

**CHAPTER clviii.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Brighton Portsmouth and Southend-on-Sea. A.D. 1911.
[18th August 1911.]

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. 2) Act 1911. Short title.

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The SCHEDULE of Orders.

1. BRIGHTON.—Widening of the Brighton Marine Palace and Pier &c.
2. PORTSMOUTH.—Construction of subsidiary works in connexion with the Camber Dock and Flathouse Wharf &c.
3. SOUTHEND-ON-SEA.—Construction of a loading pier and abandonment of existing loading pier &c.

BRIGHTON MARINE PALACE AND PIER.

A.D. 1911.

Order authorising a widening of the Brighton Marine Palace and Pier in the County Borough of Brighton in the County of Sussex and for other purposes. Brighton.

Preliminary.

1. This Order may be cited as the Brighton Marine Palace and Pier Order 1911. 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 following meanings (that is to say):— Interpretation.

"The Act of 1888" means the Brighton Marine Palace and Pier Act 1888;

"The Act of 1899" means the Brighton Marine Palace and Pier Act 1899;

"The Company" means the Brighton Marine Palace and Pier Company incorporated by the Act of 1888;

"The corporation" means the mayor aldermen and burgesses of the county borough of Brighton;

"The pier" means and includes as well the existing pier and works of the Company constructed under the authority of the Act of 1888 and the Acts amending the same as the widening and works authorised by this Order;

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

(2) The following expressions used in the Harbours 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 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.

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*Undertakers.**Brighton.*
Undertakers.

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

*Limits.*Limits of
Order.

5.—(1) The limits within which the Company shall have authority and within which the powers of the pier-master may be exercised shall comprise the pier and an area below high-water mark within a distance of one hundred yards in any direction from the southern extremity of the pier head and are in this Order called "the limits of this Order."

(2) The limits within which the power to levy rates under the Act of 1888 and this Order may be exercised shall comprise the pier.

*Works and Powers.*Construction
of works.

6. The Company may subject to the provisions of this Order construct according to the lines and levels shown on the plan and section deposited with reference to this Order and maintain the works authorised by this Order.

Description
of works.

7. The works authorised by this Order are the following (that is to say):—

- (1) A widening or extension of the existing pier on both sides thereof commencing at a point two hundred and sixty-six feet or thereabouts from the junction of the shore end of the existing pier with Marine Parade above low-water mark and extending three hundred and eleven feet or thereabouts seawards therefrom:
- (2) A further widening or extension of the existing pier on both sides thereof commencing at a point nine hundred and twenty-six feet or thereabouts from the junction of the shore end of the existing pier with Marine Parade and extending one hundred and ninety-one feet or thereabouts seawards therefrom:
- (3) A new landing or bathing stage on the east side of the head of the pier:
- (4) The extension in a northerly direction of the existing landing stage on the west side of the pier head for the length of one hundred and fifty-five feet and of the existing landing stage on the east side of the pier head for a length of fifty-five feet.

The widenings authorised by this section shall be constructed upon piers or pillars and shall be open work except so far as they are otherwise shown upon the said plan or section.

8. In connexion with the works authorised by this Order the Company may erect construct and maintain whether temporarily or permanently all such piles caissons cofferdams passage-ways landing stages moorings buoys tollhouses gates and other works and conveniences as may be requisite or expedient for the purposes of or in connexion with the construction maintenance and use of the said works or for the purposes of this Order.

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*Brighton.*Power to
construct
additional
works.

9. 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.

10.—(1) The Company may to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same deepen dredge scour and excavate any portion of the bed of the sea adjoining the existing landing stages at the pier head and the extensions thereof respectively authorised by this Order.

Power to
dredge &c.

(2) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Company and they may sell or otherwise dispose of and remove 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 and if such place is between high and low water marks within the county borough of Brighton without the consent in writing of the corporation also.

(3) All moneys 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 and as if it were revenue received from rates under this Order.

11.—(1) If within one year from the commencement of this Order the works authorised by this Order are not completed the powers given by this Order for executing the same or otherwise in relation thereto shall cease.

Powers to
cease in cer-
tain events.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for three consecutive months the powers by this Order given for executing the same or otherwise in relation thereto shall cease except as to so much of the same as has then been completed unless those powers be extended and continued by the special direction of the Board of Trade.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the said works have not been completed or have been virtually suspended for three consecutive months shall for

A.D. 1911. the purposes of this Order be conclusive evidence of the facts stated
in such certificate.

