

**CHAPTER clvii.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Hove Porthcawl Rhyl and Southend-on-Sea. A.D. 1912.
[13th December 1912.]

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. 4) Act 1912. Short title.

A.D. 1912.

THE SCHEDULE OF ORDERS.

1. HOVE—Construction of pier &c.
2. PORTHCAWL—Construction of pier &c.
3. RHYL—Extension of pier &c.
4. SOUTHEND-ON-SEA—Construction of pier and widening of existing pier.

SCHEDULE.

A.D. 1912.

HOVE PIER.*Order authorising the construction maintenance and regulation
of a Pier at Hove in the County of Sussex.**Hove.**Preliminary.*

1. This Order may be cited as the Hove Pier Order 1912.

Short title.

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."

Commence-
ment of
Order.

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

Interpreta-
tion.

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

"The Corporation" means the mayor aldermen and burgesses of the borough of Hove;

"The pier" means and includes the works authorised by this Order and the buildings and conveniences belonging to the Undertakers and used by them in connexion with those works.

(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.

4. Henry Hoyne Fox of 185 Church Road Hove in the county of Sussex and Owen Davies of 48 Westbourne Villas Hove in the said county shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers" which expression

Undertakers.

A.D. 1912. shall in this Order unless the context otherwise requires include the
Hove. survivor of the said Henry Hoyne Fox and Owen Davies and the
 executors and administrators of such survivor their and his assigns.

Transfer of Undertaking.

Powers not
to be exer-
cised unless
undertaking
is transferred
to a regis-
tered com-
pany.

5.—(1) The powers given by this Order shall not be exercised unless within six months or such extended period not exceeding in the whole twelve months as the Board of Trade allow after the commencement of this Order the Undertakers transfer the undertaking to a limited company registered under the Companies (Consolidation) Act 1908 and approved by the Board of Trade for the purpose.

(2) Within that period the Undertakers may transfer and the company to whom the transfer is to be made may take a transfer of the undertaking with the consent of and on such terms and conditions as may be approved by the Board of Trade.

(3) On any such transfer the rights powers authorities obligations and liabilities of the Undertakers in respect of the undertaking shall be transferred to and may be exercised by and shall attach to the company to whom the transfer is made and that company shall subject to the provisions of this Order become as from the date of such transfer the Undertakers for the purposes of this Order.

Acquisition of Lands.

Incorpora-
tion of Lands
Clauses Acts.

6. 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.

Power to
take lands by
agreement.

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

Lands for
extraordinary
purposes.

8. The Undertakers may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Undertakers from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to
take ease-
ments &c. by
agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the

grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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*Hove.**Limits.*

10.—(1) The limits within which the Undertakers shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below low-water mark within a distance of one hundred yards measured in any direction from the southern extremity of the pier which limits are in this Order termed “the limits of this Order.”

Limits.

(2) The limits within which the power to levy rates may be exercised herein-after termed “the rating limits” shall comprise the pier.

Works and Powers.

11. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers 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 the deposited plan and section make and maintain the works authorised by this Order Provided always that except with the consent in writing of the owners of the estate in the parish and borough of Hove known as “the Vallance Estate” no part of the eastern side of the pier shall be constructed at a greater distance than three feet from the eastern limit of deviation as shown upon the deposited plan.

Power to
construct
works.

12.—(1) The works authorised by this Order are—A pier commencing in the parish and borough of Hove in the county of Sussex at a point in Medina Esplanade about $5\frac{1}{4}$ chains eastward from the eastern side of Hove Street and extending thence into and terminating in the bed of the sea (extra-parochial) at a distance of about 22 chains from the point of commencement.

Description
of works.

(2) The works shall be constructed upon piers piles or pillars and shall be open work.

13.—(1) The Undertakers may construct maintain and use temporarily or permanently piles groynes caissons cofferdams approaches landing stages and places moorings buoys tramways toll-houses gates and such other works and conveniences as may be requisite or expedient for the purposes of or in connexion with the pier or the construction maintenance and use thereof or for the purposes of this Order.

Further
powers as
to works.

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Hove.

(2) Any 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.

Power to deviate.

14. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally (subject to the provisions of the section of this Order of which the marginal note is "Power to construct works") to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Consent of Board of Trade to works.

15. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

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

Powers to cease in certain events.

17.—(1) If within three years from the commencement of this Order the works authorised by this Order are not substantially completed the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the completion of the works be extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for six consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been 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 have not been substantially completed or that they have been virtually suspended for six consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

(4) The Undertakers before making any application to the Board of Trade under this section shall give to the Corporation fourteen days' previous notice of their intention to make such application.

18. The Undertakers may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions theatres buildings galleries saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands arcades shops bazaars kiosks aquaria water-closets urinals lavatories swimming medicated and other baths and sanitary and other conveniences and they may also construct under the pier-head and maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming-baths.

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*Hove.*Power to
erect pavi-
lions and
other build-
ings.

19.—(1) The Undertakers may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the landing stage.

Power to
dredge.

(2) All sand mud and other materials dredged up or removed shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone 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 and if such place is between high and low water marks within the borough of Hove without the consent in writing of the Corporation also.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

20. Notwithstanding anything contained in this Order or shown on the plan and section deposited with reference thereto the following provisions for the protection of the Corporation shall unless otherwise agreed in writing apply and have effect (that is to say):—

For pro-
tection of
Corporation.

- (1) The Undertakers shall not commence the construction of (a) any works by this Order authorised (b) any additional works mentioned or referred to in the section of this Order the marginal note whereof is "Further powers as to works" or (c) any pavilion or other buildings or conveniences mentioned or referred to in the section of this Order the marginal note whereof is "Power to erect pavilions and other buildings" except in accordance with plans sections elevations and specifications to be previously submitted to and approved by the Corporation and the said works additional works and buildings shall be constructed to the satisfaction and approval of and in manner required by the Corporation and under the superintendence (if required) of their borough surveyor;

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- (2) The Undertakers shall not enter upon take use or interfere with temporarily or permanently the foreshore or beach or any land or property owned by or leased to the Corporation or over which they have control except for the purpose of constructing the pier and works which shall be so constructed that there be a free passage for boats thereunder and a free passage for persons proceeding along the beach or foreshore;
- (3) The Undertakers shall not except with the previous consent in writing of the Corporation under their common seal deviate laterally from the lines of any works by this Order authorised or vertically from the levels thereof shown on the said deposited plan and section unless in accordance with plans sections elevations and specifications to be first submitted to and approved by the Corporation;
- (4) Before commencing any such works further works or buildings as aforesaid the Undertakers shall submit to the Corporation for their approval the arrangements proposed to be made by the Undertakers with reference to the sanitary arrangements drainage smoke and other like matters and with reference to getting rid of waste material and refuse and no such arrangement shall be carried out until the Corporation have signified their approval thereof in writing;
- (5) No part of the works authorised by this Order shall be commenced unless and until the Undertakers shall have satisfied the Corporation that a sum of not less than sixty-five thousand pounds has been subscribed or is secured or otherwise available to the Undertakers for the purposes of the pier;
- (6) The Undertakers shall not execute or do temporarily or permanently in or upon the foreshore or beach or any land or property owned by or leased to the Corporation or over which they shall have control anything which may be or become a breach of the restrictions or restrictive and other covenants or conditions entered into by the Hove Commissioners or by the Corporation unless or until the Undertakers shall have obtained the consent of the persons having the benefit of any such covenant or which may be inconsistent with the provisions of the Hove Commissioners Act 1873;
- (7) If the Undertakers fail to carry out and complete the said works as provided in the section of this Order of which the marginal note is "Powers to cease in certain events" or at any time after the completion of any of the said

works or buildings permit or suffer the same or any of the same to become dilapidated or ruinous or if the Undertakers shall fail to properly maintain to the satisfaction of the Corporation the pier and the buildings and works thereon then and in any such case and as often as the same may happen without prejudice to other remedies the Corporation may give to the Undertakers notice in writing requiring the Undertakers within three months after such notice to complete the said works and buildings or to repair and make good the dilapidations or perform the obligation as to maintenance as the case may be and if the Undertakers shall not within a period of six months from the date of such notice have complied with the requirements thereof then at the expiration of that period if they so elect the Corporation may complete the aforesaid works and buildings and repair and make good such dilapidations or otherwise do all such works as may be necessary in performance of the obligations of the Undertakers under this Order or remove and abate the work so left uncompleted or out of repair and the reasonable expenses incurred by the Corporation in repairing such works or making good the dilapidations or otherwise carrying into effect the provisions of this section shall be paid by the Undertakers to the Corporation on demand;

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- (8) The Undertakers shall send to the Corporation a copy of the account referred to in section 49 of the Harbours Clauses Act 1847 at the same time as such account is sent to the clerk of the peace for the county of Sussex;
- (9) Any dispute or difference between the Undertakers and the Corporation arising under or in relation to any of the provisions of this Order shall unless otherwise agreed be determined by an arbitrator to be appointed on the application of either party with notice to the other by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

21. The Undertakers shall not allow anything except persons passengers' luggage and vehicles to be landed upon or embarked from the pier.

Use of pier
for landing
&c.*Rates.*

22. 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

Power to
levy rates.

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Howe.

the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within the rating limits subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and of any tramway and in respect of vessels boats persons and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Rates may be levied though works not completed.

23. 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 Undertakers that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers by means of those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Power to confer exemptions and compound for rates.

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

Rates in respect of services &c.

25. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any buildings works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connexion with the pier.

Certain fishing vessels under stress of weather exempt from rates.

26. 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 coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

27. 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 saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought

ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers.

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28. Notwithstanding anything contained in this Order the Undertakers may charge in addition to the rates mentioned in Part II. of the schedule to this Order such a sum as may be reasonable for admission from the pier to any entertainment held in any theatre pavilion or other building erected upon the pier or to any building or part of the pier set apart for any special purpose.

Special charges for entertainments &c.

29.—(1) The Undertakers may on any special occasions but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may think fit.

Power to close pier on special occasions.

