.

10.—(1) Subject to the provisions of this Order the Commissioners may from time to time with the consent of the Board of Trade improve alter and extend the works authorised by this Order and may in connection with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties patent slips buoys moorings lights beacons roads sewers drains watercourses tanks mains pipes wires engines weighing machines and other works buildings electric light power or other apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and land connected therewith and may take down or remove portions of the existing works.

[3 & 4 GEO. 5.] *Pier and Harbour Orders* [Ch. cxlvi.]
Confirmation (No. 1) Act, 1913.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use. A.D. 1913.
Padstow.

(3) Any mains pipes wires or other apparatus constructed erected or maintained under this Order shall be so constructed erected used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

11. Any person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works authorised by this Order or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every such offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Commissioners any expenses incurred by them in making good any damage occasioned by any such obstruction pulling up or removal. Penalty for obstructing or injuring works.

12.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. Power 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 the construction thereof or otherwise in relation thereto shall cease except as to so much of the works as is 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.

(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 that certificate.

13. In addition to the powers conferred by section 23 (Power to Commissioners and railway companies to agree as to construction of works) of the Act of 1910 the Commissioners on the one hand and the North Cornwall Railway Company and the London and South Agreements between Commissioners and railway companies.

A.D. 1913. Western Railway Company or either of the said railway companies on the other hand may subject to the provisions of this Order enter into and carry into effect contracts agreements and arrangements for and in connection with and in respect of the construction carrying out execution and maintenance by the Commissioners or by the said railway companies or either of them on behalf of the Commissioners of the works authorised by the Act of 1910 and this Order.

Padstow.

Rates &c.

Amendment of Act of 1910 as to rates on vessels entering or using Port of Padstow.

14. As from the commencement of this Order Part I. (Tonnage rates on vessels) of the Second Schedule to the Act of 1910 shall be read and construed as if the words "For every loaded vessel for every registered ton 3*d.*" were substituted for the words "For every loaded vessel for every registered ton 2*d.*"

Amendment of Act of 1910 as to licensing of fish salesmen.

15. From and after the commencement of this Order section 26 (Licensing of fish salesman) of the Act of 1910 shall extend and apply to sales of fish by auction or otherwise on the quays and wharves adjoining the Port of Padstow or within the limits of the principal Act as defined by section 68 thereof or within any fish market or other market within the urban district of Padstow as constituted at the commencement of this Order or adjoining the Port of Padstow or the limits of the principal Act.

Rates for use of wet dock.

16.—(1) When in addition to the certificate to be granted under section 26 of the Harbours 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 the former Acts and Order or 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 those works and the conveniences connected therewith in addition to the rates which under the principal Act as varied and amended by the Order of 1869 and the Act of 1910 and this Order they are now authorised to levy the following rates (that is to say):—

In respect of vessels (whether loaded or unloaded) entering or using the wet dock authorised by this Order for each and every time for every registered ton of such vessel any sum not exceeding threepence:

In respect of every vessel which shall remain in the said wet dock for a longer time than one month an additional rate per ton of tonnage per month not exceeding threepence.

(2) From and after the granting of the certificates in subsection (1) of this section referred to the former Acts and Order shall be read

and construed and have effect as if the rates by the said subsection authorised had originally been inserted in Part I. (Tonnage rates on vessels) of the Second Schedule to the Act of 1910 to the intent that such rates shall be a security for all moneys borrowed under the former Acts and Order and this Order and so that with all necessary modifications they shall be applied in the manner by section 10 of the Order of 1869 as varied and amended by section 30 of the Act of 1910 directed with regard to income coming into the hands of the Commissioners.

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17.—(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 Commissioners shall be sufficient and not more than sufficient for the purposes of their undertaking.

Board of
Trade may
reduce
rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income of 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 undertaking of the Commissioners the Board may if in their discretion they think fit reduce the rates leviable under the former Acts and Order and 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 former Acts and Order as amended by this Order.

Finance.

18. The Commissioners may from time to time in addition to their present borrowing powers borrow at interest not exceeding five pounds per centum per annum on the credit of the several rates leviable under the former Acts and Order and this Order and other property vested in the Commissioners such sums of money and for such purposes as are hereinafter specified and the powers and provisions of the principal Act and the Act of 1910 with respect to borrowing and re-borrowing of money and the formation and maintenance of a sinking fund and to mortgages shall apply to moneys borrowed under this Order.

Power to
borrow.