Brighton.

Penalty for
obstructing
works.

12. Any person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or 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 each offence be liable to a penalty not exceeding five pounds.

Erection of
pavilion &c.

13. The Company may maintain all buildings and conveniences now erected or being on the existing pier and may erect construct furnish equip and maintain on that portion of the pier which is by section 7 (1) of this Order authorised to be widened a pavilion or building to be used as a winter garden and conveniences (which together with any existing buildings and conveniences are in this Order included in the expression "buildings") and may make such reasonable charges as they think fit for the use of and admission to buildings.

For pro-
tection of
corporation.

14.—(1) The works authorised by this Order shall be constructed to the satisfaction of the borough surveyor of the corporation for the time being and in accordance with plans sections elevations and specifications to be previously submitted to and approved by the corporation and the Company shall not be entitled to construct either temporarily or permanently any of the works referred to in the section of this Order the marginal note whereof is "Power to construct additional works" except with the consent of the corporation under its common seal.

(2) Notwithstanding anything contained in this Order the provisions of an indenture dated the twentieth day of December one thousand nine hundred and ten and made between the corporation of the one part and the Company of the other part shall remain in full force and effect and the Company shall not be entitled to construct any works buildings structures or conveniences on the existing pier or on the widened portions of the pier authorised by this Order or to make any alteration to any buildings structures or conveniences for the time being existing thereon without the consent of the corporation under its common seal other than and except such works buildings structures or alterations as are referred to and sanctioned by the said indenture and the last-mentioned works buildings structures and alterations shall be constructed made and maintained in all respects in accordance with the provisions of the said indenture and not otherwise.

(3) Notwithstanding anything contained in this Order the provisions of section 30 of the Act of 1888 as amended by the Act of

1899 shall so far as the same are not inconsistent with the provisions of this and the last preceding section continue in full force and effect and extend and apply to the widenings of the pier and other works and to any buildings structures and conveniences authorised by this Order and to the powers conferred upon the Company by this Order in connexion therewith in the same manner and to the same extent as if the same had been re-enacted in this Order in reference to such widenings works structures buildings and powers.

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(4) The Company shall not without the consent of the corporation under its common seal apply for any licence to use any part of the pier as widened or any buildings or structures for the time being thereon for the sale of spirituous or fermented liquors or for dancing.

(5) The provisions of section 6 of the Act of 1899 shall apply to the pier as widened and to all buildings structures and conveniences for the time being thereon.

(6) The Company shall forthwith after the commencement of this Order proceed with the widenings of the existing pier and the new landing stages and other works authorised by this Order and also with the erection of the pavilion or building to be used as a winter garden and the extension of the existing shelters and the construction of new shelters and the reconstruction and enlargement of the existing buildings on the pier and other works referred to in the said indenture of the twentieth day of December one thousand nine hundred and ten in all respects in accordance with the provisions of that indenture and all the works and buildings in this subsection mentioned shall be completed to the satisfaction of the corporation within twelve months from the commencement of this Order.

(7) If the Company fail to complete the said works and buildings referred to in the last preceding subsection within the period therein mentioned or if the Company shall at any time after the completion of any of the said works or buildings permit or suffer the same or any of the same or any portion of the existing pier or existing buildings thereon to become dilapidated or ruinous or to be unreasonably offensive to the corporation or the inhabitants of or visitors to Brighton or if the Company shall fail to properly maintain to the satisfaction of the corporation the pier as extended under the provisions of this Order and the buildings and works existing thereon or authorised by this Order or the said indenture of the twentieth day of December one thousand nine hundred and ten 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

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Company notice in writing requiring the Company within six months after such notice to complete the said works and buildings or to repair and make good the dilapidations or remove the cause of offence or perform the obligation as to maintenance as the case may be or require and if the Company shall not within the said period of six months comply with the requirements thereof then at the expiration of that period the provisions of section 30 subsection (9) of the Act of 1888 shall apply and the corporation may re-enter on the lands referred to in such subsection in the same manner and with the same consequences as if the Company had failed to comply with a notice by the corporation under that subsection or if they so elect the corporation may complete the aforesaid works and buildings and repair and make good such dilapidations and remove such cause of offence or otherwise do all such works as may be necessary in performance of the obligations of the Company under this section or remove and abate the work so left uncompleted or out of repair and restore the site thereof to its former condition and may for that purpose enter upon and use the pier and any lands and works of the Company uncompleted and any expense 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 Company to the corporation on demand and shall be a debt due from the Company to the corporation and recoverable accordingly with costs.

