



CHAPTER lxxi

An Act to confirm a Provisional Order made by the Minister of Transport and Civil Aviation under the General Pier and Harbour Act 1861 relating to Great Yarmouth Port and Haven. [2nd August 1956.]

WHEREAS a Provisional Order made by the Minister of Transport and Civil Aviation under the General Pier and Harbour Act 1861 is not of any validity or force whatever until confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport and Civil Aviation under the said Act as 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 Order as set out in the schedule to this Act shall be Confirmation and the same is hereby confirmed and all the provisions thereof of Order in in manner and form as they are set out in the said schedule shall schedule. from and after the passing of this Act have full validity and force.

2. This Act may be cited as the Pier and Harbour Order Short title. (Great Yarmouth Port and Haven) Confirmation Act 1956.

SCHEDULE

GREAT YARMOUTH PORT AND HAVEN

Provisional Order to authorise the Great Yarmouth Port and Haven Commissioners to borrow further moneys and for other purposes

Short and collective titles.

1.—(1) This Order may be cited as the Great Yarmouth Port and Haven Order 1956.

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1951 and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1956.

Commencement 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.

Interpretation.

3.—(1) In this Order unless there be something in the subject or context repugnant to such construction—

“the borough” means the county borough of Great Yarmouth;

“the Commissioners” means the Great Yarmouth Port and Haven Commissioners;

“the Corporation” means the mayor aldermen and burgesses of the borough acting by the council of the borough;

“enactment” includes any public general local or private Act and any Order or other instrument having the force of an Act;

“the Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

“the Minister” means the Minister of Transport and Civil Aviation;

“river tolls” means and includes all tolls rates dues rents duties and charges payable under section 7 of and the schedule to the Great Yarmouth Port and Haven Order 1950 as amended by the Great Yarmouth Port and Haven Act 1951.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Order.

Undertakers

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

Application of Harbours Clauses Act 1847.

5.—(1) In the application to this Order of the Harbours Clauses Act 1847 the expression “the special Act” shall mean this Order.

(2) Sections 12 and 13 16 to 19 and 83 to 90 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

6.—(1) In addition to the existing borrowing powers of the Commissioners the Commissioners may from time to time borrow at interest not exceeding (except with the consent of the Minister) six pounds per centum per annum on the security of the revenues of the Commissioners a sum or sums not exceeding in the aggregate one hundred thousand pounds. Additional borrowing powers.

(2) All moneys borrowed under this section shall be applied by the Commissioners for the construction erection and improvement of piers jetties and other works.

(3) Any money borrowed under this section shall be repaid within such period not exceeding sixty years from the date of the borrowing as the Commissioners with the consent of the Minister may having regard to the circumstances of each case determine which periods shall be the prescribed periods for the purposes of this Order.

(4) For the purpose of securing the repayment of any sums borrowed by the Commissioners under this section the Commissioners may mortgage all or any of their property revenues and tolls (other than river tolls) under the Great Yarmouth Port and Haven Acts and Orders 1866 to 1951 and this Order or any of them.

(5) All sums borrowed by the Commissioners before the commencement of this Order under or by virtue of the Great Yarmouth Port and Haven Acts and Orders 1866 to 1951 or any of them and for the time being owing by them and the interest on such sums and all mortgages and charges on the property revenues and tolls of the Commissioners (other than river tolls) existing at the commencement of this Order shall have priority over all moneys borrowed and all mortgages and charges made by the Commissioners under this section.

7. The Commissioners may create and issue debenture stock and for the purposes of this section the provisions of Part III of the Companies Clauses Act 1863 shall so far as the same are applicable apply to the Commissioners as if they were a company to which those provisions apply. Debenture stock.

8. The following provisions of the Great Yarmouth Port and Haven Act 1911 shall subject to the provisions of this Order extend and apply mutatis mutandis in respect of any moneys borrowed by the Commissioners under this Order as if the same with the necessary modifications were expressly re-enacted in this Order with reference thereto (namely):— Application of financial provisions of Great Yarmouth Port and Haven Act 1911.

