

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.



CHAPTER lxxxix.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Cowes and Yarmouth (Isle of Wight). A.D. 1931.

[31st July 1931.]

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 as amended 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 which as amended are 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 (Cowes and Yarmouth (Isle of Wight)) Confirmation Act 1931. Short title.

[Price 1s. 6d. Net.]

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1

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

The SCHEDULE of Orders.

1. COWES.—Alteration of limits &c.
2. YARMOUTH (ISLE OF WIGHT).—Constitution of and transfer to Commissioners &c.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

SCHEDULE.

A.D. 1931.

COWES HARBOUR.

Provisional Order to alter the limits of Cowes Roads to authorise the Commissioners for the Harbour of Cowes to demand new and increased rates dues and charges and for other purposes. *Cowes.*

1. This Order may be cited as the Cowes Harbour Order Short title.]
1931.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order. Commence-
ment.

3.—(1) In this Order unless the context otherwise requires— Interpreta-
tion.
“ the Act of 1897 ” means the Cowes Harbour Act 1897 ;
“ the Commissioners ” means the Commissioners for the harbour of Cowes incorporated by the Act of 1897 ;
“ the harbour ” means the harbour of Cowes as defined by this Order ;
“ the Roads ” means “ Cowes Roads ” as defined by this Order ;
“ authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Act of 1897 and this Order.

(2) In the application to the Act of 1897 and this Order of the Harbours Docks and Piers Clauses Act 1847 the expressions “ packet boat or Post Office packet ” and “ Post Office bag of letters ” used in the last mentioned Act shall 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 a mail bag as defined by the same Act :

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in the Act of 1897 or in this Order shall extend to exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Cowes.

Construction.

4. The Act of 1897 as amended by this Order and this Order shall be construed and read together as one Order except as far as might be inconsistent with or repugnant to the purposes thereof.

Undertakers.

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

Limits of
harbour and
Roads.

6. Section 30 (Limits of harbour and Roads) of the Act of 1897 is hereby repealed and for the purposes of the Act of 1897 and this Order the limits within which the Commissioners shall have authority shall be an area comprised within a line drawn as follows :—

From a public-house called "The Folly" (on the eastern bank of the river Medina) due west to the western bank of the said river thence along the line of high-water mark down the western bank of the river Medina and along the harbour to Cowes Castle thence following the line of high-water mark along the coast to Egypt Point thence to Number 2 Fairway buoy thence to Prince Consort Shoal buoy thence to Old Castle Point buoy thence in a southerly direction to the shore at the point nearest to the said last-mentioned buoy and thence along the line of high-water mark on the eastern bank of the river Medina and along the harbour to the said public-house called "The Folly."

So much of the area comprised within the said limits as lies to the southward of a straight line drawn from the outer extremity of Cowes Castle to high-water mark at the outer extremity of Old Castle Point East Cowes shall be called the harbour of Cowes and the remainder of such area shall be called Cowes Roads and within the limits aforesaid the Commissioners shall have sole jurisdiction and be the sole port and harbour authority.

Application
of powers
and byelaws
to Cowes
Roads.

7. The prescribed limits within which the Commissioners may exercise any of their powers under the Act of 1897 and may make and enforce byelaws shall include the Roads as defined in this Order and section 44 (Byelaws) of the Act of 1897 shall be read and have effect accordingly.

New
schedules of
rates.

8.—(1) As from the commencement of this Order the schedules Nos. 1 2 and 3 to this Order shall be substituted for the schedules A and B to the Act of 1897 and the schedule No. 4 to this Order shall be substituted for the schedule C to the Act of 1897 and the Commissioners may demand recover and receive the rates specified in the said schedules 1 2 3 and 4 as if they had been authorised by the Act of 1897.

(2) The schedules A B and C to the Act of 1897 are hereby repealed.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

9. The Commissioners may from time to time if they shall deem it expedient so to do and subject to such terms conditions restrictions and regulations and to the payment of such rents or other sums of money as they shall think proper set apart and appropriate any particular portion of the harbour or of any works of the Commissioners and any conveniences connected therewith or approaches leading thereto for the exclusive accommodation and use of any corporation company body firm or person who shall be desirous of having such exclusive accommodation for their trade or business or for the reception of the vessels and goods belonging to or employed or conveyed by them Provided that every corporation company body firm or person to whom such exclusive accommodation as aforesaid shall be afforded and their vessels crews servants and other persons employed by them or under their control shall be subject to the general byelaws rules and regulations of the Commissioners applicable to the harbour and works and the vessels entering or using the same and the crews and other persons employed in and about such vessels.