(2) On all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Undertakers shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

30.—(1) The Undertakers may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Undertakers may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

Pass and family tickets.

(2) The Undertakers shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

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(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

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

(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Undertakers and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Order shall apply thereto accordingly.

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

31.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same 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.

(2) The Undertakers shall as from the expiration of that 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 this section.

(3) The account shall be made up to the end of the thirty-first day of December in each year.

Board of
Trade may
reduce rates.

32. If at any time the clear annual income derived from the pier 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 pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the 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 pounds per centum

per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order. A.D. 1912.
Howe.

33. All moneys received from rates or otherwise as income under this Order shall be applicable to payment of the expenses properly chargeable to revenue of the maintenance repair and management of the pier and the surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use. Application
of revenue.

Powers of Sale and Leasing.

34.—(1) Before making application to the Board of Trade for their consent to any sale or lease or to the assignment of any lease under either of the two next succeeding sections of this Order to or in favour of any person or persons the Undertakers shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Board of Trade in order that all persons interested may have an opportunity of making objections to the proposed sale lease or assignment. Notice to be
given of
application
to sell or
lease in cer-
tain cases.

(2) The Undertakers shall give fourteen days previous notice to the Corporation of their intention to apply for the consent of the Board of Trade to any sale lease or assignment of any lease so as to give the Corporation an opportunity of making representations to the Board of Trade with reference thereto.

35.—(1) At any time after the works have been completed the Undertakers may with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell their undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order or which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order. Power to sell
undertaking.

(2) The Undertakers shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that 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 this subsection.

36.—(1) The Undertakers may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (a) the entire undertaking of the Undertakers or. Power to
lease under-
taking or
rates.

[Ch. clvii.] *Pier and Harbour Orders* [2 & 3 GEO. 5.]
Confirmation (No. 4) Act, 1912.

A.D. 1912. any part or parts thereof or (b) the rates and other charges authorised
Hove. to be taken by this Order or any of such rates or charges.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order or which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Undertakers shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that 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 this subsection.

Power to
lease pavilions &c.

37. The Undertakers may let for hire or lease for any term not exceeding seven years any tramway pavilions theatre buildings rooms shops baths or other buildings or structures separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

Byelaws.

38.—(1) The byelaws which may from time to time be made by the Undertakers in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(4) The Undertakers shall send to the Corporation a copy of any proposed byelaws at least fourteen days before those byelaws are submitted to the Board of Trade.

Life-saving Apparatus.

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

*Howe.*Sections 16
to 19 of Act
of 1847 not
to apply.

(2) The Undertakers 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 Undertakers 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.

40. 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 without payment attach or cause to be attached to any part of the pier 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 pier.

Life-saving
apparatus
may be
attached
to pier.

41. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lifebuoys
to be kept.*Lights.*

42.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the 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 from time to time 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 lights during the construction of the works.

Lights
during con-
struction of
works.

(2) The Undertakers 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 or comply with any directions so given.

43.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season

Lights after
completion
of works.

A.D. 1912. of the year such lights (if any) and shall take such other steps for
Hove. the prevention of 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 such directions.

(2) The Undertakers 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 or comply with any such direction.

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

44.—(1) In the case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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) The Undertakers 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 or comply with any such directions.

Miscellaneous.

Meters and weighers.

45. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Appointment of officers to enforce byelaws and regulations.

46. The Undertakers may appoint officers for securing the observance of the byelaws and regulations made by the Undertakers under this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Application of Harbours Clauses Act 1847.

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

Recovery of penalties.

48. All penalties recoverable by the Undertakers under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and be applied as income under the provisions of the section of this Order the marginal note whereof is "Application of revenue."

Officers exempt from rates.

49. 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 pier without payment.

Local lighthouse authority.

50. The Undertakers shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Saving rights of Crown.

51. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing

herein contained authorises the Undertakers 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods 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).

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Hove.

52. The pier shall be deemed to be for all purposes within the parish and borough of Hove in the county of Sussex.

Works to be in
borough of Hove.

53. 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.

SCHEDULE referred to in the foregoing Order.

I.—RATES ON VESSELS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every vessel not exceeding the burden of fifteen tons per ton register - - - - -	0	4
For every vessel exceeding the burden of fifteen tons and under fifty tons per ton register - - - - -	0	6
For every vessel of the burden of fifty tons and under one hundred tons per ton register - - - - -	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons per ton register - - - - -	0	10
For every vessel of the burden of one hundred and fifty tons and upwards per ton register - - - - -	1	0

II.—RATES FOR USE OF PIER.

	£	<i>s.</i>	<i>d.</i>
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - -	0	0	4
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 any sum not exceeding - - - - -	0	0	2

		£	s.	d.
A.D. 1912.	For every bath or sedan chair (including the person in charge or carriers) taken on the pier for each time any sum not exceeding	-	-	4
<i>Hove.</i>		0	0	4
	For every perambulator (including the person in charge) taken on the pier for each time any sum not exceeding	-	-	4
	For every person using the pier for the purpose of bathing any sum not exceeding	-	-	4
	For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding	1	0	0

III.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding twenty-eight pounds	-	-	2
Over twenty-eight pounds and not exceeding eighty-four pounds	-	-	4
Over eighty-four pounds and not exceeding one hundred and twelve pounds	-	-	5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds	-	-	6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds	-	-	7
Over one hundred and ninety-six pounds and not exceeding two hundredweight	-	-	8
If exceeding two hundredweight for every hundredweight	-	-	4
And for every twenty-eight pounds weight in addition	-	-	1

IV.—RATES FOR VEHICLES LANDED AT THE PIER OR SHIPPED OR TRANSHIPPED.

For every four-wheeled carriage	-	-	0	4	0
For every two-wheeled carriage	-	-	-	-	6
For every bicycle or tricycle for each and every time	-	-	-	-	3

V.—RATES FOR USE OF TRAMWAY.

For every passenger using any tramway for each time any sum not exceeding	-	-	-	-	3
For passengers' luggage rates not exceeding rates on same for use of pier.					

PORTHCAWL PIER.

A.D 1912.

*Order for the construction maintenance and regulation of a Pier and Works at Porthcawl in the County of Glamorgan.**Preliminary.*

1. This Order may be cited as the Porthcawl Pier Order 1912. Short title.
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." Commencement of Order.
- 3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:— Interpretation.

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

"The pier" and "the undertaking" mean respectively the pier and works and the undertaking by this Order authorised;

"The Council" means the urban district council of Porthcawl.

(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.

4. The Porthcawl Improvements Syndicate Limited and their assigns shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers." Undertakers.

Acquisition of Lands.

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. Incorporation of Lands Clauses Acts.

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Porthcawl.
Power to take
lands by agree-
ment.

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

Lands for
extraordinary
purposes.

7. The Undertakers may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole two acres but nothing in this section shall exempt the Undertakers from any proceedings for nuisance caused or permitted by them on land acquired by them under the powers conferred by this section.

Power to
take ease-
ments &c. by
agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Limits.

Limits.

9.—(1) The limits within which the Undertakers shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works by this Order authorised and an area below low-water mark within two hundred yards in any direction seawards from the seaward extremity of those works and those limits are in this Order termed "the limits of this Order."

(2) The limits within which the power to levy rates may be exercised herein-after termed "the rating limits" shall be and comprise the pier.

*Works and Powers.*Works not
to be com-
menced until
Board of
Trade is
satisfied as
to capital.

10. No part of the works authorised by this Order shall be commenced unless and until the Undertakers shall have satisfied the Board of Trade that a sum has been raised or secured by or otherwise made available for the Undertakers sufficient to ensure the due completion by the Undertakers under and in accordance with the provisions of this Order of the whole of the works authorised by this Order.

Power to
construct
works.

11.—(1) Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers 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 the deposited plan and sections make and maintain the works authorised by this Order.

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Porthcawl.

(2) The Undertakers shall not begin to construct any part of the said works unless and until they are in a position and able to carry out and complete all the works authorised by this Order and they shall after they have begun the construction of the works proceed continuously with such construction until the said works have been completed in all respects.

12. The Undertakers shall at all times maintain the whole of the works authorised by this Order in good repair and forthwith restore and make good any damage that may be occasioned thereto and in the event of the works being so damaged as to become a danger to navigation or otherwise and not restored for a period of twelve months shall remove the same or so much thereof as shall have become dangerous.

Works to be
maintained.

13. The works authorised by this Order are—

(a) A promenade pier of open-work construction with a solid approach thereto commencing in the esplanade at a point therein two hundred and fifty feet or thereabouts south-east of the gateway leading to Lcck's Common and three hundred feet south-west of the west corner of Caroline Street and extending seawards in a direction nineteen degrees west of south for a distance of seven hundred feet or thereabouts from the point of commencement and there terminating:

Description
of works.

(b) All necessary embankments slips accesses approaches cranes buoys lights tramways and other works connected with the pier.

14. For the protection of the Council the following provisions shall unless otherwise agreed be observed and have effect:—

For protec-
tion of Coun-
cil.

(1) Notwithstanding anything in this Order contained or shown on the deposited plan and sections the approach to the pier shall be so constructed as to form a junction with the proposed extension of the Council's sea defence wall as shown on the deposited plan and a continuation of the Council's esplanade and no building or erection shall be placed thereon:

(2) The Undertakers shall forthwith after the pier has been constructed and opened to the public give up to the Council the piece of land coloured pink upon a plan which has

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been signed in duplicate by Ernest McKaig on behalf of the Undertakers and by Arthur Samuel Lilley on behalf of the Council for the purpose of widening their road and esplanade and for free and uninterrupted user by the public in connexion with the esplanade provided by the Council and the Undertakers shall not erect any erection or building on the piece of land coloured green on the said plan except so far as may be necessary for the purpose of constructing the pier and the approach thereto in accordance with the powers of this Order :

(3) The works authorised by this Order shall be so executed as not to prevent the Council constructing the intended extension of their sea defence wall and esplanade westwards from the present termination thereof up to the point of commencement of the solid approach to the Work (A) as shown on the deposited plan :

(4) Notwithstanding anything in this Order contained the Undertakers after receiving notice in writing from the Council in that behalf shall not ship tranship or unship at the pier any goods or other things which the Council shall consider to be of an offensive or objectionable nature or which may cause inconvenience or annoyance to the inhabitants of the district.

