



CHAPTER lviii.

An Act for conferring further powers upon the Southampton Harbour Board and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS under and by virtue of the Southampton Harbour Acts 1863 to 1903 the management of the port and harbour of Southampton and of the Southampton Pier and Town Quays is vested in the Southampton Harbour Board (in this Act referred to as "the Board"):

And whereas the Board acting under the authority of the said Acts have from time to time improved the said port and harbour and extended the quays and other works connected therewith:

And whereas owing to the construction and use in recent years of ships and vessels of greater draught than previously it is expedient that the harbour channels and approaches of the port should be deepened dredged widened and improved so as to admit such ships and vessels and ships and vessels with such increased draught as may be hereafter constructed and used to the docks quays and wharves and other places within the port:

And whereas it is expedient that further powers should be conferred upon the Board on the one hand and the owners of ships and vessels on the other hand to make compositions and to enter into and carry into effect agreements with reference to the composition of the rates tolls dues and duties payable to the Board under the provisions of the said Acts and this Act:

And whereas under and by virtue of the Southampton Harbour Acts 1863 to 1900 the Board were authorised to borrow various sums of money on mortgage or bond and by the South-

A.D. 1911. ampton Harbour Act 1903 (herein-after called "the Act of 1903") powers were conferred upon the Board to create and issue Southampton Harbour Redeemable Stock in manner by that Act provided and by sections 14 and 15 of the Act of 1903 the Board were authorised to pay off or redeem the moneys then owing by them on mortgage or bond (therein and herein-after referred to as "the mortgage debt") or any portion thereof by the creation and issue of such stock or by the conversion of the mortgage debt into such stock and it was provided by section 29 of the Act of 1903 that after the conversion of any part of the mortgage debt into stock or after any money should have been raised by the Board by the issue of stock it should not be lawful for the Board to issue mortgages or bonds or any other securities for the amount so converted or raised or again to borrow the same but that the powers of borrowing by the Board should to that extent be extinguished:

And whereas acting under the said provisions of the Act of 1903 the Board have paid off or converted into Southampton Harbour Redeemable Stock the whole of the mortgage debt:

And whereas under the provisions of the Southampton Harbour Acts 1863 to 1903 the Board are empowered to borrow and raise for the purposes of their undertaking a sum of three hundred and sixty thousand four hundred and fifty pounds and have raised for those purposes by the creation and issue of Southampton Harbour Redeemable Stock sums of money amounting in the whole to two hundred and seventy thousand five hundred and thirty-five pounds and it is expedient that the Board should be empowered to raise further moneys to defray the cost of the operations by this Act authorised and for other purposes of the Board and their undertaking:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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. This Act may be cited as the Southampton Harbour Act 1911 and the Southampton Harbour Acts 1863 to 1903 and this Act may be cited together as the Southampton Harbour Acts 1863 to 1911.

Short and
collective
titles.

2. In this Act unless there be something in the subject or context repugnant to such construction— A.D. 1911.

The expression "the Act of 1887" shall mean the Southampton Harbour Act 1887;

The expression "the Act of 1903" shall mean the Southampton Harbour Act 1903;

The expression "the port" means the port as defined by section 5 of the Act of 1887; and

The expression "owner" shall include any part owner charterer consignee or mortgagee in possession of any vessel touching or being within the port.

Interpretation.

3. The Board in addition to exercising the powers conferred upon them by the Southampton Harbour Acts 1863 to 1903 may dredge deepen widen and improve the harbour channels and approaches of the port within their jurisdiction to such extent as may in the opinion of the Board be necessary or convenient for the purpose of admitting conveniently ships and vessels of large draught and ships and vessels of such increased draught as may be hereafter constructed and used to the docks quays wharves and other places within the port and may also similarly dredge deepen widen and improve the channel of the Solent at and near Thorn Knoll Provided that before commencing any of the operations by this section authorised the Board shall apply for and obtain the consent in writing of the Board of Trade to such operations: Power to dredge &c.

Provided also that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

4. The Board may at their discretion build purchase hire provide and use vessels to be worked by steam or otherwise and machinery and apparatus for dredging scouring cleansing deepening widening and improving the harbour channels and approaches of the port within their jurisdiction and for executing any other works of dredging scouring cleansing deepening widening or improvement authorised or provided for by the Southampton Harbour Acts 1863 to 1911 or any other Act relating to the Board. Board may provide steam dredgers machinery and apparatus.

5. Notwithstanding anything in the Southampton Harbour Acts 1863 to 1903 contained the Board may charge ships and Reduction of dues in certain cases.

A.D. 1911. vessels liable to tonnage dues under those Acts and coming into or going out of the port but not coming north of Fawley Beacon such tonnage dues being less than the tonnage dues imposed by section 6 and Schedule B. of the Act of 1887 as the Board may from time to time determine Provided that such tonnage dues shall at all times be charged equally to all persons in respect of the same description of ship or vessel.

Composition for tonnage dues.