A.D. 1931.

—
Cowes.

Power to appropriate particular portions of harbour &c.

10. Nothing in this Order shall authorise the Commissioners to interfere with or obstruct the access to or egress from the wharf jetty and quay in the river Medina belonging to the Southern Railway Company and the Commissioners shall not whether under the powers of the Act of 1897 or this Order or otherwise place erect or maintain or permit to be placed erected or maintained any buoy or mooring post or moor or permit to be moored any vessel in the harbour so as unreasonably to interfere with or render less convenient such access or egress.

For protection of Southern Railway Company.

Any difference which may arise between the Commissioners and the Southern Railway Company under the provisions of this section shall be referred to and determined by an arbitrator to be appointed on the application of either party after notice in writing to the other by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

11.—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister") (a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose or (b) by the Commissioners that in the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section

Revision of rates.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931. Provided that before making an order under this section the
Minister shall cause an inquiry to be held with reference thereto
in pursuance of the Board of Trade Arbitrations &c. Act 1874 as
applied by this section.

—
Cowes.

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

(5) Section 41 (Revision of rates tolls and charges) of the Act of 1897 is hereby repealed.

Annual
accounts to
be sent to
Ministry of
Transport.

12.—(1) The Commissioners shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such accounts.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(2) The Commissioners shall as from the expiration of that period 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 the foregoing provisions. A.D. 1931.
—
Cowes.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

13. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners. Costs of
Order.

SCHEDULES referred to in the foregoing Order.

SCHEDULE No. 1.

RATES ON VESSELS (EXCLUSIVE OF PASSENGER VESSELS
TUG-BOATS AND YACHTS).

| | | Per voyage only. |
|--|----|---------------------|
| For every vessel coming into or anchoring or making fast in the harbour— | s. | d. |
| of 10 tons but not exceeding 15 tons register each vessel - - - - - | 2 | 0 |
| exceeding 15 tons but not exceeding 25 tons register each vessel - - - - - | 3 | 0 |
| exceeding 25 tons but not exceeding 50 tons register each vessel - - - - - | 5 | 0 |
| exceeding 50 tons but not exceeding 75 tons register each vessel - - - - - | 6 | 0 |
| exceeding 75 tons but not exceeding 100 tons register each vessel - - - - - | 10 | 0 |
| exceeding 100 tons register for every 100 tons register or part thereof each vessel - - - | 10 | 0 |

In case of any vessel entering the harbour and discharging not exceeding one-half of her cargo one-half only of the above dues will be payable but if more than half the cargo be discharged the full dues will be payable.

The above dues to be payable only once for each voyage.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Cowes.

Every shipowner whose vessels call at Cowes at least once daily (Sunday Good Friday Christmas Day or any bank or other public holiday excepted) throughout the year may compound by payment of two-thirds the above dues such payment to be made in advance.

Every shipowner whose vessels call at Cowes at least once weekly throughout the year may compound by payment of three-fourths the above dues such payment to be made in advance.

SCHEDULE No. 2.

RATES ON PASSENGER VESSELS.

For every passenger vessel coming into or anchoring or making fast in the harbour 2*d.* per ton register per voyage or at the option of the owner of the vessel a composition payable in advance of 2*s.* per ton register for each vessel per annum.

SCHEDULE No. 3.

RATES ON TUG-BOATS.

For every tug-boat coming into or anchoring or making fast in the harbour 3*s.* 4*d.* per voyage or at the option of the owner of the vessel a composition payable in advance of £2 per annum.

SCHEDULE No. 4.

RATES FOR THE USE OF MOORING BUOYS POSTS AND MOORINGS IN
 THE HARBOUR OR THE ROADS THE PROPERTY OF THE
 COMMISSIONERS.

PART A.—VESSELS OTHER THAN YACHTS.