Power to deviate.

15.—(1) Subject to the provisions of this Order the Undertakers may in constructing the works authorised by this Order with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

(2) The Undertakers shall give to the Council at least fourteen days' notice of their intention to apply to the Board of Trade for their consent to any such deviation.

Plans &c. to be submitted to Council before works commenced.

16.—(1) Before the Undertakers commence any part of the works they shall give to the Council facilities for inspecting the plan elevation and sections contained in the general drawings of the pier submitted to the Board of Trade so as to give the Council an opportunity of making representations to the Board of Trade thereon and the Undertakers shall construct the pier in accordance with the said plan elevation and sections subject to any modifications which may be made therein by the Board of Trade and the Undertakers shall not alter the works so approved (with or without modifications) without giving the Council an opportunity of making representations to the Board of Trade thereon.

(2) The Undertakers shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable requirements as may be made by the Council for the purpose of securing so far as may be the uninterrupted use by the public of the esplanade sea defence wall and the approaches thereto and of the seashore within the limits to which the provisions of this Order extend whether for the purpose of promenading boating recreation or otherwise.

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17.—(1) The Undertakers may in connexion with the works authorised by this Order construct provide and maintain all proper landing places for passengers lamps lamp-posts electric lighting apparatus tramways rails roads footpaths sheds toll-houses toll gates or bars cranes hydraulic and other lifts buoys moorings approaches ways walls sewers drains and other works and conveniences connected with the pier Any sewers and drains constructed under this subsection shall be constructed to the satisfaction of the Council.

Power to
provide land-
ing places &c.

(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.

18. Any electric lighting or other apparatus constructed provided and maintained under this Order shall be so constructed 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.

For pro-
tection of
Postmaster-
General.

19. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Consent of
Board of
Trade to
works.

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

Penalty for
obstructing
works.

21.—(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 executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

Powers to
cease in cer-
tain events.

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(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been 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 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 such certificate.

(4) Before applying to the Board of Trade for any special directions under this section the Undertakers shall give notice to the Council of such application so as to give the Council an opportunity of making representations to the Board of Trade thereon.

Power to
erect pavilions and
other buildings.

22.—(1) The Undertakers may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences.

(2) Before the Undertakers commence any works under this section they shall give to the Council facilities for inspecting the plans elevations and sections contained in the general drawings of all such pavilions saloons rooms and other erections to be so constructed so as to give the Council an opportunity of making representations to the Board of Trade respecting the same.

(3) The Undertakers shall not construct any floating or other swimming bath on under or adjacent to the pier.

Power to
dredge.

23.—(1) The Undertakers may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone 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 money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

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24. The Undertakers 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 All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order of which the marginal note is "Proceeds of sale of surplus lands" and be dealt with and applied in the manner provided by that section.

Power to
purchase
dredgers &c.

25. The Undertakers shall not carry on or allow to be carried on upon the pier or in or upon any building or erection thereon any trade or business of an offensive or objectionable nature or which may cause inconvenience or annoyance to the inhabitants of the urban district of Porthcawl.

No offensive
trade &c. to
be allowed
on pier.

26. Notwithstanding anything in this Order contained or shown on the deposited plan the Undertakers shall not without the consent in writing of John Elias or other the owner or owners for the time being of the premises known as the Seabank Hotel at Porthcawl place any building or erection upon the piece of land coloured green on the plan referred to in the section of this Order of which the marginal note is "For protection of Council."

For pro-
tection of
owner of Sea-
bank Hotel.*Rates.*

27. 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 this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within "the rating limits" subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to
levy rates.

28. 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 Undertakers that the works authorised by this Order have

Rates may be
levied though
works not
completed.

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been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the accommodation afforded.

Power to vary exemptions and compound for rates.

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

Rates for weighing machines &c.

30. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any buildings weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connexion with the pier.

Supply of and rate for water.

31. If and so long as the Undertakers shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the works a supply of pure and wholesome drinking water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome drinking water supplied by them.

Master of fishing vessel to report take of fish.

32.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the pier-master a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Pier-master may prevent sailing of vessels.

33. The pier-master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the pier-master (and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given

in the account of his take or cargo of fish required by this Order). A.D. 1912.

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34. 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 coast of the United Kingdom shall when forced by stress of weather to make use of the pier 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.

35. 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 saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers. Exemption of lifeboat crew.

36.—(1) Notwithstanding anything contained in this Order the Undertakers may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and ten p.m.) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding the sum mentioned in the schedule hereto. Power to charge higher rates at certain times.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Undertakers shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

37.—(1) The Undertakers may on any special occasions but not exceeding twelve days in any one year or for more than three days Power to close pier on special occasions.

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consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may think fit.

(2) On all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Undertakers shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass and
family
tickets.

38.—(1) The Undertakers may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Undertakers may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Undertakers shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

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

(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Undertakers and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Order shall apply thereto accordingly.

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Porthcawl.

(7) The Undertakers may make special arrangements with and concessions to fishermen for admission to the pier for such periods and on such terms and conditions as the Undertakers may think fit but so that no preference shall be given to one fisherman over another.

39. If at any time the clear annual income derived from the undertaking 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 under this Order exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the 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 pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Board of
Trade may
reduce rates.

Powers of Sale and Leasing.

40.—(1) Before making application to the Board of Trade for their consent to any sale or lease or to the assignment of any lease under either of the two next succeeding sections of this Order to or in favour of any person or persons owning or working passenger steam vessels the Undertakers shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Board of Trade in order that all persons interested may have an opportunity of making objections to the proposed sale lease or assignment.

Notice to be
given of ap-
plication to
sell or lease
in certain
cases.

(2) The Undertakers shall give fourteen days' previous notice to the Council of their intention to apply for the consent of the Board of Trade to any sale lease or assignment of any lease so as to give the Council an opportunity of making representations to the Board of Trade with reference thereto.

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Power to sell.

41.—(1) The Undertakers may (if authorised so to do by their Memorandum and Articles of Association and subject to the powers and provisions thereof) with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell their undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(2) The Undertakers shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that 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 this subsection.

Power to
lease under-
taking or
rates.

42.—(1) The Undertakers may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (a) the entire undertaking of the Undertakers or (b) the rates and other charges authorised to be taken by this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order which the Undertakers have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Undertakers are subject and shall perform all the duties of the Undertakers under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Undertakers shall within one month from the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that 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 this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Undertakers from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Undertakers and all moneys received by the Undertakers under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

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43.—(1) The Undertakers may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Power to
lease pavilions &c.

(2) Nothing in the preceding subsection shall authorise the Undertakers to let for hire or lease any landing stage or other work providing accommodation for the landing or embarkation of passengers or goods.

Finance.

44. The Undertakers may borrow or re-borrow on mortgage at interest not exceeding five per cent. per annum on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the subscribed capital of the Undertakers.

Power to
borrow.

45. 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.

Application
of money
borrowed.

46. The proceeds of sale of any surplus lands of the Undertakers under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Undertakers and shall be applied in discharge of moneys borrowed by the Undertakers under this Order.

Proceeds of
sale of surplus
lands.

47.—(1) The holders of any security given 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.

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

A.D. 1912. of the sum for the time being due on account of money borrowed under
Porthcawl. this Order.

(3) Sections 53 and 54 of the Companies Clauses Consolidation Act 1845 are incorporated with this Order and in those sections as so incorporated any reference to the special Act shall be construed as a reference to this Order.

Protection
of lenders.

48. Any person advancing money to the Undertakers shall not be bound to require any further or other evidence of the power of the Undertakers to borrow the money advanced by such person than such as is afforded—

- (a) by a certificate signed by two of the directors and countersigned by the secretary of the Undertakers that the Undertakers are not exceeding the powers of borrowing conferred on them by the regulations of the Undertakers for the time being and this Order; and
- (b) by an inspection of the register of mortgages by the Companies (Consolidation) Act 1908 required to be kept by the Undertakers.

Contingency
fund.

49. The Undertakers may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time one-tenth of the issued capital of the Undertakers for the time being to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the works authorised by this Order appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise invested in trust securities until required for any of the aforesaid purposes.

Application
of rates.

50. The revenue received from rates or otherwise as income under this Order shall be applicable for the purposes and in the order following and not otherwise:—

- (1) In payment of the costs of and connected with the preparation and making of this Order:
- (2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith:
- (3) In payment year by year of the interest accruing on money borrowed under this Order and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments:

[2 & 3 GEO. 5.] *Pier and Harbour Orders* [Ch. clvii.]
Confirmation (No. 4) Act, 1912.

(4) In making such payments (if any) as the Undertakers think fit into a contingency fund established under the provisions of this Order. A.D. 1912.

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The surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

51.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and to the Council and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. Annual ac-
count to be
sent to Board
of Trade.

(2) The Undertakers shall as from the expiration of that 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 this section.

(3) The account shall be made up to the end of the 31st day of March in each year.

Byelaws.

52.—(1) The byelaws which may from time to time be made by the Undertakers in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. Byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(4) The Undertakers shall send to the Council a copy of any proposed byelaws at least fourteen days before those byelaws are submitted to the Board of Trade.

Life-saving Apparatus.

53.—(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 Undertakers 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 Undertakers 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.

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Life-saving
apparatus
may be
attached to
pier.

54. 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 without payment attach or cause to be attached to any part of the pier 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 pier.

Lifebuoys to
be kept.

55. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights during
construction
of works.

56.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the 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 from time to time 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 lights during the construction of the works.

(2) The Undertakers 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 or comply with any directions so given.

Lights after
completion
of works.

57.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of 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 such directions.

(2) The Undertakers 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 or comply with any such direction.

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

58.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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. A.D. 1912.
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(2) The Undertakers 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 or comply with any such directions.

Miscellaneous.

