



CHAPTER xli.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Plymouth and Southend-on-Sea. A.D. 1927.

[29th July 1927.]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Orders made by the Minister of Transport under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Orders as set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1927. Short title.

A.D. 1927.

The SCHEDULE of Orders.

1. PLYMOUTH.—Construction of landing stages &c.
2. SOUTHBEND-ON-SEA.—Widening and improvement of pier &c.

SCHEDULE.

A.D. 1927.

PLYMOUTH PIERS.

Provisional Order for authorising the mayor aldermen and burgesses of the borough of Plymouth to construct landing stages within the borough of Plymouth and for other purposes. *Plymouth.*

1.—(1) This Order may be cited as the Plymouth Piers Order 1927. *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 unless the context otherwise requires—

Interpretation.

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

"The borough" means the county borough of Plymouth;

"The pier undertaking" includes the several piers and landing stages for the time being of the Corporation and the works connected therewith and all lands properties buildings apparatus appliances rights powers and privileges for the time being belonging to or held used and enjoyed by the Corporation for or in relation to or in connection with their piers and landing stages together with the works authorised by and constructed under this Order;

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

"The Act of 1915" means the Plymouth Corporation Act 1915.

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

4. 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 *Incorporation of Lands Clauses Acts.*

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A.D. 1927. for the purposes of that incorporation the term "the special Act" in those Acts shall mean this Order.

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Plymouth.

Power to
take lands
by agree-
ment.

5. For the purposes of the works the Corporation may purchase by agreement and use all or such parts of the lands shown on the plans deposited with reference to this Order as they may think requisite for the purposes of this Order.

Power to
construct
works.

6. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Corporation may on the lands 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 plans and sections make and maintain the following works (namely):—

Work No. 1 A landing stage or steps with approach thereto (to be situate in the borough and to be adjacent to and alongside of the existing Stonehouse Bridge and the approach to that bridge) commencing at or near to the north-eastern corner of the Anchor Brewery and terminating at or near to the eastern abutment of the arch of Stonehouse Bridge :

Work No. 2 A landing stage or steps (to be situate in the borough) commencing at the top landing of the existing steps on the West Pier of the entrance to Sutton Harbour and terminating at a point 13 yards or thereabouts measured in a southerly direction from the point of intersection of the southern side of the West Pier and Commercial Wharf.

Power to
deviate.

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

Penalty for
obstructing
works.

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

Powers to
cease in
certain
events.

9.—(1) If the works are not completed within five years from the commencement of this Order then on the expiration of that period the powers given by this Order to the Corporation

for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1927.

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Plymouth.

(2) If the works are not substantially commenced within two years from the commencement of this Order or such extended time as the Minister of Transport may in the circumstances by order direct the said powers shall cease.

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

(4) A certificate of the Minister of Transport to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this section be conclusive evidence of the facts stated in such certificate.

10.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

11. 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 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 harbour revenue and all moneys realised by any such sale shall be applied towards Power to purchase dredgers &c.

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A.D. 1927. carrying into effect any of the purposes of this Order to which capital is properly applicable.

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Plymouth.

Lights
on works
during con-
struction.

12.—(1) The Corporation shall at or near such part of the works by this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Abatement
of work
abandoned
or decayed.

13.—(1) Where any work constructed by the Corporation under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Power to
borrow.

14.—(1) The Corporation may independently of any other borrowing power from time to time borrow—

(a) for and in connection with the construction of the works one thousand three hundred pounds;

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Plymouth.

(b) with the consent of the Minister of Transport 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 money borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the district fund and the general district rate as the revenue of the pier undertaking.

15. The Corporation shall pay off all moneys borrowed by them under this Order within the respective periods following which periods shall be the prescribed periods for the purposes of the Act of 1915 (that is to say) :—

Periods for
repayment
of money
borrowed.