*Rates &c.**Rates &c.*

15.—(1) Sections 25 and 26 of the Harbours Act 1847 shall not be incorporated with this Order.

(2) Subject to the provisions of this Order the works by this Order authorised shall for the purposes of the rates which may be demanded and received by the Company and for all other purposes be deemed to form part of the pier and works authorised by and constructed under the authority of the Act of 1888.

Payment of rates not to confer right to use buildings.

16. The payment of rates for the use of the pier shall not entitle any person paying the same to use or enter any of the pavilion or winter garden buildings or any part of the pier which is set apart for any particular purpose.

Pass and family tickets.

17.—(1) The Company may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building 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 Company 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.

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(2) The Company 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 unless by the terms or conditions thereon printed it is expressed to be transferable. 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 Company and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Act 1847 incorporated with this Order shall apply thereto accordingly.

18.—(1) The Company may on such occasions as they may deem special 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 Company may think fit.

Power to
close pier on
special occa-
sions.

(2) On all such occasions the Company 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 rates specified in the Act of 1888 and any person paying the special rate shall not be liable to pay any further

A.D. 1911. or other rate or sum for admission to the pier on the day for which
Brighton. the special rate is charged.

(4) The Company 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.

Issue of
passes to
debenture
holders &c.

19. It shall be lawful for the Company to issue without payment to the holders of mortgages debentures or debenture stock of the Company non-transferable passes for admission to the pier available for the life of the person to whom any such pass is issued or for such time as he remains the holder of mortgages debentures or debenture stock of the Company or for such other period as the Company may determine and subject to such terms and conditions as they may think fit.

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

20.—(1) The Company 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 Company 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.

Capital.

Application
of capital.

21. The Company may apply to the purposes of this Order any capital authorised to be raised under the Act of 1888 and not required for the purposes for which it was authorised.

Lights.

Lights during
construction
of works.

22.—(1) Before commencing the works by this Order authorised the Company 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 Company 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.

23.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Company 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.

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

(2) The Company 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.

Byelaws.

24.—(1) The byelaws which may from time to time be made by the Company in exercise of the power in that behalf conferred on them by section 83 of the Harbours 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 Act 1847 shall not be incorporated with this Order or the Act of 1888.

Miscellaneous.

25. Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order.

Exclusion of sections 16-19 of Harbours Clauses Act 10 & 11 Vict. c. 27.

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

Application of Harbours Clauses Act 10 & 11 Vict. c. 27.

27. All penalties under the Act of 1888 and this Order shall be recovered and applied as penalties are recoverable or applicable under the Harbours Act 1847.

Recovery of penalties.

28. Sections 28 and 99 of the Harbours 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.

Exemptions and savings for Government departments.

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

Local lighthouse authority.

30. Sections 36 41 and 60 of the Act of 1888 are hereby repealed.

Repeal.

31. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company 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 lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right

Saving right of Crown.

A.D. 1911. of His Crown and under the management of the Commissioners of
Brighton. 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 those Commissioners and that Board are hereby
respectively authorised to give).

Pier to be deemed
to be within
county borough
of Brighton.

32. The pier shall be deemed to be for all purposes within the
county borough of Brighton, in the county of Sussex.

Costs of
Order.

33. 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 Company.

PORTSMOUTH CAMBER DOCK AND FLATHOUSE
WHARF.

Portsmouth. *Provisional Order empowering the Corporation of Portsmouth
to construct subsidiary works in connexion with the Camber
Dock and Flathouse Wharf and to levy rates and dues
and for other purposes.*

Short title
commence-
ment and
interpreta-
tion.

1.—(1) This Order may be cited as the Portsmouth Camber Dock
and Flathouse Wharf Order 1911.

(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.”