59. The Undertakers shall have the appointment of meters and weighers within the limits of this Order. Meters and weighers.

60. The Undertakers may appoint officers for securing the observance of the byelaws and regulations made by the Undertakers under this Order in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant. Appointment of officers to enforce byelaws and regulations.

61. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act. Application of 10 & 11 Vict. c. 27.

62. All penalties recoverable by the Undertakers under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and be applied in the manner provided by the section of this Order the marginal note whereof is "Application of rates." Recovery of penalties.

63. 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 pier without payment. Officers exempt from rates.

64. The Undertakers shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. Local lighthouse authority.

65. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods 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). Saving rights of Crown.

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Works to be in
parish of
Newton Nottage.
Costs of
Order.

66. The works authorised by this Order shall be deemed to be for all purposes within the parish of Newton Nottage in the urban district of Porthcawl in the county of Glamorgan.

67. 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.

The SCHEDULE referred to in the foregoing Order.

I.—RATES ON VESSELS (OTHER THAN FISHING VESSELS) MAKING FAST TO OR MOORING AT THE PIER.

	s.	d.
For every vessel under 50 tons - - - per registered ton	0	4
For every vessel of 50 tons and under 100 tons - - - - - per registered ton	0	6
For every vessel of 100 tons and upwards per registered ton	0	8
All lighters from any vessel inside the rating limits shall be exempted from rates but if the vessel do not enter the rating limits every lighter shall pay for each trip - - - - - per registered ton		
	0	2

II.—RATES ON FISHING VESSELS MAKING FAST TO OR MOORING AT THE PIER.

	s.	d.
For every sailing fishing boat including those fitted with auxiliary motor power each time - - - - -	0	3
Or in full of rates per annum payable in advance - - - - -	10	0
Fishing boats propelled by steam or other mechanical power except auxiliary motor power to be rated as vessels.		

III.—RATES FOR USE OF PIER.

	s.	d.
For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - - -	10	0
Or if the annual sum is not paid for each and every time	0	1
For every passenger or other person not being the master or a member of the crew who shall land on or embark from it on board of any ship vessel packet or passage boat for each and every time any sum not exceeding - - - - -	0	6

[2 & 3 GEO. 5.] *Pier and Harbour Orders* [Ch. clvii.]
Confirmation (No. 4) Act, 1912.

	s.	d.	A.D. 1912.
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except of embarking or disembarking for each and every time any sum not exceeding - - - - -	0	4	Porthcawl.
For every person using the pier under the section whereof the marginal note is "Power to charge higher rates at certain times" for each time any sum not exceeding - - -	0	6	
For every bath or sedan chair (including the person in charge or carriers) taken on the pier for each and every time any sum not exceeding - - - - -	0	6	
For every perambulator including the person in charge for each and every time any sum not exceeding - - -	0	3	
For every person using the pier for bathing purposes any sum not exceeding - - - - -	0	6	

IV.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 56 lbs. - - - - -	0	2
Over 56 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 cwt. - - - - -	0	8
And for every 20 lbs. weight in addition - - - - -	0	1

V.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPED AT THE PIER.

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Ale and beer - - - - -	per 3 gallons - - - - -	0 0½
Ale and beer (bottled) - - - - -	per gross - - - - -	1 0
Alum - - - - -	per cwt. - - - - -	0 1¾
Anchors - - - - -	per ton - - - - -	5 0
Ashes - - - - -	per ton - - - - -	2 0
Asphalte and bitumen - - - - -	per ton - - - - -	1 3
Aerated water (all kinds) - - - - -	per ton - - - - -	1 8
Bacon or hams - - - - -	per ton - - - - -	3 4
Barilla - - - - -	per ton - - - - -	3 0
Bark oak - - - - -	per ton - - - - -	2 6
Barley and other groats - - - - -	per ton - - - - -	2 0
Barrels (empty herring) - - - - -	each - - - - -	0 1
Baskets under 12 inches in diameter - - - - -	per dozen - - - - -	0 6
Baskets above 12 inches in diameter - - - - -	per dozen - - - - -	1 0

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Basket rods	per cwt.	0 2
Beef or pork (fresh or salt)	per ton	3 6
Beer (black or spruce)	per 3 gallons	0 2
Billiard table	per cwt.	0 2
Biscuits	per ton	3 0
Blacking	per cwt.	0 6
Bleaching salts	per cwt.	0 2½
Blubber	per 252 gallons	3 0
Bones (crushed or uncrushed)	per ton	1 6
Books and stationery	per cwt.	0 4
Bottles	per gross	0 4
Bottles (broken)	per ton	0 6
Boxwood	per cwt.	0 1½
Bran	per ton	1 0
Brass	per ton	2 0
Bricks	per 1000	0 10
Brimstone	per ton	2 0
Bristles	per cwt.	0 9
Brooms (common)	per dozen	0 2
Bulrushes	per cwt.	0 2
Butter	per cwt.	0 3
Boxes (empty)	each	0 1
Candles	per ton	3 6
Canvas	per cwt.	0 2
Carpets rugs and upholstery articles	per ton	2 6
Cane reeds	per cwt.	0 2
Carboys (empty)	each	0 1
Carriages with springs under 5 cwt.	each	3 0
Carriages 5 cwt. and under 7½ cwt.	each	5 6
Carriages 7½ cwt. and under 10 cwt.	each	7 6
Carriages 10 cwt. and above	each	10 0
Carrots	per ton	1 0
Casks boxes sacks and kits (empty) except returned empties as provided for in the notes to this schedule	each	0 1
Cattle:—		
Bulls cows and oxen	each	0 6
Calves	each	0 1
Horses	each	1 0
Ponies under 12 hands	each	0 6
Asses or mules	each	1 0
Pigs	each	0 3
Sheep and lambs	each	0 1
Small cattle and ponies from Orkney and Shetland	each	0 8
Cement	per ton	1 6
Chalk	per ton	1 6
Cheese	per ton	2 6
Chimney tops	each	0 1
Chocolate	per cwt.	0 3
Cider	per 3 gallons	0 0½
Cinders and charcoal	per ton	0 9
Clay (china or stone)	per ton	1 0
Clay pipes	per ton	1 0

Articles of Export or Import.	Weight or Measure.	Rates.	
		s.	d.
Clocks	each	1	0
Clothing haberdashery silk mercery &c. not otherwise enumerated	per ton	3	0
Coals	per ton	0	4
Cocoa	per cwt.	0	3
Cocoa nuts	per 100	0	4
Coffee	per cwt.	0	3
Coke	per ton	0	10
Confections of all kinds	per cwt.	0	2
Copper	per ton	3	0
Copper (old)	per ton	2	0
Copper ore	per ton	0	1
Copperas	per cwt.	0	1 $\frac{3}{4}$
Colours	per cwt.	0	1 $\frac{3}{4}$
Cordage	per ton	2	6
Cordage old not in use	per ton	1	0
Cork wood and corks	per ton	3	4
Corn and meal viz :—			
Barley and bigg	per ton	1	4
Bere and meal	per ton	1	6
Beans	per ton	1	4
Indian corn	per ton	1	4
Indian meal	per ton	1	6
Malt	per ton	2	8
Oats	per ton	1	4
Oatmeal	per ton	1	6
Peas	per ton	1	6
Rye	per ton	1	4
Wheat	per ton	1	6
Cotton wool &c.	per ton	5	0
Crystal	per ton	5	0
Cutch	per ton	3	4
Dogs	each	0	6
Drugs	per cwt.	0	4
Dung	per ton	0	4
Earthenware	per ton	2	6
Eggs	per cwt.	0	3
Emery and emery stones	per cwt.	0	3
Feathers	per ton	10	0
Felt	per ton	2	6
Fish dried	per cwt.	0	2
Fish pickled or salted	per cwt.	0	2
Fish fresh haddock cod ling and fish not enumerated	per cwt.	0	2
Fish large fresh cod ling and skate	per 20	0	3
Fish offal	per ton	0	4
Flax	per cwt.	0	2
Flour	per ton	2	8
Flower roots	per cwt.	0	2
Flint stones	per ton	0	6

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Articles of Export or Import.	Weight or Measure.	Rates.
Fruit viz. :—		s. d.
Apples pears and berries	per cwt.	0 3
Plums cherries and grapes	per cwt.	0 4
Melons	per cwt.	0 2
Peaches	per 100	0 2
All not enumerated	per 10% value	0 10
Furniture (household)	per 10% value	1 0
Furriers' waste	per ton	0 4
Game	per head	0 0½
Ginger	per cwt.	0 3
Ginger preserved	per cwt.	0 6
Glass of all descriptions	per cwt.	0 2
Glue	per cwt.	0 4
Grates stoves &c.	per ton	3 6
Gravel	per ton	1 6
Grease	per ton	2 6
Groceries all kinds not enumerated	per cwt.	0 3
Gunpowder	per cwt.	0 3
Guano	per ton	1 6
Hair all kinds { baken	per cwt.	0 4½
{ plasterers'	per ton	2 0
Hardware	per cwt.	0 2
Hats	per dozen	0 6
Hay	per ton	1 6
Hemp	per ton	3 6
Herrings fresh imported or exported	per 37½ gallons	0 3
Herrings cured imported or exported	per 26½ gallons	0 2
Hides raw	per cwt.	0 2
Honey	per cwt.	0 3
Hoops of wood	per 1000	0 10
Hops	per cwt.	0 6
Horns slugs and tips	per 1000	1 8
Husbandry implements	per ton	1 4
Iron viz. :—		
Bar plate bolt and rod	per ton	2 0
Forged made work and hoops	per ton	3 4
Old	per ton	1 3
Old and broken goods	per ton	0 6
Cast-iron goods	per ton	2 6
Wire	per cwt.	0 2
Pig	per ton	1 0
Kelp	per ton	1 0
Kiln pavement	per 30 feet	0 4
Lard	per ton	2 0
Lead	per ton	2 0
Lead black	per ton	2 0
Lead ore	per ton	2 0
Lead red and white	per ton	2 0
Lead shot	per ton	3 0
Lead sugar of	per cwt.	0 2
Leather tanned and dressed	per cwt.	0 3
Lemons	per cwt.	0 4

