



CHAPTER lxxiv.

An Act to confirm Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Clacton-on-Sea Hove and Weymouth. [31st July 1925.] A.D. 1925.

WHEREAS a Provisional Order made by the Minister of Transport 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 Provisional Orders made by the Minister of Transport 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 Orders as 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 Order in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1925. Short title.

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and shall complete the same as soon as is reasonably practicable :

- (5) Within a period of one year after the works described in the said section 12 have been completed the Undertakers shall subject as aforesaid commence the construction of the pavilion and other buildings to be constructed at the seaward end of the pier and shall proceed diligently with such construction and complete the same as soon as may be reasonably practicable after its commencement :
- (6) Any dispute or difference between the Undertakers and the Corporation under the provisions of this section shall unless otherwise agreed be determined in accordance with the provisions of subsection (9) of section 20 of the Order of 1912.

Increase of
rate for
persons
using pier.

7. The rate which the Undertakers are by section 22 (Power to levy rates) of the Order of 1912 and the schedule to that Order authorised to charge for every person using the pier for the purpose of walking for exercise pleasure or any other purpose (except for embarking or disembarking) for each time is hereby increased from any sum not exceeding twopence to any sum not exceeding threepence and the Order of 1912 shall be construed and have effect accordingly.

Annual
account to
be sent to
Ministry of
Transport.

8.—(1) The Undertakers shall within two months after the date to which their annual account and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Undertakers and any and every such account.

(2) The Undertakers shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Undertakers referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of December in each year.

(4) Section 31 (Annual account to be sent to Board of Trade 25 & 26 Vict. c. 19) of the Order of 1912 is hereby repealed.

Crown
minerals.

9. Notwithstanding the provisions contained in section 51 of the Order of 1912 or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Undertakers authorised to be taken or constructed by the Order of 1912 but in the event of any such right being at any time intended to be exercised sections 77

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to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in the Order of 1912 and as if the Undertakers were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Undertakers to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Undertakers by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

10. The provisions of the Order of 1912 shall apply and have effect subject to the provisions of this Order and may be exercised enforced and applied accordingly.

Application
of provisions
of Order of
1912.

11. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

Costs of
Order.

WEYMOUTH AND MELCOMBE REGIS HARBOUR.

Provisional Order conferring powers upon the mayor aldermen and burgesses of the borough of Weymouth and Melcombe Regis with reference to the Harbour of Weymouth and Melcombe Regis and for other purposes.

Weymouth.

1. This Order may be cited as the Weymouth and Melcombe Regis Harbour Order 1925.

Short title.

2. This Order shall be read and construed as one Order together with the Acts and Orders specified in the First Schedule to the Weymouth and Melcombe Regis Corporation Act 1914 and that Act as the same are amended by this Order.

Construc-
tion.

3. 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."

Commence-
ment of
Order.

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Weymouth.
Interpreta-
tion.

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

“The Act of 1825” means the Act 6 Geo. IV. cap. cxvi;

“The Act of 1887” means the Weymouth and Melcombe Regis Corporation Act 1887;

“The harbour” means the harbour of Weymouth and Melcombe Regis or as the case may be any part thereof;

“The harbour undertaking” means the undertaking carried on by the Corporation at and in connection with the pier authorised by the Weymouth and Melcombe Regis Markets and Pier Act 1854 (not including the pavilion winter gardens and skating rink erected on that pier) and the harbour;

“The harbour revenue” means and includes all moneys receivable by the Corporation for and in relation to the harbour undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

“The limits of the harbour” has the same meaning as in section 8 (Limits of the harbour) of the Act of 1887;

“The borough fund” and “the borough rate” respectively mean the borough fund and the borough rate of the borough of Weymouth and Melcombe Regis;

“The district fund” and “the general district rate” respectively mean the district fund and the general district rate of the said borough;

“The treasurer” means the borough treasurer of the borough of Weymouth and Melcombe Regis;

“High-water mark” means high-water mark of ordinary spring tides.

(2) In the application to this Order of the Harbours Docks and Piers Clauses Act 1847 the expressions “packet boat or Post Office packet” and “Post Office bag of letters” used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers live stock or goods for hire.

Undertakers.

5. The mayor aldermen and burgesses of the borough of Weymouth and Melcombe Regis shall be the undertakers for carrying this Order into execution and are in this Order referred to as “the Corporation.”

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Weymouth.
Power to
maintain
and improve
works.

6.—(1) Subject to the provisions of this Order the Corporation may within the limits of the harbour maintain widen alter improve and extend the harbour and any works thereof and construct maintain alter and improve embankments landing-places piers quays jetties slips wharves buoys moorings cranes lights beacons roads sewers drains watercourses cuts gas and water pipes electric light and power and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turn-tables on and along the piers quays and other works of the Corporation and any such works and conveniences as aforesaid which at the commencement of this Order have been constructed or provided or are in course of construction or provision shall be deemed to have been constructed or provided under the powers conferred by this section.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until it has been inspected and certified by the Minister of Transport to be fit for that use.