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

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

“The borough fund” and “the borough rate” mean respectively
the borough fund and the borough rate of the borough of
Portsmouth;

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

“The Act of 1839” means the Act 2 & 3 Victoria cap. lxxii.
intituled “An Act for enlarging the Town Quay of the Borough
“ of Portsmouth and for improving that portion of the Harbour
“ of Portsmouth called the Camber.”

(4) The following expressions used in the Harbours 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 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.

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Portsmouth.

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

3. The Corporation may erect construct and maintain in and upon or in connexion with their existing Camber Dock and Flathouse Wharf and any other existing docks wharves piers landing places or other property of the Corporation within or adjacent to those parts of the Camber Dock known as the Inner Camber and the Outer Camber and within or adjacent to the Flathouse Wharf warehouses buildings stores offices urinals lavatories weighbridges jetties shipping places landing slips stairs and stages cranes drops gates entrances conveniences and such other works and apparatus as they may from time to time think fit Provided always that the Corporation shall not commence the erection or construction of any work authorised by this section until the written consent of the Admiralty shall have been obtained to such work being commenced and until details of the proposed work together with all necessary plans elevations and drawings thereof shall have been approved by the Admiralty in writing and if and when such consent and approval shall have been given to any work that work shall be executed in accordance in all respects with the details plans elevations and drawings so approved and not otherwise. Power to construct additional works.

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

(a) For the construction erection and equipment of works authorised by this Order any sum or sums not exceeding in the whole ten thousand pounds;

(b) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the Camber Dock and Flathouse Wharf undertakings of the Corporation; 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 (a) and (b) 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 revenue arising from the said Camber Dock and Flathouse Wharf undertakings.

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(3) In order to secure the repayment of money borrowed for the purpose (c) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge the revenue arising from the said Camber Dock and Flathouse Wharf undertakings and also but only by way of collateral security the borough fund and the borough rate.

Periods for
repayment
of money
borrowed.

5. All moneys borrowed by the Corporation under 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 preceding section within thirty years from the date of borrowing;
- (b) As to the money borrowed with the consent of the Board of Trade within such period as that Board may determine;
- (c) As to the money borrowed for the purpose (c) mentioned in the preceding section within five years from the commencement of this Order.

Provisions as
to borrowing.

6.—(1) Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order.

(2) A person lending money to the Corporation shall not be concerned to inquire 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 mis-application or non-application of the money lent.

Mode of
repayment
of borrowed
money.

7.—(1) The Corporation 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 equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in respect to any sinking fund to be formed under this Order:—

- (a) The Corporation in every year shall appropriate and set apart out of the revenue arising from the said Camber Dock and Flathouse Wharf undertakings or rate on the security of which the moneys are borrowed such equal 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 (so far as the same are repayable by means of a

sinking fund) within the period by this Order prescribed
for the repayment thereof respectively :

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- (b) 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 Corporation and securities transferable by delivery) and if and as often as the income derived from such investment is not equal to the income which would be derived therefrom at the prescribed rate any deficiency shall be made good out of the revenue aforesaid or rate on the security of which moneys are borrowed under this Order and if and so often as the income derived from such investments is in excess of the income which would be derived therefrom at the prescribed rate any such excess may be applied as part of such equal annual payments :
- (c) The Corporation may at any time apply the whole or 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 part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based :
- (d) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be not less in value than the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

8.—(1) The Corporation shall have power—

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

Power to
re-borrow.

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Portsmouth.

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation 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 prescribed period 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 Corporation 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 Corporation 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.

Annual
return to
Board of
Trade with
respect to
sinking fund.

9.—(1) The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration of the town clerk if so required by them showing the amount which has been paid as an instalment or invested for the purpose of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the money invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year.

(2) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Board of Trade and shall be recoverable by that Board in a summary manner.

(3) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any

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instalment or to set apart the sum required for the sinking fund under this Order or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and that order shall be enforceable by writ of mandamus to be obtained by the Board of Trade out of the High Court.

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 —
Portsmouth.

(4) The provisions of this section shall apply with the necessary modifications to appropriations and annual payments.

10.—(1) The Corporation 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 section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

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

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

(3) The Corporation 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.

11. All moneys borrowed under this Order shall be applied by the Corporation 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.