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Lignum vitæ	per ton	3 0
Lime	per ton	0 6
Loam	per ton	0 4
Machinery	per ton	0 2
Manures manufactured and not otherwise enumerated	per ton	1 6
Mats and basses	per dozen	0 1
Mill waste	per ton	2 0
Molasses	per ton	2 0
Mussels	per ton	0 6
Nuts all kinds (except cocoa)	per cwt.	0 3
Oakum	per ton	3 0
Ochre	per cwt.	0 1½
Oil of all kinds	per ton	3 4
Oilcakes	per ton	2 0
Onions	per cwt.	0 3
Oranges	per cwt.	0 2
Oysters	per cwt.	0 3
Peats	per ton	0 3
Paper	per cwt.	0 2
Pewter	per ton	2 0
Pewter (old)	per ton	1 8
Pianoforte	per 10% value	1 0
Pictures under two feet square	each	0 6
Pictures two feet and under four feet	each	1 0
Pictures four feet and upwards	each	2 0
Pigs' heads	per cwt.	0 0¾
Pipes drain under three inches diameter	per 1,000	0 6
Pipes above three inches in diameter	per 1,000	0 9
Pipes collars three inches in diameter	per 1,000	0 2
Pipes spigot and faucet-clay glazed	per ton	1 0
(NOTE.—Drain tiles and mugs one-third less.)		
Pipes tobacco	per cwt.	0 4
Pitch	per cwt.	0 2
Plaster of Paris	per ton	2 8
Plants nursery and garden (all kinds)	per cwt.	0 4
Porter	per 3 gallons	0 0½
Porter (bottled)	per gross	1 0
Potatoes	per ton	1 0
Poultry (all kinds)	each	0 0½
Provisions preserved (all kinds)	per cwt.	0 2
Pumice stone	per cwt.	0 3
Rags	per ton	2 0
Rice	per cwt.	0 2
Rosin	per ton	2 6
Saddlery (all kinds)	per cwt.	0 3
Salt in bulk	per ton	0 9
Salt rock	per ton	0 9
Salt saltpetre and Glauber salt	per ton	3 4
Salt in barrel including dues of barrel	per ton	1 4

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Salmon - - - - -	per cwt. - - - - -	0 6
Sand - - - - -	per ton - - - - -	1 6
Seed viz. :—		
Rape and flax - - - - -	per cwt. - - - - -	0 1
Clover - - - - -	per cwt. - - - - -	0 3
Rye grass - - - - -	per ton - - - - -	3 4
Shoes of all kinds - - - - -	per ton - - - - -	3 0
Sheep skins with wool - - - - -	per cwt. - - - - -	0 3
Sheep pelts - - - - -	per cwt. - - - - -	0 2
Slates large - - - - -	per 1,000 - - - - -	1 4
Slates sizeable - - - - -	per 1,000 - - - - -	0 10
Slates small - - - - -	per 1,000 - - - - -	0 6
Snuff - - - - -	per cwt. - - - - -	0 6
Soap - - - - -	per ton - - - - -	2 0
Soda - - - - -	per ton - - - - -	1 6
Spades or shovels - - - - -	per dozen - - - - -	0 1
Spirits of all kinds - - - - -	per gallon - - - - -	0 0 $\frac{1}{4}$
Starch - - - - -	per cwt. - - - - -	0 3
Steel - - - - -	per ton - - - - -	3 0
Straw - - - - -	per ton - - - - -	1 0
Stones viz. :—		
Freestone building - - - - -	per ton - - - - -	0 5
Polished granite - - - - -	per ton - - - - -	2 6
Causeway granite - - - - -	per ton - - - - -	0 3
Kerb pavement and building - - - - -	per ton - - - - -	0 5
Rubble and chips - - - - -	per ton - - - - -	0 2
Rigging stones - - - - -	per 100 running feet - - - - -	1 6
Flagstones - - - - -	per ton - - - - -	0 9
Gravestones - - - - -	each - - - - -	3 0
Marble - - - - -	per ton - - - - -	3 0
Seythe stones - - - - -	per cwt. - - - - -	0 2
Grindstones - - - - -	each - - - - -	0 4
Millstones - - - - -	each - - - - -	0 6
All other descriptions except flint - - - - -	per ton - - - - -	1 0
Stucco - - - - -	per ton - - - - -	1 8
Sugar (all kinds) - - - - -	per ton - - - - -	1 8
Stoneware (all kinds) - - - - -	per cwt. - - - - -	0 2
Tallow - - - - -	per ton - - - - -	2 0
Tanners' waste - - - - -	per ton - - - - -	1 0
Tar (coal) - - - - -	per 39 gallons - - - - -	0 1
Tar (Archangel) - - - - -	per 26 $\frac{1}{2}$ gallons - - - - -	0 2
Tea - - - - -	per cwt. - - - - -	0 6
Tiles roofing - - - - -	per 1,000 - - - - -	1 0
Tin of all kinds - - - - -	per ton - - - - -	2 0
Tin plates - - - - -	per ton - - - - -	2 0
Tobacco in leaf - - - - -	per cwt. - - - - -	0 2 $\frac{1}{4}$
Tobacco manufactured - - - - -	per 100 lbs. - - - - -	0 4 $\frac{1}{2}$
Tobacco stalks - - - - -	per cwt. - - - - -	0 3
Tongues smoked - - - - -	per dozen - - - - -	0 1 $\frac{1}{2}$
Tongues pickled - - - - -	per cwt. - - - - -	0 4
Toys - - - - -	per cwt. - - - - -	0 3
Treenails - - - - -	per 1,000 - - - - -	1 6
Turnery - - - - -	per 10% value - - - - -	0 10
Turnips - - - - -	per ton - - - - -	0 6

Articles of Export or Import.	Weight or measure.	Rates.		A.D. 1912.
		s.	d.	Porthcawl.
Twine - - - - -	per cwt. - - -	0	3	
Tow (all kinds) - - - - -	per ton - - -	1	6	
Vases or sculptured marble - - - - -	per cwt. - - -	0	3	
Vinegar - - - - -	per 3 gallons - - -	0	0½	
Vitriol - - - - -	per gallon - - -	0	0½	
Varnish - - - - -	per cwt. - - -	0	2	
Veneers (all kinds) - - - - -	per cwt. - - -	0	4	
Vegetables - - - - -	per ton - - -	0	6	
Whalebone or whalefins - - - - -	per ton - - -	3	4	
Wheels coach carriage or cart - - - - -	per pair - - -	0	9	
Whitening - - - - -	per ton - - -	0	10	
Willow reeds - - - - -	per cwt. - - -	0	2	
Wine - - - - -	per gallon - - -	0	0¼	
Wine bottled - - - - -	per gross - - -	1	0	
Wood viz. :—				
Herring barrel billets - - - - -	per ton - - -	1	0	
Herring barrel staves - - - - -	per 1,000 superficial feet - - -	1	4	
All other kinds not enumerated - - - - -	per <i>l.</i> value - - -	0	4	
Wool - - - - -	per ton - - -	3	4	
Yarn viz. :—				
Lint and cotton - - - - -	per ton - - -	4	6	
Hemp - - - - -	per ton - - -	3	6	
Worsted - - - - -	per ton - - -	4	6	
Zinc - - - - -	per ton - - -	2	0	

Note 1.—All goods or articles not enumerated in the foregoing schedule per cwt. 2*d.*

Note 2.—All empty boxes barrels sacks and packages returned to the original shipper within three months from the date of import are exempt from rates.

VI.—RATE FOR SUPPLYING WATER.

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

A.D. 1912.

RHYL PIER.

Rhyl. *Order for the widening improvement and extension of the pier at Rhyl and other purposes in connexion therewith.*

WHEREAS application has been made to the Board of Trade by the Rhyl Urban District Council for a Provisional Order under the General Pier and Harbour Act 1861 and the General Pier and Harbour Act 1861 Amendment Act for the widening improvement and extension of the existing pier at Rhyl in the county of Flint and for other purposes in connexion therewith :

And whereas the Rhyl Urban District Council are empowered by the Rhyl Improvement Act 1872 and the Rhyl Improvement Act 1892 to purchase the existing pier and to borrow money therefor and have agreed with the mortgagees in possession of the said pier to purchase the same and have made application for the sanction of the Local Government Board to the raising of the money necessary for the purpose :

And whereas the said application is still under consideration by the Local Government Board :

Now therefore the Board of Trade hereby make the following Provisional Order :

Preliminary.

Short titles.

1.—(1) This Order may be cited as the Rhyl Pier Order 1912.

(2) This Order and the Order of 1864 may be cited together as the Rhyl Pier Orders 1864 and 1912.

Commence-
ment of
Order.

2.—(1) 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."

(2) Notwithstanding anything in the last preceding subsection contained none of the powers by this Order conferred on or things authorised by this Order to be done by the Undertakers shall be exercised or done until the purchase and transfer of the existing pier shall have been actually completed and until the existing pier shall have been and become vested in the Council.

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

A.D. 1912.

*Rhyl.*Interpreta-
tion.

“The Order of 1864” means the Rhyl Promenade Pier Order 1864;

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

“The existing pier” means and includes the existing pier and the works connected therewith which have been constructed under the powers of the Order of 1864;

“The pier” means and includes the existing pier and the works authorised by this Order;

“The pier undertaking” means and includes the pier and all lands buildings and property of the Undertakers used for the purposes of or in connexion with the pier and also the right to levy tolls rates and other charges and all other rights contained in the Order of 1864 (as varied by this Order) and this Order and the entire assets and undertaking in connexion with the pier;

“The Council” means the Rhyl Urban District Council.

(2) 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.

4. The Council shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Council. Undertakers.

Acquisition of Lands.

5. The Lands Clauses Acts (except so much of section 127 of the Lands Clauses Consolidation Act 1845 and of those Acts 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 of parts
of Lands
Clauses Acts.

A.D. 1912. incorporation the term "special Act" in those Acts shall mean this Order.

Rhyl.