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

(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 and section 17 of the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections.

(5) Provided that (a) any works carried out by the Corporation under the powers of this section shall be so constructed and maintained that the main road running from the south side of Weymouth Town Bridge to Boot Hill shall not at any time be of a less width or less commodious to the public than the existing main road without the consent of the county council of the administrative county of Dorset and (b) any dispute or difference arising between the Corporation and the said county council as to whether any works proposed or executed under this Order will or do in fact render the said road less commodious to the public than the same is at the date of this Order shall (failing agreement between the parties) be referred to and determined by an arbitrator to be appointed by the Minister of Transport on the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such determination.

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Weymouth.
Power to
dredge &c.

7.—(1) The Corporation may deepen dredge scour cleanse excavate improve and alter the bed channel and foreshore of the harbour and any portion of the foreshore and bed of the sea necessary to secure a sufficient waterway and approach to the harbour for vessels using the same.

(2) All sand mud and other materials dredged up or removed under the powers of this section shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All moneys arising from any sale or other disposition of sand mud or other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the harbour revenue.

(4) Nothing contained in this section shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of the harbour the removal or sale of any sand mud or other materials by the Corporation or their licensees otherwise than to the extent hereinbefore mentioned.

Power to
purchase
dredgers &c.

8.—(1) The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same.

(2) All sums received in respect of any such letting on hire or in respect of any such sale of any article of which the cost of acquisition was defrayed out of revenue shall be deemed to form part of the harbour revenue and the net amount realised by any such sale of any article of which the cost of acquisition was defrayed otherwise than out of revenue (after deducting the expenses of such sale) shall be applied towards carrying into effect any of the purposes of this Order or of the harbour undertaking to which capital is properly applicable.

Provision
against
danger to
navigation

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

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

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Weymouth.

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

Permanent
lights on
works.

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

11. From the commencement of this Order—

Rates on
goods &c.

(a) Such of the provisions of section 2 (New duties) of the Act of 1825 as relate to the petty customs and wharfage duties mentioned in that Act and the first table or schedule to that Act (as amended by section 11 (Rates on certain goods in transitu) of the Act of 1887) and the said section 11 and Part II. (Transit rates) of the Second Schedule to the Act of 1887 are hereby repealed; and

(b) The Corporation may demand receive and recover in respect of goods articles animals and things shipped unshipped or transhipped in the harbour rates not exceeding those specified in the schedule to this Order.

12. The harbour dues on vessels pleasure steamers tug boats and fishing smacks loading or unloading in or entering remaining in or leaving the harbour which are specified in Part I. of the Second Schedule to the Act of 1887 are hereby increased by fifty per centum of the respective amounts thereof.

Increase of
harbour dues
on vessels.

13. The ballast duties specified in the second table or schedule to the Act of 1825 are hereby increased by fifty per centum of the respective amounts thereof.

Increase of
ballast
duties.

14.—(1) If it is represented in writing to the Minister of Transport (in this section referred to as "the Minister")—

Revision of
rates dues
and duties.

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the

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Weymouth.

opinion of the Minister is a proper person for the purpose; or

(b) by the Corporation

that under the circumstances then existing all or any of the rates dues or duties authorised by or in pursuance of this Order should be revised the Minister may if he thinks fit make an order revising all or any of such rates dues or duties as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) No application may be made under this section for a general revision of the rates dues or duties for the time being authorised under this Order within twelve months after the date of an order made by the Minister for a general revision thereof and no application may be made for a revision of any particular rate due or duty within twelve months after the date of an order made by the Minister for a general revision or of any previous application for a revision of the particular rate due or duty in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) As if the Minister of Transport were referred to therein in lieu of the Board of Trade;

(b) As if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) As if in section 4 the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner

as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

15. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of the rates dues or duties authorised or increased by this Order but so that no preference be in any case given to any person over any other person using the harbour under like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

16. As from the commencement of this Order the order dated the ninth day of February one thousand nine hundred and twenty-five and made by the Minister of Transport on the application of the Corporation under the provisions of the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922 as extended by the Expiring Laws Continuance Act 1924 shall cease to have effect.

17. The Corporation may from time to time independently of any other borrowing power borrow at interest (at a rate not exceeding without the consent of the Minister of Transport seven per centum per annum) on the security of the harbour revenue and the borough fund and the borough rate:—

- (a) For the payment of the costs charges and expenses of and incidental to the preparing and obtaining of this Order such sum as may be requisite for the purpose;
- (b) With the consent of the Minister of Transport such sum or sums as may from time to time be required for any of the purposes of the harbour undertaking.

18. All moneys borrowed by the Corporation under the authority of this Order shall be paid off within the periods hereinafter respectively mentioned which periods shall be deemed to be the prescribed periods for the purposes of the enactments applied by this Order (that is to say):—

As to moneys borrowed for the purpose (a) mentioned in the section of this Order of which the marginal note is “Power to borrow” within five years from the commencement of this Order;

As to moneys borrowed under the authority of this Order with the consent of the Minister of Transport within such period not exceeding sixty years as the said Minister may prescribe.