The purposes and sums hereinbefore referred to are as follows (that is to say):—

- (a) For the purchase of lands and the construction of the works authorised by this Order any sum or sums not exceeding in the whole thirty-three thousand seven hundred pounds;
- (b) For any of the purposes of the former Acts and Order and this Order to which capital is properly applicable such

A.D. 1913.

*Padstow.*Periods for
repayment
of money
borrowed.

further sum or sums as the Board of Trade shall from time to time sanction; and

(c) For the payment of the costs charges and expenses of this Order such sum as may be required.

19. All moneys borrowed by the Commissioners under the last preceding section of this Order shall be repaid within the respective periods following (that is to say):—

(a) As to the money borrowed for the purposes (a) mentioned in the last preceding section of this Order within a period not exceeding fifty years from the date of borrowing the same;

(b) As to the money borrowed for the purposes (b) mentioned in the last preceding section within such period from the date of borrowing the same as the Board of Trade may prescribe; and

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

Such repayments shall be made either by equal annual instalments of principal or of principal and interest combined or by means of a sinking fund appropriated for that purpose and the accumulations thereon (if any) from time to time applied for that purpose or partly in one way or partly in any of the other ways.

Application
of money
borrowed.

20. The 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.

Proceeds
of sale of
surplus
lands to be
treated as
capital.

21. The proceeds of sale of any surplus lands of the Commissioners under the powers of the former Acts and Order and this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Commissioners and shall be applied in discharge of moneys borrowed by the Commissioners under the former Acts and Order and this Order Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Appoint-
ment of a
receiver.

22.—(1) The holders of any security given in respect of money borrowed under the former Acts and Order and 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.

(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 one tenth of the sum for the time being due on account of money borrowed.

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Padstow.

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "Commissioners" shall mean the Commissioners and the expression "mortgage" and "mortgagee" shall respectively include any security for money borrowed under the former Acts and Order and this Order and the holder of any such security.

23.—(1) The Board of Trade shall unless they see 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 the former Acts and Order and this Order.

Appoint-
ment of an
auditor.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see 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 and furnish him with all 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 section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

(5) Section 18 (Manner of electing auditors) of the Act of 1844 is hereby repealed.

Life-saving Apparatus.

24.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Provision
for life-
saving
apparatus.

(2) The Commissioners shall 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 that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Commissioners 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.

25. The Commissioners shall at all times keep at convenient places on the pier and in obedience to any requirements which may

Lifebuoys
to be kept.

A.D. 1913. be made by the Board of Trade lifebuoys and lifelines in good order
Padstow. and fit and ready for use.

Miscellaneous.

Application
of pro-
visions of
Act of 1910.

26. The following provisions of the Act of 1910 shall with all necessary modifications extend and apply to the works authorised by this Order as if the same were re-enacted in this Order (that is to say):—

Section 6 (Limits of deviation):

Section 7 (Works below high-water mark not to be commenced without consent of Board of Trade):

Section 9 (Power to dispose of lands):

Section 17 (Life-saving apparatus may be attached to pier):

Section 21 (Power to take easements &c. by agreement):

Section 29 (Lifeboat crew exempt from tolls):

Section 34 (Annual return to Board of Trade with respect to sinking fund):

Section 35 (Annual account to be sent to Board of Trade).

Application
of provisions
of section 25
of Act of
1910.

27. Section 25 (South Western Company may apply funds) of the Act of 1910 shall apply to the works authorised by this Order as though they had been authorised by the Act of 1910.

New works
to form part
of under-
taking.

28. The works powers and privileges authorised and granted by the former Acts and Order and this Order shall form and be one undertaking and the works by this Order authorised shall for the purposes of the principal Act be deemed to be and be a purpose and object of that Act.

Application
of Act 10 &
11 Vict c. 27.

29. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of
penalties.

30. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers
exempt from
rates.

31. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the Port of Padstow and the pier and other works of the Commissioners without payment.

Saving
rights of
duchy of
Cornwall.

32. The consent of His Royal Highness the Prince of Wales in right of His duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the duchy of Cornwall for the time being.

Works to be
in parish and
urban district
of Padstow.

33. The works shall be deemed to be for all purposes within the parish and urban district of Padstow in the county of Cornwall.

[3 & 4 GEO. 5.]

Pier and Harbour Orders
Confirmation (No. 1) Act, 1913.

[Ch. cxlvi.]

34. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Commissioners out of moneys received by them under the former Acts and Order or this Order or out of money borrowed for the purpose.

A.D. 1913.

Padstow.

Costs of
Order.

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