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| Vessels not exceeding 200 tons register per diem | 2 | 6 |
| Vessels exceeding 200 tons register and not exceeding 400 tons per diem | 3 | 0 |
| Vessels exceeding 400 tons register and not exceeding 600 tons per diem | 4 | 0 |
| Vessels exceeding 600 tons register and not exceeding 800 tons per diem | 5 | 0 |
| Vessels exceeding 800 tons register and not exceeding 1,000 tons per diem | 6 | 0 |
| Vessels exceeding 1,000 tons register per diem | 7 | 6 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

PART B.—YACHTS.

| | s. | d. | A.D. 1931. |
|---|----|----|--------------------|
| Yachts not exceeding 20 tons register per diem - - - | 1 | 0 | — <i>Cowes.</i> |
| Yachts exceeding 20 tons register and not exceeding 35 tons per diem - - - - - | 2 | 0 | |
| Yachts exceeding 35 tons register and not exceeding 50 tons per diem - - - - - | 2 | 6 | |
| Yachts exceeding 50 tons register and not exceeding 100 tons per diem - - - - - | 3 | 0 | |
| Yachts exceeding 100 tons register and not exceeding 200 tons per diem - - - - - | 4 | 6 | |
| Yachts exceeding 200 tons register and not exceeding 300 tons per diem - - - - - | 5 | 6 | |
| Yachts exceeding 300 tons register and not exceeding 500 tons per diem - - - - - | 6 | 6 | |
| Yachts exceeding 500 tons register - - - - - | 7 | 6 | |

PART C.—VESSELS USING STERN MOORINGS.

For each vessel using the stern moorings provided by the Commissioners when laid up upon any recognised mud berth for a period of four months and not exceeding one year—

| | £ | s. | d. |
|---|---|----|----|
| Vessels not exceeding 100 tons register - - - - - | 4 | 10 | 0 |
| Vessels exceeding 100 tons and not exceeding 150 tons register - - - - - | 4 | 17 | 6 |
| Vessels exceeding 150 tons and not exceeding 200 tons register - - - - - | 5 | 5 | 0 |
| Vessels exceeding 200 tons and not exceeding 250 tons register - - - - - | 5 | 12 | 6 |
| Vessels exceeding 250 tons and not exceeding 300 tons register - - - - - | 6 | 0 | 0 |
| Vessels exceeding 300 tons and not exceeding 350 tons register - - - - - | 6 | 7 | 6 |
| Vessels exceeding 350 tons and not exceeding 400 tons register - - - - - | 6 | 15 | 0 |
| Vessels exceeding 400 tons and not exceeding 450 tons register - - - - - | 7 | 2 | 6 |
| Vessels exceeding 450 tons and not exceeding 500 tons register - - - - - | 7 | 10 | 0 |
| Vessels exceeding 500 tons and not exceeding 550 tons register - - - - - | 7 | 17 | 6 |
| Vessels exceeding 550 tons and not exceeding 600 tons register - - - - - | 8 | 5 | 0 |

[Ch. lxxxix.] Pier and Harbour [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Cowes.

| | £ | s. | d. |
|--|---|----|----|
| Vessels exceeding 600 tons and not exceeding 650 tons register - - - - - | 8 | 12 | 6 |
| Vessels exceeding 650 tons and not exceeding 700 tons register - - - - - | 9 | 0 | 0 |
| Vessels exceeding 700 tons register for every 50 tons register or part thereof above the first 700 tons in addition to £9 for the first 700 tons - - - - - | | 7 | 6 |

One half only of the foregoing charges shall be payable for any vessel using the moorings for less than four months.

PART D.—RESERVATION OF BERTHS.

RATES FOR THE RESERVATION OF BERTH FOR MOORINGS IN A
SELECTED POSITION.

| | £ | s. | d. |
|--|----|----|----|
| Open boats per annum - - - - - | 1 | | 0 |
| Vessels not exceeding 2½ tons register per annum - - - - - | 2 | | 6 |
| Vessels exceeding 2½ tons register and not exceeding 5 tons per annum - - - - - | 5 | | 0 |
| Vessels exceeding 5 tons register and not exceeding 25 tons per annum - - - - - | 7 | | 6 |
| Vessels exceeding 25 tons register and not exceeding 50 tons per annum - - - - - | 10 | | 0 |
| Vessels exceeding 50 tons register and not exceeding 100 tons per annum - - - - - | 1 | 0 | 0 |
| Vessels exceeding 100 tons register and not exceeding 200 tons per annum - - - - - | 1 | 10 | 0 |
| Vessels exceeding 200 tons register and not exceeding 300 tons per annum - - - - - | 2 | | 0 |
| Vessels exceeding 300 tons register and not exceeding 400 tons per annum - - - - - | 3 | | 0 |
| Vessels exceeding 400 tons register and not exceeding 500 tons per annum - - - - - | 4 | | 0 |
| Vessels exceeding 500 tons register and not exceeding 600 tons per annum - - - - - | 5 | | 0 |
| Vessels exceeding 600 tons register and not exceeding 700 tons per annum - - - - - | 6 | | 0 |
| Vessels exceeding 800 tons register per annum - - - - - | 7 | | 0 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

YARMOUTH (ISLE OF WIGHT) PIER AND
HARBOUR.