As to the money borrowed for the purpose (a) mentioned in the section of this Order of which the marginal note is " Power to borrow " within fifty years from the date or dates of borrowing;

As to the money borrowed for the purpose (b) mentioned in the same section within such period as the Minister of Transport may prescribe;

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

16. The following provisions of the Act of 1915 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
1915.

- Section 125 (Maintenance and continuance of works);
- Section 126 (Power to dredge);
- Section 127 (Works to be deemed within borough);
- Section 128 (Life saving apparatus may be attached to piers &c.);
- Section 129 (Exhibition of lights);
- Section 130 (Provision against danger to navigation);
- Section 131 (Limits of Part VII of Act);
- Section 132 (Restriction on mooring vessels);
- Section 133 (Byelaws under Harbours Docks and Piers Clauses Act 1847);
- Section 185 (Persons under disability may grant easements &c.);
- Section 186 (Retention sale and disposal of land);
- Section 191 (Section 234 of Public Health Act 1875 not to apply);

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- Section 192 (Mode of raising money);
 Section 193 (Provisions of Public Health Act 1875 as to mortgages to apply);
 Section 194 (Mode of payment off of money borrowed);
 Section 195 (Sinking fund);
 Section 196 (Appointment of receiver);
 Section 197 (Application of money borrowed);
 Section 206 (Protection of lender from necessity of inquiry);
 Section 216 (Expenses of execution of Act);
 Section 217 (Audit of accounts):

Provided that in the application of subsection (1) (b) of the said section 195 to the exercise of the powers of this Order that section shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as may from time to time be approved by the Minister of Health" were substituted therein for the words "three pounds per centum per annum."

Appoint-
 ment of
 officers to
 enforce
 byelaws
 and regula-
 tions.

17. The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Corporation under this Order in respect of the works and may from time to time procure such officers to be sworn in 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 Act
 10 & 11 Vict.
 c. 27.

18. For all the purposes of the Harbours Docks and Piers Clauses Act 1847 this Order shall be deemed the special Act but sections 12 13 16 to 19 inclusive 50 84 and 85 of that Act shall not be incorporated with this Order.

Recovery of
 penalties.

19. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Saving
 rights of
 Duchy of
 Cornwall.

20. The consent of His Royal Highness the Prince of Wales in right of His Duchy of Cornwall signified to this Order shall not be taken as a consent to a surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities and privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Costs of
 Order.

21. 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.

SOUTHEND-ON-SEA PIER.

A.D. 1927.]

Provisional Order for authorising the extension widening and improvement of the existing Southend Pier and for other purposes.

Southend-on-Sea.

1.—(1) This Order may be cited as the Southend-on-Sea Pier Order 1927.

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 hereinafter 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 general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough or (until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough) the borough fund and the borough rate of the borough;

“The Act of 1887” “the Act of 1895” “the Order of 1911” “the Order of 1912” and “the Act of 1926” mean respectively the Southend Local Board Act 1887 the Southend-on-Sea Corporation Act 1895 the Southend-on-Sea Loading Pier Order 1911 the Southend-on-Sea Pier Order 1912 and the Southend-on-Sea Corporation Act 1926;

“The existing enactments” 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 the Act of 1895 and the Order of 1912;

“The existing pier” means the pier and works authorised by the existing enactments;

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*Southend-
on-Sea.*

“ 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 enactments the Order of 1911 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 enactments 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.

Limits.

Limits.

4.—(1) The limits of the pier for the purposes of the Harbours Docks and Piers Clauses Act 1847 shall comprise the Southend pier and the area below high-water mark within a distance of two hundred yards from any part of that pier.

(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 enactments or any of them.

(3) Section 8 (Limits) of the Order of 1912 is hereby repealed.

Works and Powers.

Power to
construct
works.