12. As and from the commencement of this Order the Act of 1839 shall be amended by the addition to the Third Schedule thereto of the following rates:—

Power to levy rates.

						s.	d.
Baking powder	-	-	-	-	-	per ton	1 0
Canned fruit meat and vegetables	-	-	-	-	-	per ton	0 10
Coke	-	-	-	-	-	per ton	0 6
Cordial	-	-	-	-	-	per ton	1 3
Cream of tartar	-	-	-	-	-	per ton	0 10
Dates	-	-	-	-	-	per ton	0 10
Disinfectants	-	-	-	-	-	per ton	0 10
Doors	-	-	-	-	-	each	0 0½
Drain pipes	-	-	-	-	-	per ton	0 6
Drugs	-	-	-	-	-	per ton	1 8
Fibre	-	-	-	-	-	per ton	0 10
Gasoline	-	-	-	-	-	per ton	0 10
Granite (polished or monumental)	-	-	-	-	-	per ton	1 8
Granite dressed	-	-	-	-	-	per ton	0 10

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			s.	d.
Granite setts or broken	-	-	0	2
Ice	-	-	0	6
Ink	-	-	1	8
Linoleum	-	-	1	8
Mahogany	-	-	1	8
Margarine	-	-	0	1
Mineral water	-	-	0	1
Moss litter	-	-	0	6
Motor cars	-	-	10	0
Motor bicycles or tricycles	-	-	5	0
Other bicycles or tricycles	-	-	0	2
Pickles	-	-	0	10
Refuse from chemicals	-	-	0	6
Tapioca	-	-	1	8
Vans (loaded lift)	-	-	5	0

And any reference in any subsequent Act or Order to the said Third Schedule shall be deemed to be a reference to that schedule as amended by this Order.

Power to
levy dues.

13. As and from the commencement of this Order so much of the Fourth Schedule to the Act of 1839 as relates to ships and vessels of four hundred tons and upwards is hereby repealed and the said schedule shall be amended by the addition thereto of the following dues:—

	£	s.	d.
For all ships and vessels—			
400 tons and under 500 tons	0	10	0
500 tons and under 600 tons	0	12	0
600 tons and under 700 tons	0	14	0
700 tons and under 800 tons	0	16	0
800 tons and under 900 tons	0	18	0
900 and upwards	1	0	0

Exemptions:—Pilot boats fishing vessels boats not decked and ships and vessels arriving in distress:

And any reference in any subsequent Act or Order to the said Fourth Schedule shall be deemed to be a reference to that schedule as amended by this Order.

Audit of
accounts.

14. The provisions of the Municipal Corporations Act, 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Order.

Exclusion of
sections 16-19 of
Harbours Act
1847.

15. Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order.

16. 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 harbour pier or works 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 Camber Dock and Flathouse Wharf.

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*Portsmouth.*Life-saving
apparatus
may be
attached to
pier.

17.—(1) Nothing in this Order contained authorises the Corporation to interfere with any right vested in or exercised or exerciseable by His Majesty or by His Majesty's Principal Secretary of State for the War Department.

For protec-
tion of War
Department.

(2) No buildings works or apparatus by this Order authorised to be erected by the Corporation shall be erected upon any site or sites situate within a distance of forty feet of the building now used by the War Department as the "married quarters" in White Hart Road until the Corporation shall have submitted to the said Secretary of State for the War Department a plan or plans showing the position and elevation of any such buildings works or apparatus proposed to be so erected and until such plan or plans shall have received the approval of the said Secretary of State for the War Department signified in writing under his hand and the said Secretary of State is hereby authorised to give such approval subject to such special conditions as he shall see fit to impose.

18. 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 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).

Saving rights
of Crown.

19. 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 money borrowed for the purposes of the promotion of this Order or out of the revenue from the said Camber Dock and the Flathouse Wharf undertakings.

Costs of
Order.

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SOUTHEND-ON-SEA LOADING PIER.

Southend-on-Sea.

Provisional Order for authorising the construction of a loading pier or jetty at Southend-on-Sea in the County of Essex and the abandonment of the existing loading pier and for other purposes.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Southend-on-Sea Loading Pier Order 1911.

(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.”

Definitions.