6. The Board and the owner of any ship or vessel may enter into and carry into effect agreements for and with reference to the composition by the year or any longer or shorter period of any of the tonnage dues or duties imposed by the Act of 1887 and this Act or either of them and the Board may accept and take such sum of money as may from time to time be agreed upon as or for any such composition in lieu of such tonnage dues or duties :

Provided that under any such agreement the Board shall not grant any preference or advantage to or in favour of any particular owner as against other owners under like circumstances but the sum of money taken or accepted by the Board under any such agreement shall in respect of the same description of ship or vessel be the same in all cases under like circumstances.

Power to raise money by stock.

7. The Board may in addition to any sums which they may by any previous Act be authorised to borrow or raise raise any sum or sums not exceeding in the whole the sum of two hundred thousand pounds for the purposes of this Act and for other purposes of their undertaking by the creation and issue of Southampton Harbour Redeemable Stock.

Incorporating certain provisions of Act of 1903.

8. The provisions contained in the sections of the Act of 1903 the numbers and marginal notes of which are set forth in this section shall extend and apply to and with respect to the creation and issue of Southampton Harbour Redeemable Stock by this Act authorised and to the moneys authorised to be raised thereby and the repayment thereof as if those provisions had been expressly re-enacted herein (that is to say) :—

Section 17 (Stock created under this Act to rank *pari passu*);

Section 18 (Stock to be redeemable at par);

Section 19 (Southampton Harbour stock);

Section 20 (Certificate to be demanded before interest recoverable);

- Section 21 (Transfer of stock);
Section 22 (Board not bound to regard trusts);
Section 23 (Dividends in case of infancy &c. of a joint stockholder);
Section 24 (Dividend warrants by post);
Section 25 (Effect of posting a warrant);
Section 26 (Interest on stock recoverable by suit);
Section 27 (Receiver may be appointed if arrears remain unpaid for time prescribed);
Section 28 (Mode of appointment of a receiver);
Section 31 (Further provisions as to stock certificate);
Section 33 (Holding of stock by trustees);
Section 34 (Sinking fund); and
Section 35 (Annual return to Board of Trade with respect to sinking fund).

9. All sums raised by the Board under the powers of this Act shall be expended solely for the purposes of the improvement and maintenance of the deep-water channel of the port.

Moneys raised under this Act to be spent on deep-water channel of port.

10. Nothing in this Act shall operate to empower the Board to borrow any loan from the Public Works Loan Commissioners but if the Public Works Loan Commissioners advance any loan to the Board under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same—

As to loans by Public Works Loan Commissioners.

(1) Such loan and the security therefor shall not have priority over any loan previously borrowed under this Act or any other special Act or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loans subsequently borrowed in pursuance of this Act or any special Act and the security therefor; and

(2) The amount which the Board are authorised by this Act or any other special Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

A.D. 1911.

Board of
Trade to in-
quire into
constitution
of Board.

11.—Within six months after the passing of this Act the Board of Trade shall appoint a commission consisting of three persons to inquire into and report to them—

- (A) As to the constitution of the Board and the powers and jurisdiction now vested in them;
- (B) What modification or extension (if any) of the constitution powers and jurisdiction of the Board whether by transfer consolidation variation of representation or otherwise is desirable.

The said commission shall hold an inquiry for the purposes aforesaid as soon as practicable after their appointment and at such time or times and place or places as they determine and at such inquiry hear all such persons or bodies by themselves by their counsel solicitors agents and witnesses as they think fit.

The Board shall afford the said commission all such facilities as may be requisite to enable them to visit and inspect the various parts of the Southampton Harbour for the purpose of such inquiry and report and the Board and all persons and bodies shall if required by the said commission produce all such documents reports plans and papers and give all such information called for as may be in their possession or under their control.

A copy of the report of the commission shall on receipt be forwarded to the Board to the town clerk of Southampton and to the other persons or bodies who may have been represented at the inquiry.

The costs charges and expenses of the said commission of and incidental to the said inquiry and report as certified by a secretary or assistant secretary of the Board of Trade after consideration of the recommendations in this behalf of the said commission shall be paid to the Board of Trade in the first instance by the Board and the amount of such costs charges and expenses shall be a debt due to the Crown and shall be recoverable as a Crown debt or summarily Provided that such costs charges and expenses shall ultimately be borne by such parties and in such proportions as the commission may recommend or as may be directed by Parliament on the hearing of the Bill as next herein-after mentioned.

If the said commission report that in their opinion the constitution powers and jurisdiction of the Board should in

any way be extended or modified the Board shall as soon as reasonably practicable after the receipt by them of a copy of the report of the commission introduce into Parliament a Bill embodying the recommendations in the report. A.D. 1911.

12. Nothing in this Act shall prejudice or take away any rights estates powers advantages or privileges of the mayor aldermen and burgesses of the county borough of Southampton under the Southampton Harbour Act 1863. Saving rights of corporation of Southampton.

13. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board 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). Crown rights.

14. Nothing in this Act contained shall exempt the Board or the port and harbour from the provisions of any present or future general Act relating to harbours docks or piers or to dues on shipping or on goods carried in ships or to pilotage or to lights buoys and beacons or to the powers and privileges of the general lighthouse authorities or from the future revision and alteration by Parliament of the rates and duties authorised to be taken by the Board. Reservation of general Acts.

15. The Board out of any moneys for the time being in their hands shall pay and discharge all costs charges and expenses incurred in applying for obtaining and passing this Act. Expenses of Act.

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