Power to take lands by agreement.

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

Limits.

Limits.

7. The limits within which the Council shall have authority and within which the powers of the Council or piermaster may be exercised and which shall be deemed the limits to which this Order and the Order of 1864 extend shall comprise the pier and the area below high-water mark within a distance of one hundred yards measured seawards in any direction from the seaward extremity of the pier which limits are in this Order termed "the limits of this Order."

Works and Powers.

Power to construct works.

8. Subject to the provisions of this Order and subject also to such alterations in and additions to (if any) the plan and sections deposited with reference to this Order as the Board of Trade may require before the completion of the works in order to prevent injury to navigation the Council 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 the deposited plan and sections (so far as the same are shown thereon) and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order.

Description of works.

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

Widening improvement and extension of the existing pier commencing at the northerly end thereof and extending seaward in a northerly direction for a distance of 650 yards or thereabouts and there terminating:

The extension of the pier will be constructed of open work.

Power to deviate.

10. In constructing the works authorised by this Order the Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent not exceeding fifteen feet.

Power to maintain and improve works.

11.—(1) The Council may maintain alter widen extend and improve the pier and in connexion therewith may construct erect maintain alter and improve landing places buildings lamps lamp-posts gas and electric

lighting apparatus lifts cranes offices sheds toll-houses gates pipes sewers drains approaches and other works and conveniences and may lay down and maintain rails and tramways on or along the pier and may construct provide and lay down and maintain mooring-posts buoys and other appliances and works for the use of vessels frequenting the pier.

A.D. 1912.

Rhyl.

(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.

(3) Every sewer or drain constructed under the powers given by this section shall be connected with the main sewer of the Council in accordance with their regulations as to sewers and drains and no such sewer or drain shall be discharged otherwise or elsewhere than into that main sewer.

12. The carriages used on the tramways may with the consent of the Board of Trade and subject to such regulations as may be made by that Board be moved by electrical power or such mechanical or other motive power as may be approved by the Board of Trade.

Motive
power.

13. Any electric lighting or other apparatus constructed provided or maintained under this Order shall be so constructed 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.

For pro-
tection of
Postmaster-
General.

14. The Council may with the consent in writing of the Board of Trade and the Commissioners of Woods respectively construct such groynes as may be necessary for preventing the pier from being damaged or injured by the movement of shingle or other debris.

Power to
construct
groynes.

15.—(1) The Council may construct and maintain on the pier and may furnish and equip and make such reasonable charges as they may think fit for the use of and admission to fishing platforms pavilions shelters concert refreshment reading and other rooms shops bandstands lavatories sanitary conveniences bathing shed and swimming and other baths and they may with the consent in writing of the Commissioners of Woods let the pavilions and other works and conveniences constructed under this section or any of them for such period not exceeding seven years and upon such terms and conditions as they may think fit.

Power to
erect pavi-
lions and
other
buildings.

(2) The Council may at any time and as and when they think proper close any of the pavilions and other works and conveniences constructed under this section to the general public.

(3) The provisions of any byelaws and local Acts for the time being in force within the urban district of Rhyl shall so far as the same are applicable apply except as to materials to be used to all buildings and sanitary conveniences constructed by the Council under this section.

A.D. 1912.

*Rhyl.*Penalty for
obstructing
works.

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

Powers to
cease in cer-
tain events.

17.—(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 executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are 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 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 such certificate.

Consent of
Board of
Trade to
works below
high-water
mark.

18. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Restriction
on mooring.

19. No vessel or boat of any kind shall be moored or attached alongside or to the pier without the consent of the piermaster.

Power to
dredge.

20.—(1) The Council may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other materials 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 money arising from any sale or other disposition of sand mud and other materials under this section after payment of the

expenses connected therewith shall be deemed to form part of the pier revenue. A.D. 1912.

Rhyl.

21. The Council 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 All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all money realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order the marginal note whereof is "Proceeds of sale of surplus lands" and be dealt with and applied in the manner provided by that section. Power to purchase dredgers &c.

22. Subject to the provisions of this Order the works authorised by this Order shall for the purpose of rates and for all other purposes be deemed to be part of the pier undertaking as if they had been authorised by the Order of 1864. New works to be part of pier undertaking.

23. Nothing in the Order of 1864 or this Order shall entitle any person with any vessel or boat to ship or unship at the pier any sheep cattle or merchandise or anything which in the opinion of the Council might in any way interfere with the use of the pier for recreation or for the embarking or landing of passengers and their luggage. Power to prevent use of pier for cattle or merchandise.

24. The rates set out in the schedule to this Order shall be deemed to be included in the schedule to the Order of 1864 and the schedule to that Order including as aforesaid and that Order shall have effect accordingly and apply to the pier. Power to take additional rates.

25. If and so long as the Council shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the pier a supply of pure and wholesome water the Council shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them. Supply of and rate for water.

26. The Council may (so far as the rates specified in the schedule to the Order of 1864 and to this Order do not extend) demand and recover reasonable rates rents or other considerations for the use of any buildings tramways cranes works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connexion with the pier. Rates for use of buildings &c.

27.—(1) The Council may on any occasion which they may deem special but not on more than twelve days in any one year or for more than three days consecutively close the pier against the public Power to close pier on special occasions &c.

A.D. 1912. and may if they think fit on such occasions charge such special rates of admission not exceeding one shilling for each person.

Rhyl.

(2) On all such occasions the Council shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates so long only as they use the pier as a passage and do not remain thereon.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to the Order of 1864 and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Council shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Power to charge higher rates at certain times.

28.—(1) Notwithstanding anything contained in the Order of 1864 and this Order the Council may charge for every person entering upon and using the pier between the hours of six p.m. and eleven p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and eleven p.m.) is held on the pier or any pavilion building or room for the time being on the pier any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Council shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

Family and day tickets.

29.—(1) The Council may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family

tickets at such rates on such terms and for such periods not exceeding one year as the Council may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

A.D. 1912.

Rhyl.

(2) The Council shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. No pass ticket or family ticket shall be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

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

(6) The Council may make special arrangements with and concessions to fishermen for admission to the pier for such periods and on such terms and conditions as the Council think fit but so that no preference be given to one fisherman over another.

(7) Section 7 of the Order of 1864 is hereby repealed.

30. The Council may confer vary or extinguish exemptions from and enter into composition with any person with respect to the payment of the rates and charges authorised by the Order of 1864 and this Order but so that no undue preference be in any case given to any person over any other person and that anything done under this section shall not prejudice the other provisions of the Order of 1864 and this Order.

Power to vary exemptions from rates and to enter into compositions &c.

31. The Council may from time to time in connexion with and for the purposes of the pier undertaking enter into and carry into effect contracts with railway and other companies shipowners owners of boats and vessels and other persons with reference to the construction of lifts railways tramways and other works which the Council are by this Order authorised to construct or to the receiving forwarding and conveyance of passengers and traffic including the user by any such company or person of the pier. Provided that no undue preference be given to any company or person by or under any such contract.

Contracts with railway companies &c.

A.D. 1912.

*Rhyl.*Exemption
of lifeboat
crews.

32. 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 actually employed in saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to and along and on and from the pier.

Exemption
from rates
of certain
fishing vessels
under stress
of weather.

33. Fishing vessels belonging to the United Kingdom or to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order and the Order of 1864.

Board of
Trade may
reduce rates.

34. If at any time the clear annual income derived from the pier undertaking 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 for the purposes of the pier undertaking exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Council on the purchase of the existing pier and in executing the 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 pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

*Power of Leasing.*Power to
lease.

35.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade and Commissioners of Woods lease to any company corporation or person (A) the entire pier undertaking or (B) the rates and other charges authorised by the Order of 1864 and this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Council by the Order of 1864 and this Order which the Council have or might exercise under the Order of 1864 and this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under the Order of 1864 and this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade and Commissioners of Woods.

A.D. 1912.

Byel.

(4) The Council shall within one month after the date of any lease made under this section deposit certified copies thereof with the Board of Trade and Commissioners of Woods and shall as from the expiration of that 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 this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Byelaws.

36.—(1) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for that breach or non-observance of any of the byelaws.

Byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and the allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

37. Every byelaw made under the Order of 1864 shall cease to have any force or operation after the expiration of two years from the commencement of this Order and is hereby repealed as from that date but this repeal shall not affect any penalty in respect of any offence against any byelaw made under the Order of 1864 committed before the date on which the same is hereby repealed.

As to repeal
of byelaws.*Lights.*

38.—(1) Before commencing the works authorised by this Order the Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any direction

As to lights
during con-
struction of
works.

A.D. 1912. given upon that application or afterwards from time to time 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 lights during the construction of the works.

Rhyl.

(2) The Council 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 or comply with any directions so given.

As to lights
after comple-
tion of works.

39.—(1) After completion or permanent discontinuance or abandonment of the works by this Order authorised the Council shall at the outer extremity of the pier or the completed portions thereof or in such other places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for such directions.

(2) The Council 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 obey any such directions.

Provision
against
danger to
navigation.

40.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may 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) The Council 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 obey any such directions.

Life-saving Apparatus.

Provision of
life-saving
apparatus.

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

(2) The Council 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 Council 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.

42. 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 without payment attach or cause to be attached to any part of the pier 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 pier.

A.D. 1912.

Rhyl.

Life-saving apparatus may be attached to pier.

43. The Council shall at all times keep at convenient places on the pier and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lifebuoys to be kept.

Finance.

44.—(1) The Council may from time to time borrow at interest not exceeding 5 per cent. per annum—

Power to borrow.

(a) With the consent of the Local Government Board for the construction of the works authorised by this Order any sum or sums not exceeding in the whole fifty thousand pounds;

(b) With the consent of the Local Government Board such further sum or sums as may from time to time be required for any of the purposes of this Order; and

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

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Council may mortgage or charge as well the district fund and the general district rate as the pier revenue.

45. All moneys borrowed by the Council under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

Period for repayment.