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 works :—

Work No. 1 A widening and improvement of the existing pier on the east side thereof commencing at high-water mark or thereabouts of ordinary spring tides and terminating at a point 1 furlong 4·5 chains or thereabouts measured in a southerly direction from its point of commencement ;

Work No. 2 A widening and improvement of the existing pier on the east side thereof commencing at a point 3 furlongs 5·96 chains or thereabouts below high-water

mark of ordinary spring tides and terminating at a point 6.05 chains or thereabouts measured in a southerly direction from its point of commencement;

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on-Sea.*

Work No. 3 A widening and improvement of the existing pier on the east side thereof commencing at a point 7 furlongs 2.38 chains or thereabouts below high-water mark of ordinary spring tides and terminating at a point 1 furlong 2.68 chains or thereabouts south of its point of commencement;

Work No. 4 An extension and improvement of the existing pier commencing at the south-eastern corner of the outer head and terminating at a point 105 yards or thereabouts measured approximately in a south-easterly direction from its point of commencement.

The works authorised by this Order will be of openwork construction.

6. In constructing the works authorised by this Order the Corporation may subject to the provisions of this Order deviate laterally within the limits of deviation marked on the deposited plans and may also deviate vertically to any extent from the levels shown on the deposited sections.

Power to deviate.

7. 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 enactments and the provisions of those enactments 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.

New works to be part of pier undertaking.

Finance and Miscellaneous.

8.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest—

Power to borrow.

(a) for the construction of the works (other than Work No. 4) authorised by this Order any sum or sums not exceeding in the whole sixteen thousand five hundred and ninety-two pounds;

(b) for the construction of Work No. 4 authorised by this Order any sum or sums not exceeding in the whole forty-five thousand pounds;

(c) with the consent of the Minister of Transport 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

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on-Sea.*

of tramcars engines carriages and other vehicles to be used upon or in connection with the Southend pier; and

(d) such sums 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 general rate fund and the general rate as the pier revenue.

Periods for
repayment
of money
borrowed.

9. 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 or dates of borrowing the same;

(b) As to money borrowed for the purposes (b) mentioned in the last preceding section within thirty years from the date or dates of borrowing the same;

(c) As to the money borrowed for the purposes (c) mentioned in the last preceding section within such period not exceeding forty years from the date of borrowing the same as the Minister of Transport may prescribe;

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

Application
of provisions
of Act of
1895 Order
of 1911
Order of
1912 and
Act of 1926.

10. The following provisions of the Act of 1895 the Order of 1911 the Order of 1912 and the Act of 1926 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:—

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 60 (Protection of lender from inquiry);

Section 61 (Corporation not to regard trusts);

Section 63 (Application of money borrowed);

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| Section 65 | (Separate account of pier undertaking and foreshore); | A.D. 1927. |
| Section 66 | (Application of pier and foreshore revenue); | — |
| Section 67 | (Providing for any deficiency in revenue from pier undertaking and foreshore). | <i>Southend-on-Sea.</i> |

The Order of 1911 :

- 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 for life-saving apparatus);
- Section 25 (Life-saving apparatus may be attached to pier);
- Section 26 (Lifebuoys to be kept);
- Section 30 (Appointment of officers to enforce byelaws and regulations);
- Section 33 (Recovery of penalties);
- Section 34 (Application of 10 & 11 Vict. c. 27).

The Order of 1912 :

- Section 4 (Incorporation of Lands Clauses Acts);
- Section 5 (Power to take lands by agreement);
- Section 6 (Lands may be acquired by agreement);
- Section 7 (Power to retain and sell &c. lands);
- Section 11 (Restriction on mooring);
- Section 15 (Powers to cease in certain events);
- Section 20 (For protection of Port Authority);
- Section 21 (Proceeds of sale of surplus lands to be treated as capital);
- Section 23 (Saving rights of Crown).

The Act of 1926 :

- Section 13 (Abatement of work abandoned or decayed);
- Section 14 (Provision against danger to navigation);
- Section 16 (5) (As to lights during construction and after completion).

11. Section 17 (Power to borrow) and section 18 (Periods for repayment of money borrowed) of the Order of 1911 and of the Order of 1912 shall be read and have effect respectively as if the Minister of Transport were therein referred to instead of the Local Government Board. Amendment of Order of 1911 and Order of 1912.

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A.D. 1927.

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*Southend-
on-Sea.*

Costs of
Order.

12. 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.

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