A.D. 1931.

Provisional Order to make further provision with respect to the Pier and Harbour at Yarmouth in the Isle of Wight and for other purposes. *Yarmouth (Isle of Wight).*

PRELIMINARY.

1. This Order may be cited as the Yarmouth (Isle of Wight) Pier and Harbour Order 1931. *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.*

3.—(1) In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires— *Interpretation.*

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

"the Trustees" means the Trustees of the Yarmouth (Isle of Wight) Town Trust;

"the Commissioners" means the Yarmouth (Isle of Wight) Harbour Commissioners incorporated by this Order;

"the clerk" means the clerk to the Commissioners;

"the Act of 1858" means the Yar Bridge Act 1858;

"the Order of 1874" means the Yarmouth (Isle of Wight) Pier Order 1874;

"the Scheme" means the Scheme for the application of the property of the late Corporation of "the Mayor and Chief Burgesses of Yarmouth" in the Isle of Wight dissolved by the Municipal Corporations Act 1883 which Scheme was approved by the Board of Charity Commissioners for England and Wales by Order dated the thirtieth day of December one thousand eight hundred and ninety and was varied by a scheme of the said Commissioners of the first day of April one thousand nine hundred and twenty-four;

"the undertaking" means and includes the existing pier and harbour and quay transferred to and all rights conferred on and all property vested in the Commissioners by and under this Order for the purposes thereof;

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

“ the harbour ” means the harbour of Yarmouth in the Isle of Wight and the lands buildings works plant property and conveniences from time to time connected therewith or any part thereof as the case may be ;

“ the quay ” means the Town Quay situate on the eastern side of the harbour and any lands buildings works plant property and conveniences from time to time connected therewith or any part thereof as the case may be ;

“ the pier ” means the pier and jetty with landing place and works and conveniences authorised by the Order of 1874 ;

“ authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Commissioners are for the time being authorised to levy demand and recover in pursuance of this Order ;

“ the revenue of the undertaking ” means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the undertaking under the authority of this Order.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions “ packet boat or Post Office packet ” and “ Post Office bag of letters ” used in that Act shall 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 a mail bag as defined by the same Act :

Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Under-
takers.

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

INCORPORATION OF ACTS.

Incorpora-
tion of
Clauses
Acts.

5.—(1) The following Acts are incorporated with this Order :—

(a) The Commissioners Clauses Act 1847 (in so far as applicable and as the case may require not being inconsistent with this Order) except sections 6 and 7 and 17 to 35 and 40 and 42 and 43 and 54 and 84 and 89 to 95 ;

(b) 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).

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(2) For the purposes of the incorporation of the said Acts and of the Harbours Clauses Act 1847 the expression "the special Act" in those Acts shall mean this Order.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

CONSTITUTION OF COMMISSIONERS.

6.—(1) The persons to be appointed as Commissioners under this Order not exceeding thirteen in number are hereby constituted as a body of Commissioners which shall have power to act as soon as five persons have duly made and signed their declarations as Commissioners and thereupon shall be the undertakers for carrying this Order into execution.

Commis-
sioners
constituted
and incor-
porated.

(2) Such Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "the Yarmouth (Isle of Wight) Harbour Commissioners" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of land and other property for the purposes of this Order.

(3) The first meeting of the Commissioners shall be held at some convenient place at Yarmouth within three months next after the commencement of this Order.

(4) An annual meeting of the Commissioners shall be held on the third Wednesday in the month of September in every year thereafter at such place as the Commissioners may from time to time appoint and the Commissioners shall also hold meetings for the transaction of general business from time to time at such places and times and at such intervals as they may from time to time appoint.

(5) Proceedings of the Commissioners shall not be invalidated or be illegal by reason of any vacancy in their body or of the non-appointment of or any defect in the appointment of a Commissioner.