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

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

“The Act of 1875” “the Act of 1887” and “the Act of 1895” mean respectively the Southend Local Board Act 1875 the Southend Local Board Act 1887 and the Southend-on-Sea Corporation Act 1895;

“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 Act of 1875 the Act of 1887 and the Act of 1895;

“The loading pier” means and includes the pier jetty or landing stage by this Order authorised and the works buildings apparatus and conveniences connected therewith;

“The piers” means and includes the existing piers and the works buildings apparatus and conveniences connected therewith and the loading pier;

“The pier undertaking” means and includes the pier undertaking of the Corporation authorised by the existing pier Acts and this Order and also all the right to levy rates tolls and other charges and all other rights conferred upon the Corporation by the existing pier Acts and this Order;

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*Southend-
on-Sea.*

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

(2) The following expressions used in the Harbours 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 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.

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. Undertakers.

Limits.

4. The limits within which the Corporation shall have authority under this Order and within which the powers of the pier-master may be exercised shall comprise the loading pier and the area below high-water mark within a distance of two hundred yards from any part of the said loading pier which limits are in this Order termed “the limits of this Order” but nothing in this section contained 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. Limits.

Works and Powers.

5. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before 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 work:— Power to construct works.

A pier jetty or landing stage (by way of reconstruction of or in substitution for the existing loading pier of the Corporation) partly of solid and partly of open work construction and all

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on-Sea.*

works and conveniences necessary or convenient in connexion therewith commencing at a point 20 yards or thereabouts above high-water mark of ordinary spring tides and 260 yards or thereabouts measured in an easterly direction from the south-east corner of The Castle public house and terminating at a point 190 yards or thereabouts measured in a southerly direction from its point of commencement and 990 yards or thereabouts above low-water mark of ordinary spring tides.

Power to deviate.

6. In constructing the work 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. Provided that no part of the work shall be constructed to the westward of a line drawn westward of and parallel to the centre line of the work as marked on the deposited plans at a distance of 250 feet from such centre line.

Restrictions on mooring.

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

New works to be part of pier undertaking.

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

Power to improve works.

9.—(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 and extend the loading pier and may in connexion with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties buoys moorings lights beacons roads sewers drains watercourses 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 sidings and turn-tables on and along the loading pier.

(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 or wires constructed or maintained under the authority of this Order for the purposes of electric lighting or

power shall be so constructed maintained and used as to prevent interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

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on-Sea.*

10.—(1) The Corporation may with the consent in writing of the Port Authority 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 loading pier for vessels using the same.

Power to
dredge.

(2) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no such 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 and if such place is below high-water mark within the limits of the Port of London without the consent in writing of the Port Authority 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 pier revenue is to be applied.

11. If the loading pier or any part thereof is hereafter abandoned or suffered to fall into decay the Board of Trade or the Port Authority may at the expense of the Corporation abate and remove any part of the loading pier which is situate below high-water mark and restore the site of the part so removed to its former condition and the amount of such expense shall be a debt due from the Corporation to the Crown or the Port Authority as the case may be and be recoverable accordingly with costs or the same may be recovered with costs in the same manner as a penalty is recoverable from the Corporation.

Abatement
of work
abandoned
or decayed.

12. Every person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the loading pier or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Corporation any expenses incurred by them in making good such damage.

Penalty for
injuring
works.

13.—(1) If within two years from the commencement of this Order the loading pier is 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 cer-
tain events.

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on-Sea.*

(2) If the loading 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 loading 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 loading 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.

14. No part of the loading pier below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the loading pier shall be constructed only in accordance with the terms of such consent.

Power to
purchase
dredgers &c.

15. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of the existing pier Acts or 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 and shall be applied in discharge of moneys borrowed by the Corporation under this Order.

Removal of
existing
loading pier.

16. The Corporation may demolish and remove the existing loading pier belonging to them.

Finance.

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 loading pier authorised by this Order any sum or sums not exceeding in the whole eleven 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 the pier undertaking; 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. A.D. 1911.
 —
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 on-Sea.*

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):— Periods for
 repayment
 of money
 borrowed.

(a) As for the money borrowed for the purposes (a) and (b) mentioned in the last preceding section of this Order within such period not exceeding forty years from the date of borrowing the same 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.

19. The following provisions of the Act of 1895 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 financial
 provisions
 of 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).

20.—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any of the existing pier Acts or this Order which are intended to be forthwith repaid; or Power to
 re-borrow.

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*Southend-
on-Sea.*

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any of the existing pier Acts or 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 Corporation 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 Corporation 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.