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Weymouth.

Power to confer exemptions and compound for rates.

Annulment of Temporary Increase of Charges Order.

Power to borrow.

Repayment of borrowed money.

A.D. 1925. —
Weymouth.
 Application of certain provisions of *Weymouth and Melcombe Regis Corporation Act 1914.*
 19.—(1) The following sections of the *Weymouth and Melcombe Regis Corporation Act 1914* shall with any necessary modifications apply to the exercise of the powers of borrowing conferred by this Order as if the same were re-enacted in this Order (that is to say):—

- Section 86 (Certain provisions of Public Health Acts not to apply);
- Section 87 (Mode of raising money);
- Section 88 (Provisions as to mortgages);
- Section 89 (Protection of lenders from inquiry);
- Section 91 (Mode of payment off of money borrowed);
- Section 92 (Sinking fund);
- Section 95 (Appointment of receiver);
- Section 101 (Incorporating certain sections of Act of 1887):

Provided that the said section 92 shall for the purposes of this Order be read and have effect as if a rate not exceeding three pounds ten shillings per centum per annum or such higher rate as the Minister of Health may from time to time approve had been therein referred to instead of a rate not exceeding three pounds per centum per annum.

(2) Nothing in this Order shall prejudice or affect the rights or powers of the Corporation under section 98 (Power to use one form of mortgage for all purposes) of the said *Weymouth and Melcombe Regis Corporation Act 1914*.

Application of money borrowed.
 20. The money borrowed under this Order may be applied to the purposes of this Order or of the harbour undertaking to which capital money may properly be applied and not otherwise.

Annual account to be sent to Ministry of Transport.
 21.—(1) Within one month after the accounts of the undertakers relating to the harbour have been audited under the provisions of section 104 (Audit of accounts) of the *Weymouth and Melcombe Regis Corporation Act 1914* the Corporation shall send a copy of such accounts as so audited to the Ministry of Transport.

(2) The Corporation shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the requirements of subsection (1) of this section.

(3) Section 25 (Annual account to be sent to Board of Trade) of the Act of 1887 is hereby repealed.

Crown rights.
 22. Except as hereinafter expressly provided nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river

channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

23. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the *Railways Clauses Consolidation Act 1845* as amended by the *Mines (Working Facilities and Support) Act 1923* and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Order and as if the Corporation were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Corporation to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Corporation by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

24. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto (as taxed by the proper officer) shall be paid by the Corporation.

SCHEDULE to which the foregoing Order refers.

RATES.									
Animals live—								s.	d.
Asses	-	-	-	-	-	-	-	each	0 9
Calves	-	-	-	-	-	-	-	each	0 3
Goats	-	-	-	-	-	-	-	each	0 3
Horses	-	-	-	-	-	-	-	each	2 0
Mules	-	-	-	-	-	-	-	each	2 0
Oxen	-	-	-	-	-	-	-	each	0 9
Pigs	-	-	-	-	-	-	-	each	0 3
Sheep or lambs	-	-	-	-	-	-	-	each	0 3

[Ch. lxxiv.] *Pier and Harbour* [15 & 16 GEO. 5.]
Orders Confirmation (No. 2) Act, 1925.

A.D. 1925.			s.	d.
—	Beer - - - - -	per ton	2	0
Weymouth.	Chairs - - - - -	per dozen	1	6
	Cinders - - - - -	per ton	0	6
	Coal (other than bunker) - - - - -	per ton	0	6
	Culm - - - - -	per ton	0	6
	Cyder - - - - -	per ton	2	0
	Feathers - - - - -	per cwt.	2	0
	Gunpowder - - - - -	per ton	3	0
	Hops - - - - -	per ton	15	0
	Kitchen ranges - - - - -	each	1	6
	Onions - - - - -	per ton	1	6
	Spirits - - - - -	per ton	3	9
	Tea - - - - -	per ton	2	6
	Vehicles (four-wheeled) - - - - -	each	3	4
	Vehicles (two-wheeled) - - - - -	each	1	6
	Vinegar - - - - -	per ton	2	6
	Wines - - - - -	per ton	2	6
	Wood—			
	Deals (double and single) - - - - -	per 120	3	0
	Deal ends and battens - - - - -	per 120	1	6
	Logwood - - - - -	per ton	2	6
	Mahogany - - - - -	per ton	2	6
	Masts from 8 to 12 inches diameter - - - - -	each	0	3
	Planks (not fir) - - - - -	per load	1	6
	Ufers and spars under 8 inches diameter - - - - -	per 120	2	3
	Wainscot boards 12 feet long by 1 inch thick - - - - -	per 120	2	3
	All other goods articles and things (coal or fuel oil in or put direct into bunkers and fresh fish only excepted) - - - - -	per ton	1	6

In charging the rates on goods the gross weight or measurement of all goods shall be taken (fractional parts of any weight or number shall be charged proportionately and the minimum charge for a single package shall be one penny).

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