7. At the expiration of two months from the commencement of this Order or on the day when the Commissioners become the undertakers for carrying this Order into execution whichever may be the later date the following provisions shall have effect:—

Partial
repeal of
Act of
1858 repeal
of Order of
1874 and
transfer of
property &c.

(1) Sections 58 to 67 73 so far as it relates to the undertaking 80 and 81 of the Act of 1858 and the whole of the Order of 1874 shall be and thereafter are hereby repealed:

(2) Notwithstanding the repeal of the said sections of the Act of 1858 and the Order of 1874 all estates plant works funds securities and property whatsoever of or to which the Trustees are in any way possessed or entitled by virtue of the Act of 1858 and the Order of 1874 and the Scheme in relation to the harbour and the quay and the pier shall be and thereafter are hereby transferred to

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

and vested in the Commissioners absolutely according to the tenure nature or quality thereof respectively but subject and without prejudice to any charges incumbrances or claims which affect the Trustees or their property :

- (3) The harbour and the quay and all lands and hereditaments belonging thereto vested in the Official Trustee of Charity Lands by virtue of the Scheme and of a Vesting Order of the Board of Charity Commissioners dated the fourth day of September one thousand nine hundred and twenty-five shall be and thereafter are hereby de-vested from the Official Trustee of Charity Lands and transferred to and vested in the Commissioners :
- (4) The Official Trustees of Charitable Funds shall as soon as may be transfer to the Commissioners the amount of five hundred pounds five per centum war stock held by the said Trustees in trust for the purposes of the Order of 1874 :
- (5) Notwithstanding the repeal of the said sections of the Act of 1858 and the Order of 1874 all deeds bonds contracts agreements actions suits and proceedings shall to all intents and purposes continue in force and have effect whether for or against the Commissioners in like manner as for or against the Trustees and the Commissioners shall be substituted in the place of the Trustees and their name may where necessary be used in substitution accordingly and all debts liabilities and moneys which are due to or from or recoverable by or from the Trustees in relation to or in connection with the undertaking shall be due to or from and recoverable by or from the Commissioners :
- (6) Notwithstanding the repeal of the said provisions of the Act of 1858 and the Order of 1874 :—
 - (a) The Commissioners and their officers and servants shall be entitled for the purposes of this Order to the benefit of the provisions of any enactment other than the Act of 1858 and the Order of 1874 in force at the commencement of this Order in favour of or relating to the Trustees or their officers and servants ;
 - (b) Every officer and servant appointed by virtue of or acting under the Scheme shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer and servant of the Commissioners until he be removed from such office and employment and he shall have the like power and authority for the purposes of this Order and

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

be subject to the like power of removal rules regulations
pains and penalties in all respects whatsoever as if he
had been appointed under this Order; and

(c) All maps plans books accounts documents and
writings kept or made or receivable in evidence under
the said provisions of the Act of 1858 and the Order of
1874 shall be admitted as evidence in any court and
may together with any registers be used for the purposes
of this Order as if those provisions and that Order were
not repealed.

8. The Commissioners shall be appointed as follows (that is
to say) :—

- (1) One by appointment by the Isle of Wight County Council;
- (2) One by appointment by the directors of the Southern
Railway Company;
- (3) Five by appointment by the Yarmouth Parish Council;
- (4) Two by appointment by the Freshwater Parish Council;
- (5) One by appointment by the Totland Parish Council;
and
- (6) Three by appointment by the Commissioners (in this
Order referred to as "co-optative Commissioners").

9.—(1) The county council the parish councils and the
railway company shall within two months after the commencement
of this Order and on or before the first day of October in every
fifth year thereafter appoint the Commissioners whom they are
by this Order respectively authorised to appoint and each of those
bodies shall on or before the expiration of such two months from
the commencement of this Order or first day of October as the
case may be intimate in writing to the clerk the names and
addresses of the persons so appointed by them respectively as
Commissioners.

(2) The co-optative Commissioners shall be persons residing
or carrying on business in or near Yarmouth or Freshwater Every
co-optative Commissioner shall be appointed for a term of eight
years by a resolution of the Commissioners to be passed at a
special meeting.

(3) Except as in this section otherwise provided Com-
missioners appointed under this section shall hold office for a
period of five years from the first day of October in the year of
their appointment except in the case of the first Commissioners
appointed whose period of office shall run from the date of their
appointment respectively until the end of the thirtieth day of
September one thousand nine hundred and thirty-six.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

As to
appoint-
ment of
Commis-
sioners.

