

[20 & 21 GEO. 5.] *Pier and Harbour* [Ch. cxlii.]
Orders Confirmation (No. 2) Act, 1930.



CHAPTER cxlii.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to King's Lynn Portsmouth and Weymouth and Melcombe Regis. [1st August 1930.]

A.D. 1930.

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.

Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1930.

Short title.

A.D. 1930.

The SCHEDULE of Orders.

1. KING'S LYNN.—Construction of a quay &c.
2. PORTSMOUTH.—Construction of a pier and a slipway &c.
3. WEYMOUTH AND MELCOMBE REGIS.—Extension of quays &c.

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V.

Portsmouth.

RATES ON PASSENGERS' LUGGAGE.

	£	s.	d.
For every trunk portmanteau box parcel or other pack- age within the description of luggage and not borne by the passenger not exceeding 28 lbs. -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. -	0	0	8
If exceeding 2 cwt. for every 28 lbs. weight in addition	0	0	1

VI.

RATES FOR SUPPLYING WATER ON PIER.

	£	s.	d.
Water per 1,000 gallons - - - - -	0	10	0

VII.

RATES FOR ANIMALS.

	£	s.	d.
Horses - - - - - each	0	1	6
Asses mules bulls cows and oxen - - - each	0	1	0
Calves sheep and pigs - - - each	0	0	3
Lambs dogs and other small animals - - each	0	0	2

WEYMOUTH AND MELCOMBE REGIS HARBOUR.

*Weymouth
and
Melcombe
Regis.*

*Provisional Order for authorising sanctioning and con-
firming the construction by the mayor aldermen and
burgesses of the borough of Weymouth and Melcombe
Regis of extensions of their existing quays and for
other purposes.*

Short title.

1. This Order may be cited as the Weymouth and Melcombe
Regis Harbour Order 1930.

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."

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3. In this Order unless the context otherwise requires—

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

—
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“The Corporation” means the mayor aldermen and burgesses of the borough;

Interpreta-
tion.

“The harbour” means the harbour of Weymouth and Melcombe Regis;

“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 works” means the works authorised by this Order or as the case may be any part thereof;

“The Act of 1914” means the Weymouth and Melcombe Regis Corporation Act 1914;

“The Order of 1925” means the Weymouth and Melcombe Regis Harbour Order 1925.

4. The Corporation shall be the undertakers for carrying this Order into execution.

Under-
takers.

5. 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 before completion of the works the Corporation may on the lands in the borough belonging to them and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections make and maintain the following works (namely) :—

Power to
construct
works.

Work No. 1 An extension of the existing quay of the Corporation on the southerly side of the harbour with an embankment and an enlargement of the southerly approaches to the Town Bridge commencing in the quay wall in the North Quay at a point 120 feet north-west of the north-easterly corner of Phoenix Building and terminating in the quay wall in Trinity Street at a point 55 feet north-north-east of the north-easterly corner of the King's Arms inn;

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Work No. 3 An extension of the existing quay of the Corporation on the northerly side of the harbour with an embankment commencing in the quay wall at a point 50 feet or thereabouts south-west of the south-westerly corner of the Sailor's Return public house and terminating in the said northerly quay wall at a point 58 feet or thereabouts south-east of the south-easterly corner of the Royal Oak inn.

Power to deviate.

6. In constructing the works the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the works as shown on the deposited sections to any extent Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Penalty for obstructing works.

7. Any person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out such lines shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

8.—(1) If the works are not completed within five years from the commencement of this Order then on the expiration of that period the powers given by this Order to the Corporation for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

(2) If any of the works is not substantially commenced within two years from the commencement of this Order or such extended time as the Minister of Transport may in the circumstances by order direct the power to construct such work shall cease.

(3) If the execution of the works after having been substantially commenced is virtually suspended for twelve consecutive months the said powers shall cease except as to so much of the works as is then completed unless the Minister of Transport by order direct that the said powers continue and remain in force but subject to the foregoing provision as to completion in any event within five years from the commencement of this Order.

(4) A certificate of the Minister of Transport 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 section be conclusive evidence of the facts stated in such certificate

Power to borrow.

9. The Corporation may from time to time independently of any other borrowing power borrow at interest on the security

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of the harbour revenue and the general rate fund and the general rate of the borough— A.D. 1930.

- (a) for and in connection with the construction of the works thirty-two thousand six hundred and seven pounds ;
- (b) 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.

Weymouth
and
Melcombe
Regis.

10. 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) :— Repay-
ment of
borrowed
money.

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 fifty years from the date or dates of borrowing ;

As to moneys borrowed for the purpose (b) mentioned in the same section within five years from the commencement of this Order.

11.—(1) The following provisions of the Act of 1914 and of the Order of 1925 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (namely) :— Application
of provisions
of Act of
1914 and
Order of
1925.

The Act of 1914—

Section 7 (Subsidiary works and powers in connection with works) ;

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 in subsection (1) (b) of that section a rate not exceeding three pounds ten shillings per centum

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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.

The Order of 1925—

Section 6 (Power to maintain and improve works);

Section 7 (Power to dredge &c.);

Section 8 (Power to purchase dredgers &c.);

Section 9 (Provision against danger to navigation);

Section 10 (Permanent lights on works);

Section 20 (Application of money borrowed).

(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 Act of 1914.

Works to be
 part of har-
 bour under-
 taking.

12. Subject to the provisions of this Order the works shall for the purposes of rates and for all other purposes be and be deemed to be part of the harbour undertaking.

Power to
 Corporation
 and railway
 companies to
 enter into
 agreements
 with respect
 to construc-
 tion and user
 of Work
 No. 3.

13. The Corporation and the Great Western Railway Company and the Southern Railway Company may subject to the observance by the said companies of the provisions of this Order so far as the same are applicable make and carry into effect agreements with respect to the construction and user by the said companies or either of them of Work No. 3 by this Order authorised or any part or parts thereof.

Crown
 rights.

14. 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.

Crown
 minerals.

15. 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.

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16. All costs charges and expenses of and incidental 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 Corporation out of the harbour revenue or the general rate fund and general rate of the borough or out of moneys borrowed for the purposes of the promotion of this Order.

A.D. 1930.

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Regis.*

Costs of
Order.

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