(a) As to the money borrowed for the purposes (a) and (b) mentioned in the last preceding section of this Order within such period as the Local Government Board may prescribe;

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

46.—(1) The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Order (that is to say):—

Portions of Public Health Act as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

A.D. 1912.

Rhyl.

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

(2) A person lending money to the Council shall not be concerned to enquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent.

Mode of
payment off
of moneys
borrowed.

47. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months (if by yearly repayments) or within six months (if by half-yearly repayments) after the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

48.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed under this Order the Council in every year shall appropriate and set apart out of the pier revenue and the district fund and the general district rate such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed within the period by this Order or by the Local Government Board in pursuance of this Order prescribed for the repayment thereof respectively.

(2) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stocks debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Council and securities transferable by delivery).

(3) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or the part thereof so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based.

(4) If and so often as the income of the sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the prescribed rate any deficiency shall be made good by the Council.

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(5) If and so often as the income of the sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the prescribed rate any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund created to meet that loan.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

Return as to
sinking fund
&c. to be
made to
Local
Government
Board.

49.—(1) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or paid to a sinking fund in pursuance of the provisions of this Order or in respect of any moneys raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and (if required by that Board) verified by statutory declaration of the clerk to the Council showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

(2) The clerk to the Council in the event of any wilful default by him in making the return under this section shall for each offence be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Local Government Board and shall be recoverable by that Board by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by that Board out of the High Court.

(3) If it appears to the Local Government Board by the return under this section or otherwise that the Council have failed to pay any instalment or annual payment or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund under this Order (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the Local Government Board may by order direct that the sum mentioned in that order not exceeding double the amount in respect of which the default has been made shall be paid

or applied as in that order mentioned and that order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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Rhyl.

50.—(1) The Council shall have power—

Power to
re-borrow.

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

51. All moneys borrowed under this Order shall be applied by the Council only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Application
of money
borrowed.

52. The proceeds of sale of any surplus lands of the Council under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council under 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

Proceeds of
sale of sur-
plus lands.

A.D. 1912. sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Rhyl.

Contingency fund.

53.—(1) Subject to the provisions of this Order with reference to the application of the pier revenue the Council may in any year if they think fit for the purpose of forming and maintaining a contingency fund (not exceeding at any one time inclusive of accumulations of income one-fifth of the aggregate capital sums for the time being expended by the Council on the pier) to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier set apart out of the revenue such a sum as they may think fit.

(2) Every sum set apart under this section shall be invested in securities in which trustees are authorised to invest money other than securities of the Council and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Council on the pier or is required for any of the purposes mentioned in this section.

Application of pier revenue.

54. All rates tolls dues rents and receipts or other revenue received by the Council in respect of the pier under the authority and provisions of this Order including the interest on the contingency fund when that fund amounts to the maximum herein-before prescribed (all of which are in this Order referred to as "the pier revenue") shall be applied for the purposes and in the order following and not otherwise (that is to say):—

- (1) In payment of all expenses connected with the management and maintenance of the pier including therein the payment of or contribution towards a band of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier;
- (2) In paying year by year the interest for the time being due in respect of moneys borrowed by the Council for the purposes of the pier undertaking;
- (3) In paying the instalments as they become due of the principal moneys so borrowed and in providing a sinking fund for the repayment of the moneys so borrowed and not repayable by instalments;
- (4) In creating and maintaining if they think fit a contingency fund in manner specified in the section of this Order of which the marginal note is "Contingency fund";
- (5) In repaying to the district fund or general district rate all moneys and interest paid thereout for the purposes of the pier whether in respect of money borrowed or otherwise;

(6) In the general improvement of the pier ;

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(7) And the balance shall subject to the provisions of this Order be carried to the district fund Provided that the Council may retain out of such balance instead of carrying the same to the district fund a sufficient amount for carrying on the pier undertaking and meeting the current expenses thereof before further sufficient revenue becomes available for such purposes.

Rhyl.

55. All charges on the pier revenue which that revenue may be insufficient to defray shall be charged on and paid out of the district fund and general district rate and the Council shall include in each rate the amount (if any) which it is estimated may be required to cover the deficiency accruing during the currency of the rate and also the amount (if any) which is required to make up any deficiency which has occurred during any previous period.

Deficiency of revenue to be charged on district fund.

56. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committee and officers under this Order and to the audit of such accounts.

Local Government Board audit.

57.—(1) The Council shall keep a separate account of all receipts payments credits and liabilities in capital and revenue accounts respectively in relation to the pier and shall within one month after sending to the clerk of the peace a copy of such account in abstract (which account shall be made up at the end of the day on the thirty-first day of March in each year) send a copy of the same 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 and every such account as if the Council were a company.

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

(2) If the Council refuse or neglect to comply with this provision they shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which such refusal or neglect continues.

58. The powers of borrowing money by this Order given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Order shall not be reckoned.

Certain regulations of Public Health Act 1875 not to apply.

Miscellaneous.

59. All penalties recovered by the Council under the Order of 1864 and this Order shall be paid to the treasurer for the time being of the Council and be carried by him to the credit of the district fund.

Recovery of penalties.

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Extension of
10 & 11 Vict.
c. 27 (sections
28 and 99) to
all Government
departments.

Saving rights
of Crown.

60. Sections 28 and 99 of the Harbours 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.

61. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or of 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).

Pier and works
to be deemed
to be within
parish of Rhyl.

62. The pier shall for all purposes be deemed and taken to be within and form part of the parish and urban district of Rhyl in the county of Flint.

Repeal.

63. The Rhyl Pier Order 1910 and section 70 of the Rhyl Improvement Act 1872 and sections 34 and 111 of the Rhyl Improvement Act 1901 are hereby repealed.

Costs of
Order.

64. All costs charges and expenses of and incident to preparing and obtaining this Order and otherwise incurred in reference thereto (as taxed by the proper officer) shall be paid by the Council primarily out of the pier revenue or out of moneys borrowed under the authority of this Order for that purpose.

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

	s.	d.
Bicycles or tricycles each	0	3
Motor cars not exceeding two tons	7	6
Motor cars exceeding two tons	10	0

II.—RATES FOR SUPPLYING WATER.

Fresh water on pier per 100 gallons	0	6
Sea water on pier per 100 gallons	0	6

SOUTHEND-ON-SEA PIER.

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Order for authorising the construction of a Pier or Jetty at Southend-on-Sea in the County of Essex and the widening and improvement of the existing Southend Pier and for other purposes.

Southend-on-Sea.

Preliminary.

1.—(1) This Order may be cited as the Southend-on-Sea Pier Order 1912.

Short title and commencement of Order.

(2) This Order shall come into force 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."

2. In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:—

Definitions.

"The Corporation" means the mayor aldermen and burgesses of the borough of Southend-on-Sea;

"The borough" means the borough of Southend-on-Sea;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

"The Port Authority" means the Port of London Authority;

"The Act of 1887" and "the Act of 1895" and "the Order of 1911" mean respectively the Southend Local Board Act 1887 and the Southend-on-Sea Corporation Act 1895 and the Southend-on-Sea Loading Pier Order 1911;

"The existing pier Acts" means the Act 10 Geo. IV. cap. xlix. intituled "An Act for making and maintaining a pier at or near Southend in the parish of Prittlewell in the county of Essex and for making convenient approaches to and from the same" the Act 5 & 6 William IV. cap. xc. intituled "An Act to explain and amend the powers of an Act of His late Majesty King George the Fourth for making a pier at Southend in the county of Essex" the Southend Local Board Act 1875 the Act of 1887 and the Act of 1895;

"The existing pier" means the pier and works authorised by the existing pier Acts;

"The Southend pier" means the existing pier and the works connected therewith and authorised by this Order;

"The pier undertaking" means the pier undertaking of the Corporation authorised by the existing pier Acts the Order of 1911 and this Order and also all the right to levy rates tolls

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and other charges and all other rights conferred upon the Corporation by the existing pier Acts the Order of 1911 and this Order;

“The pier revenue” means the revenue of the pier undertaking.

Undertakers.

Undertakers. 3. The Corporation shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and so much of those Acts 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.

Power to take lands by agreement.

5. For the purposes of the works authorised by this Order the Corporation may purchase by agreement and use all or such part of the lands within the limits of deviation shown upon the plans deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Lands may be acquired by agreement.

6. The Corporation may by agreement purchase or take on lease for the purposes of the pier undertaking any interest in the foreshore of the borough not already acquired by them and any additional lands which the Corporation may deem requisite or convenient not exceeding two acres but nothing in this section shall exempt the Corporation from any proceedings for nuisance caused or permitted by them upon land acquired by them under the provisions of this section.

Power to retain and sell &c. lands.

7. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation 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 them or acquired by them under the existing pier Acts or this Order for the purposes of or in connexion with the pier undertaking 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 make 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.

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Limits.

8.—(1) The prescribed limits for the purposes of the Harbours Docks and Piers Clauses Act 1847 shall comprise the Southend pier and the Westcliff pier (Work No. 1 authorised by this Order) and the area below high-water mark within a distance of two hundred yards from any part of those piers respectively.

Limits.

(2) Nothing contained in this section shall limit or affect the powers of the Corporation to levy rates tolls charges and duties under the provisions of the existing pier Acts or any of them.

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 before the completion of the works the Corporation may on the lands and in the lines and according to the levels shown on the said plans and sections and within the limits shown on those plans make and maintain the following works:—

Power to construct works.