Mode of
appoint-
ment of
Commis-
sioners.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Vacancies.

(4) The appointment of an appointed Commissioner may at any time be determined by the body by whom he was appointed.

10.—(1) Whenever a vacancy arises by death resignation or otherwise in the office of a Commissioner the body or person or authority by whom such Commissioner was appointed shall appoint another person to fill the vacancy.

(2) Each person appointed to fill such vacancies as are referred to in this section shall hold office so long only as the person in whose place he is appointed would have been entitled to continue in office.

ACQUISITION OF LANDS.

Power to
take lands
by agree-
ment.

11. Subject to the provisions of this Order the Commissioners may by agreement purchase and hold for the purposes of this Order and as part of the undertaking any lands not exceeding in the whole two acres but nothing in this Order or in the Acts incorporated therewith shall exempt the Commissioners from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon.

Power to
grant ease-
ments.

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

Power to
retain sell
&c. lands.

13.—(1) Notwithstanding anything in any Act or Order to the contrary the Commissioners may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(2) Nothing in this section contained shall release the Commissioners or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Commissioners or any person from or through whom the Commissioners may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Order had not been made.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

LIMITS.

14.—(1) The limits within which the Commissioners shall have authority and within which the powers of the harbour master or the pier master as the case may be may be exercised comprise—

Limits of
Order.

- (i) the pier and jetty with the landing place and works and conveniences in connection therewith together with Pier Square (exclusive of Bank Street);
- (ii) the harbour comprising the area below high-water mark of ordinary spring tides bounded on the north by the groyne or breakwater on the east by Yarmouth Town on the south by the northern side of the road from Freshwater to Yarmouth and the bridge carrying such road over the river Yar and on the west by an imaginary line commencing at a point on the said groyne or breakwater three hundred and twenty-five feet measured in a south-westerly direction from the main western angle of the said groyne or breakwater and one hundred and seventy feet measured in a north-easterly direction from the northernmost corner of the Cross House on Norton Spit thence drawn in a south-easterly direction to a point fifty feet measured in a northerly direction from the northernmost corner of the pier of Sandhouse and one hundred and three feet measured from the northernmost corner of Sandhouse in a north-easterly direction in prolongation of the line of the north-westerly wall thereof thence to and terminating at a point on the northern face of the Yar bridge one hundred and fifty-seven feet measured in an easterly direction from the southernmost corner of Sandhouse;
- (iii) the quay known as the Town Quay and slipway bounded on the west and north by the harbour on the east by

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Quay Street and buildings abutting thereon and on the south by Bridge Street and buildings abutting thereon together with any additional lands which may be acquired by the Commissioners in the vicinity of the quay;

all which limits are in this Order referred to as "the limits of this Order."

(2) The limits within which the power to levy rates may be exercised (hereinafter referred to as "the rating limits") shall comprise the limits of this Order.

(3) A map showing the limits of this Order having been signed in quadruplicate by an assistant secretary to the Ministry of Transport and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the mercantile marine department of the Board of Trade another copy thereof shall be deposited at the office of the clerk of the peace for the administrative county of the Isle of Wight and another copy thereof shall be deposited at the office of the Commissioners.

(4) In case of any discrepancy between the limits delineated on the said map and the limits described in subsection (1) of this section the said map shall be deemed to be correct and shall prevail.

WORKS AND POWERS.

Maintenance
and improve-
ment of
undertaking.

15.—(1) Subject to the provisions of this Order the Commissioners may maintain improve and strengthen the undertaking and in connection therewith may from time to time construct erect and maintain on any land for the time being belonging to the Commissioners and may alter and improve all necessary jetties landing-places approaches steps warehouses offices sheds and other buildings cranes weighing machines machinery and other works apparatus and conveniences and may maintain place and provide in the harbour moorings and buoys and the like apparatus and conveniences for vessels.

(2) Any electric and other apparatus and machinery constructed erected or maintained under this Order shall be so constructed erected maintained and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

(3) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

apply except in accordance with and subject to the provisions of that section. A.D. 1931.

16. Subject to the provisions of this Order the Commissioners may construct and maintain on any land for the time being belonging to the Commissioners and being within the limits of this Order and may furnish and equip fishing-platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic-machines bicycle-stands band-stands shops bazaars kiosks aquaria lavatories baths and sanitary and other conveniences and they may also on any such land as aforesaid construct and maintain floating swimming baths and may make such reasonable charges as they may determine for the use of such conveniences and for admission to such buildings or places as aforesaid.