Section 81 (Commissioners not to regard trusts);

Section 82 (Lenders not bound to inquire);

Section 84 (Mode of payment off of money borrowed);

Section 85 (Sinking fund);

Section 87 (Power to reborrow);

and in construing the said provisions for the purposes of this Order the expression "prescribed period" therein shall mean the period within which the Commissioners are by or shall be under this Order required to repay moneys borrowed by them under this Order.

Appointment
of a receiver.

9.—(1) The holders of any security given by the Commissioners in respect of money borrowed under 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 interest or principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than ten per centum of the total amount of the money then borrowed under this Order and not paid off.

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

Power to
Corporation
to guarantee
loans.

10.—(1) The Corporation being a rating authority as defined by section 7 of the Public Works Loans Act 1882 may (subject to the provisions of this Order) if requested by the Commissioners and if they think it expedient in the interests of the inhabitants at large of the borough so to do aid the Commissioners by guaranteeing the payment of (a) the interest on any moneys which may from time to time be borrowed by the Commissioners under the powers of this Order and (b) the periodical payments (whether by way of instalments of principal or of principal and interest combined or of payments to a sinking fund) by this Order required to be provided by the Commissioners for the repayment of moneys borrowed by them under the powers of this Order or either of such payments.

(2) The Commissioners shall repay to the Corporation any sums paid by the Corporation in fulfilment of any such guarantee as aforesaid together with interest at the rate prevailing on the loan in respect of which the Corporation have given the guarantee and in respect of such sums paid by the Corporation as aforesaid and the interest thereon due to the Corporation under this section the Corporation shall be in the position of mortgagees of all the property revenues and tolls (other than river tolls) of the Commissioners (subject to the provisions of subsection (5) of section 6 (Additional borrowing powers) of this Order) until all sums due to the Corporation under this section have been repaid:

Provided that the Corporation shall have power from time to time and whether before or after the Corporation shall have made any payments under any such guarantee as aforesaid to modify waive or release wholly or partly their rights (whether actual or prospective) as such mortgagees.

(3) The Corporation shall not give any such guarantee as aforesaid except in pursuance of a special resolution for the purpose passed at a meeting of the Corporation and published once at least in each of two successive weeks in a local newspaper circulating in the borough and confirmed at a second meeting of the Corporation held not less than fourteen days after the first publication of notice of such resolution and not less than three months after the meeting at which the resolution was passed.

11. The Corporation shall (subject to the provisions of this Order) provide out of the general rate fund of the borough any sums from time to time required for the fulfilment of any guarantee given by them under the powers of this Order and shall from time to time raise and levy as part of the general rate of the borough such sums as may be necessary therefor.

Powers to Corporation to provide sums for fulfilment of guarantee.

12. All sums paid or repaid by the Commissioners to the Corporation in respect of any guarantee given by the Corporation under the powers of this Order shall be paid into the general rate fund of the borough.

Application of money paid by Commissioners to Corporation.

13. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval under this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

Inquiries by Minister.

14. It shall not be lawful to exercise the powers of borrowing conferred upon the Commissioners by this Order (other than the power of borrowing to pay the costs charges and expenses referred to in section 15 (Costs of Order) of this Order) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

15. 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 Commissioners.

Costs of Order.

Table of Statutes referred to in this Act

Short title	Session and chapter
Commissioners Clauses Act 1847... ..	10 & 11 Vict. c. 16.
Harbours Docks & Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
General Pier and Harbour Act 1861	24 & 25 Vict. c. 45.
Companies Clauses Act, 1863	26 & 27 Vict. c. 118.
Public Works Loans Act 1882	45 & 46 Vict. c. 62.
Great Yarmouth Port & Haven Act 1911 ...	1 & 2 Geo. 5 c. xcix.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
Great Yarmouth Port & Haven Act 1948 ...	11 & 12 Geo. 6 c. xlvi.
Pier and Harbour Order (Great Yarmouth) Confirmation Act 1950	14 Geo. 6 c. xxxiv.
Great Yarmouth Port & Haven Act 1951 ...	14 & 15 Geo. 6 c. xxvii.

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*Pier and Harbour Order
(Great Yarmouth Port and Haven)
Confirmation Act, 1956*

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