Work No. 1.—A pier or jetty (in this Order called “the Westcliff pier”) commencing at or near to high-water mark of ordinary spring tides and 45 yards or thereabouts measured in a southerly direction from the south-west corner of Crowstone Road at its junction with Chalkwell Esplanade and terminating at a point 140 yards or thereabouts measured in a southerly direction from its point of commencement and 626 yards or thereabouts above low-water mark of ordinary spring tides :

Work No. 2.—A widening and improvement of the existing pier on the east side thereof commencing at a point 437 yards or thereabouts below high-water mark of ordinary spring tides and terminating at a point 133 yards or thereabouts measured in a southerly direction from its point of commencement :

Work No. 3.—A widening and improvement of the existing pier on the east side thereof commencing at a point 1023 yards or thereabouts below high-water mark of ordinary spring tides and terminating at a point 63 yards or thereabouts measured in a southerly direction from its point of commencement :

Work No. 4.—A widening and improvement of the existing pier on the east side thereof commencing at a point 1576 yards or

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thereabouts below high-water mark of ordinary spring tides and terminating at a point 133 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 5.—A widening and improvement of the existing pier on the east side thereof commencing at a point 14 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 73 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 6.—A widening and improvement of the existing pier on the east side thereof commencing at a point 184 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 100 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 7.—A widening and improvement of the existing pier on the west side thereof commencing at a point 200 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 93 yards or thereabouts measured in a southerly direction from its point of commencement:

Work No. 8.—A widening and improvement of the outer pier-head of the existing pier on the east side thereof commencing at a point 287 yards or thereabouts below low-water mark of ordinary spring tides and terminating at a point 37 yards or thereabouts measured in a southerly direction from its point of commencement.

The Westcliff pier (Work No. 1 above mentioned) will be partly of open work and partly of solid construction and the other works authorised by this Order will be of open-work construction.

Power to deviate.

10. In constructing the works authorised by this Order the Corporation may with the consent in writing of the Board of Trade deviate laterally within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections.

Restriction on mooring.

11. No vessel or boat of any kind shall be moored or attached alongside or to the Southend pier or the Westcliff pier without the consent of the Corporation or the pier-master.

New works to be part of pier undertaking.

12. Subject to the provisions of this Order the works authorised by this Order shall for the purposes of rates and for all other purposes be deemed to be part of the pier undertaking as if those works had been authorised by the existing pier Acts and the provisions of those Acts so far as the same are applicable and are not inconsistent with the provisions of this Order shall *mutatis mutandis* apply to the said works.

13.—(1) Subject to the provisions of this Order the Corporation may from time to time with the consent of the Board of Trade improve alter widen and extend the Southend pier and the Westcliff pier and they may in connexion with either of those piers from time to time construct erect maintain alter and improve any warehouses offices toll-houses sheds cranes lifts stairs embankments landing-places landing-stages slips wharves quays jetties buoys moorings groynes pile lights beacons lamps lamp-posts gas and electric lighting apparatus roads sewers drains water-courses tanks mains pipes wires engines weighing-machines and other works buildings 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 stations platforms sidings and turntables on and along the Southend pier and may provide motive power for tramways.

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Power to improve works.

(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.

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

14.—(1) The Corporation may maintain alter enlarge or improve all buildings and conveniences now erected or being on the Southend pier and may erect construct alter enlarge or improve and maintain on the Southend pier and on the Westcliff pier fishing platforms bathing platforms bathing places pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences and may furnish and equip the same and make such reasonable charges as they think fit for the use thereof and admission thereto.

Power to erect pavilions and other buildings.

(2) Subject to the provisions of this Order the Corporation may also construct maintain and equip swimming-baths or bathing-places under or near to the Southend pier or upon the foreshore belonging to them and may make such reasonable charges as they think fit for the use of and admission to such swimming-baths or bathing-places.

15.—(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.

Powers to cease in certain events.

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(2) If the Westcliff pier after having been substantially commenced is 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 Westcliff pier 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 Westcliff pier has not been substantially commenced or that it has been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Consent of Board of Trade to works below high-water mark.

16. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and such works shall be constructed only in accordance with the terms of such consent.

Finance and Miscellaneous.

Power to borrow.

17.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

- (a) For the construction of the works authorised by this Order any sum or sums not exceeding in the whole forty-nine thousand pounds;
- (b) With the consent of the Local Government Board such further sum or sums as may from time to time be required for any of the purposes of this Order or of the pier undertaking including the provision and equipment of tramcars engines carriages and other vehicles to be used upon or in connexion with the Southend pier; and
- (c) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the pier revenue.

Periods for repayment of money borrowed.

18. All moneys borrowed by the Corporation under the last preceding section of this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

- (a) As to the money borrowed for the purpose (a) mentioned in the last preceding section of this Order within forty 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 not exceeding forty years from the date of borrowing the same as the Local Government Board may prescribe : A.D. 1912.
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- (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.

19. The following provisions of the Act of 1895 and the Order of 1911 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 1895
and Order of
1911.

The Act of 1895:—

- Section 52 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 53 (Provisions of Public Health Act as to mortgages to apply);
- Section 55 (Power to borrow under Local Loans Act 1875);
- Section 56 (Payment off of money borrowed);
- Section 57 (Provisions as to sinking fund Investment of sinking fund);
- Section 58 (Application of sinking fund);
- Section 60 (Protection of lender from inquiry);
- Section 61 (Corporation not to regard trusts);
- Section 62 (Annual return to Local Government Board with respect to sinking funds);
- Section 63 (Application of money borrowed);
- Section 65 (Separate account of pier undertaking and foreshore);
- Section 66 (Application of pier and foreshore revenue);
- Section 67 (Providing for any deficiency in revenue from pier undertaking and foreshore):

The Order of 1911:—

- Section 11 (Abatement of work abandoned or decayed);
- Section 12 (Penalty for injuring works);
- Section 15 (Power to purchase dredgers &c.);
- Section 20 (Power to re-borrow);
- Section 21 (Separate account of pier undertaking to be kept and sent to Board of Trade annually);
- Section 22 (Board of Trade may reduce rates);
- Section 23 (Byelaws);
- Section 24 (Provision of life-saving apparatus);

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- Section 25 (Life-saving apparatus may be attached to pier);
Section 26 (Life-buoys to be kept);
Section 27 (As to lights during construction);
Section 28 (As to lights after completion);
Section 29 (Provision against danger to navigation);
Section 30 (Appointment of officers to enforce byelaws and regulations);
Section 33 (Recovery of penalties);
Section 34 (Application of 10 & 11 Vict. c. 27).

For protection of Port Authority.

20. Notwithstanding anything to the contrary in this Order contained the following provisions shall unless otherwise agreed in writing between the Corporation and the Port Authority have effect for the protection of the Port Authority in relation to the execution of the works authorised by this Order and the exercise of the powers of this Order by the Corporation (that is to say):—

- (1) The Corporation shall not make or commence any of the works by this Order authorised nor any improvement alteration widening or extension thereof or of the existing pier whether permanent or temporary in the River Thames or on or under the bed or shores thereof below high-water mark unless and until the plans elevations and sections referred to in the next succeeding subsection have been reasonably approved by the Port Authority :
- (2) All such works improvements alterations widenings and extensions shall be executed according to plans elevations and sections to be reasonably approved in writing by the Port Authority and deposited at their office and to the reasonable satisfaction of the engineer for the time being of the Port Authority and during the execution of the same the Corporation shall take such precautions for the safety of the navigation as the Port Authority may reasonably direct and the traffic of the said river shall not be interfered with more than may be absolutely necessary in the construction of the said works and improvements alterations widenings and extensions :
- (3) The works by this Order authorised when commenced shall be proceeded with and completed with all reasonable despatch and the Corporation shall upon reasonable notice in writing from the Port Authority under the hand of their secretary so to do remove any temporary works and materials for temporary works which may have been placed in the River Thames by the Corporation and are no longer in use and in

any event within the period by this Order prescribed for the completion of the works hereby authorised and on their failing to do so the Port Authority may remove the same and recover from the Corporation the expense of so doing and the Corporation shall forthwith repay to the Port Authority all reasonable expenses so incurred:

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- (4) The Corporation shall not without the consent in writing of the Port Authority deepen dredge scour or excavate any portion of the foreshore or bed of the River Thames at or near any part of the Southend pier and the Westcliff pier:
- (5) No work of demolition or removal of structures in the River Thames not required or derelict shall be commenced carried on or continued by the Corporation without the written consent of the Port Authority under the hand of their secretary having been first obtained and all work necessary for or in connexion with such demolition or removal shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the Port Authority and at the expense in all things of the Corporation:
- (6) The Corporation shall at all times allow the engineer of the Port Authority or his authorised representative to inspect or survey all or any of the works by this Order authorised both during and after construction and shall give all reasonable facilities for so doing:
- (7) After construction of the works by this Order authorised the members of the Port Authority and the duly authorised officers and servants of the Port Authority shall at all reasonable times have free access to from in and over the Southend pier and the Westcliff pier without payment either from the landward side or from the River Thames and any vessel employed in the service of the Port Authority shall at all reasonable times when accommodation for any such vessel at such piers is reasonably available have the free use thereof without any payment or charge whatever:
- (8) Nothing in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Port Authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of the Act confirming this Order the Port Authority did or might lawfully claim use or exercise under and by virtue of the Port of London Act 1908 or otherwise:

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(9) If any question arises between the Corporation and the Port Authority under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

21.—(1) The proceeds of sale of any surplus lands of the Corporation sold under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation under the existing pier Acts the Order of 1911 and this Order.

(2) Such proceeds of sale and other moneys borrowed as in the preceding subsection mentioned 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.

Amendment of section 21 of Act of 1887.

22. Section 21 of the Act of 1887 shall be read and have effect as if—

- (a) The words “or public bands of music” were inserted after the words “a public band of music”:
- (b) The words “borough fund” were substituted for the words “district fund”:
- (c) The words “one-half the amount” down to the end of the section were omitted therefrom and the words “the amount “ carried to the credit of that fund in the same year from “ the pier undertaking and the foreshore as appearing from “ the account prepared by the Corporation in accordance “ with the provisions of section 65 of the Act of 1895 ” were added in lieu thereof.

Saving rights of Crown.

23. 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods 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).

[2 & 3 GEO. 5.]

Pier and Harbour Orders
Confirmation (No. 4) Act, 1912.

[Ch. clvii.]

A.D. 1912.

24. The Westcliff pier shall for all purposes be deemed to be within the borough and in the parish of Prittlewell in the county of Essex.

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Westcliff pier to be deemed to be within borough.

25. 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 Corporation out of the pier revenue or out of money borrowed for the purposes of the promotion of this Order.

Costs of Order.

Printed by EYRE and SPOTTISWOODE, Ltd.

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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