Yarmouth
(Isle of
Wight).

Power to
erect pavilions and
other buildings.

17.—(1) The Commissioners may deepen dredge scour excavate improve and alter the bed channel and foreshore of the harbour and any portion of the foreshore and bed of the Solent to the extent necessary to secure a sufficient waterway and approach to the pier harbour and quay for vessels using the same.

Power to
dredge.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) The powers of the Commissioners under this section shall be exercisable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Commissioners to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Commissioners under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

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

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

(5) Before exercising the powers conferred by this section within a distance of fifty yards of any submarine cable placed and maintained by the Postmaster-General between Yarmouth and Hurst Castle the Commissioners shall give to the Postmaster-General seven days' notice in writing in respect of their intention to exercise such powers.

Power to
purchase
dredgers &c.

18. The Commissioners 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 revenue of the undertaking and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Goods not to
be landed
without con-
sent.

19. No merchandise animals or goods (passengers' personal luggage and parcels excepted) shall be landed at the pier otherwise than with the consent of the Commissioners.

Restrictions
on mooring.

20. No vessel or boat of any kind shall be moored to or alongside the pier without the consent of the pier master except steam or motor vessels or pleasure boats embarking or disembarking passengers and their luggage which shall have the right to moor to or alongside the pier but only in such position and in such order as the pier master may direct.

RATES.

Power to
levy rates.

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

(2) The Commissioners may within the rating limits subject and according to the provisions of this Order demand receive and recover for the use of the harbour the quay and the pier and the conveniences connected therewith and in respect of vessels boats persons and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Rates for
warehouses
&c.

22. The Commissioners may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Commissioners or in respect of

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

any services rendered by them in connection with the undertaking.

—
Yarmouth
(Isle of
Wight).

23. The harbour master or the pier master as the case may be may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector.

Harbour or pier master may prevent sailing of vessels.

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

Certain fishing vessels under stress of weather exempt from rates.

25. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the harbour the quay and the pier.

Exemption of lifeboat crew.

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

Power to vary exemptions and compound for rates.

27. No pass ticket or payment of rates payable under this Order for the use of the undertaking shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections within the limits of this Order or any part thereof which is set apart for a particular purpose unless the Commissioners otherwise determine.

Payment of rates not to confer right to use buildings.

28. The Commissioners may from time to time out of the revenue derived by them from any entertainments or performances given on the pier or in any pavilion and out of the revenue of the undertaking but subject to the provisions of the section of this Order of which the marginal note is "Application of revenue" provide and pay for or contribute towards the payment of bands of music concerts sports or other entertainments of any kind whatsoever on the pier or in any pavilion and subscribe towards

Power to contribute to entertainments.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Power to
charge
higher rates
at certain
times.

the funds of any regatta or fête held in the immediate vicinity of the harbour or pier.

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

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

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

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

Power to
close pier on
special
occasions.

30.—(1) The Commissioners may on any special occasions but not on more than twelve days in any one year or for more than seven days consecutively close the pier or any part thereof against the public and may on such occasions admit any persons to the pier or such part on payment of such special rates of admission not exceeding one shilling for each person as the Commissioners may determine.

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

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

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(4) During at least two days before the day on which the pier is to be closed the Commissioners shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

31.—(1) The Commissioners may grant pass tickets or family tickets to passengers and promenaders or others for the use of the pier (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Commissioners may determine 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 for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

Pass and
family
tickets.

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

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

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

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

32.—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")—

Revision of
rates.

(a) by any chamber of commerce or shipping or any representative body of traders or any company corporation or person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Commissioners;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) as if in section 4 of the said Act of 1874 the words “ under the seal of the Minister of Transport ” were substituted for the words “ by writing under the hand of the President or of one of the secretaries of the Board.”

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

POWERS OF SALE AND LEASING.

Power to
sell.

33.—(1) The Commissioners may with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister of Transport sell the undertaking or any part thereof and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

powers conferred upon the Commissioners by this Order or which the Commissioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

(2) The Commissioners shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

34.—(1) The Commissioners may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister of Transport lease to any company corporation or person the undertaking or any part thereof or the right to collect and retain the rates authorised by this Order.

Power to
lease under-
taking.