(5) Section 16 of the Act of 1875 section 44 of the Act of 1887 and section 59 of the Act of 1895 so far as those sections relate to the pier undertaking are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Separate
account of
pier under-
taking to be
kept and sent
to Board of
Trade annu-
ally.
25 & 26 Vict.
c. 19.

21.—(1) The Corporation shall once in every year send a copy of the pier and foreshore account which they are required to keep by section 65 (Separate account of pier undertaking and foreshore) of the Act of 1895 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 Corporation were a company.

(2) The said copy shall be sent to the Board of Trade within one month after the date upon which such account is made up and audited and if the Corporation refuse or neglect to comply with this provision they shall be liable to a penalty not exceeding twenty pounds for every week or part of a week during which such refusal or neglect continues.

22. If at any time and from time to time the pier revenue on the average of the then three last preceding years after payment of all expenses and outgoings in connexion with the pier undertaking other than payments of interest and of instalments of principal and contributions to sinking and stock redemption funds shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Corporation or their predecessors on the pier undertaking and the construction thereof the Board of Trade may if in their discretion they think fit reduce the rates leviable under the existing Pier Acts and this Order to such extent as will be sufficient to provide the amount aforesaid and such rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by the existing Pier Acts and this Order.

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*Southend-
on-Sea.*Board of
Trade may
reduce rates.*Byelaws.*

23.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred by section 83 of the Harbours 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 Act 1847 shall not be incorporated with this Order.

Life Saving Apparatus.

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

Provision for
life-saving
apparatus.

(2) The Corporation 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 piers and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

25. The 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 all or any

Life-saving
apparatus
may be
attached to
pier.

A.D. 1911. of the piers spars and other apparatus for saving life and may also
Southend- either in course of using or of exercising the apparatus for saving
on-Sea. life fire rockets over the piers.

Lifebuoys to
be kept.

26. The Corporation shall at all times keep at convenient places on the piers and in obedience to any requirements which may be made by the Board of Trade lifebuoys and life-lines in good order and fit and ready for use.

Lights.

As to lights
during con-
struction.

27.—(1) Before commencing the loading pier the Corporation 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 loading pier 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 loading pier.

(2) The Corporation 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 direction.

As to lights
after com-
pletion

28.—(1) After completion of the loading pier the Corporation shall exhibit at the outer extremity of the loading pier 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 direction.

(2) The Corporation 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.

Provision
against
danger to
navigation.

29.—(1) In case of injury to or destruction or decay of any of the piers or any part thereof respectively the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit to apply for or refuse or neglect to observe any such directions.

Miscellaneous.

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30. The Corporation may appoint officers for securing the observance of the byelaws made by the Corporation in respect of the pier undertaking under the existing pier Acts and this Order 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 unless so sworn in and unless in uniform or provided with a warrant.

Southend-on-Sea.
Appointment of officers to enforce byelaws and regulations.

31. The Corporation may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master or owner of any vessel within the limits of this Order to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Corporation of such charges and rates or duties as they shall deem proper.

Ballast for vessels.

32. 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 and the exercise of the powers of this Order by the Corporation (that is to say):—

For protection of Port Authority.

- (1) The Corporation shall not make or commence any work by this Order authorised 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 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 said works 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:
- (3) The works by this Order authorised when commenced shall be proceeded with and completed with all reasonable dispatch 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

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on-Sea.*

- 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 loading pier 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:
- (4) 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 such works 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:
 - (5) The Corporation shall at all times allow the engineer to 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:
 - (6) 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 loading 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 the loading pier is reasonably available have the free use of the loading pier without any payment or charge whatever:
 - (7) 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:
 - (8) 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.

33. All penalties recovered under the existing pier Acts in respect of which no other provision is made by those Acts or this Order or any byelaw made thereunder respectively shall except in case of penalties recovered against the Corporation be paid to the treasurer for the time being of the Corporation and be by him carried to the credit of the borough fund.

A.D. 1911.

*Southend-
on-Sea.*Recovery of
penalties.

34. For all the purposes of the Harbours Act 1847 this Order shall be deemed to be the special Act.

Application of
10 & 11 Vict.
c. 27.

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

Loading pier
to be deemed
to be within
borough.

36. 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 Council out of the pier revenue or out of money borrowed for the purposes of the promotion of this Order.

Costs of
Order.

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