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

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport and the provisions of this Order with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Commissioners shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

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

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

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Power to
lease pavilions &c.

35. The Commissioners may let for hire or lease for any term not exceeding twenty-one years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may determine.

FINANCE.

Power to
borrow.

36.—(1) The Commissioners may independently of any other borrowing power from time to time borrow at a rate of interest not exceeding without the consent of the Minister of Transport six per centum per annum—

- (a) for or in connection with the undertaking five thousand pounds;
- (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 this Order; and
- (c) such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes mentioned in this section and the payment of interest thereon the Commissioners may mortgage or charge the revenue of the undertaking.

(3) The Commissioners may subject to the provisions of this section for the purpose of raising any money by this Order authorised to be borrowed accept and take from any joint stock bank credit to any amount not exceeding in the whole the amount for the time being of the unexhausted borrowing powers of the Commissioners under this Order.

Periods for
repayment
of money
borrowed.

37. The Commissioners shall pay off all moneys borrowed by them for the purposes of the undertaking within the respective periods following which periods shall be the prescribed periods for the purposes of this Order (that is to say) :—

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 thirty 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.

Application
of money
borrowed.

38. The money borrowed under this Order shall be applied only to the purposes to which capital money may properly be applied and not otherwise.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

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

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

(a) by a certificate signed by the clerk to the Commissioners and two of the Commissioners that the Commissioners are not exceeding the powers of borrowing conferred on them by this Order; and

Protection
of lender
from inquiry.

(b) by an inspection of the register of the mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the undertakers.

40.—(1) The holders of any security given in respect of money borrowed for the purposes of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver at the expiration of three calendar months from the time limited for such payments respectively.

Appoint-
ment of a
receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

(3) For the purposes of the incorporation with this Order of sections 86 and 87 of the Commissioners Clauses Act 1847 the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed for the purposes of the undertaking and the holder of any such security.

41.—(1) The Commissioners may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of five thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the undertakers or to meet any extraordinary claim or demand in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for payment of the cost of any land acquired by the Commissioners appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Commissioners) until required for any of the purposes aforesaid.

Reserve
fund.

(2) All securities held in the name of the Trustees or of the Official Trustees of Charitable Funds on behalf of the Trustees and

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

any moneys at the commencement of this Order standing to the credit of the Trustees at a joint stock bank in respect of the harbour or the pier shall upon being transferred to the Commissioners by virtue of this Order form part of the reserve fund authorised by this Order.

Application
of revenue.

42. The revenue of the undertaking including the interest on the reserve fund when that fund amounts to the maximum hereinafter prescribed shall be applied for the purposes and in the order following and not otherwise (that is to say) :—

- (1) In payment if the Commissioners determine to pay them out of revenue of the costs of and connected with the preparation and making of this Order :
- (2) In payment of the expenses properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith :
- (3) In payment year by year of the interest accruing on money borrowed in respect of the undertaking :
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed for the purposes of the undertaking :
- (5) In payment so far as the Commissioners think fit so to do of any expenses incurred in advertising the pier and any performances fêtes or other attractions thereon or in connection therewith the payment of or contributions towards a band or bands of music playing on the pier and the provision of concerts or entertainments thereupon and subscribing towards the funds of any regatta or fête held in the immediate vicinity of the pier :
- (6) In creating and maintaining if they think fit a reserve fund in manner specified in the section of this Order of which the marginal note is " Reserve fund " ; and
- (7) The balance shall subject to the provisions of this Order be applied in the general improvement of the undertaking.

Mode of
payment off
of money
borrowed.

43. The Commissioners shall pay off all money borrowed by them for the purposes of the undertaking 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 one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

fund shall be made within one year from the date of borrowing or when the money is repayable by half-yearly instalments within six months.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

44.—(1) The Commissioners shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed for the purposes of the undertaking which are intended to be forthwith repaid; or

Power to
re-borrow.

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Commissioners in repaying moneys previously borrowed for the purposes of the undertaking 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 Commissioners 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 Commissioners 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.

45.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed for the purposes of the undertaking the sinking fund shall be formed and maintained either—

Sinking
fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

hereinafter called a non-accumulating sinking fund;
or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations by way of compound interest at a rate not exceeding three and a half pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest trust moneys or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Commissioners and the Commissioners shall be at liberty from time to time to vary and transpose the investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Commissioners towards the equal annual payments to the fund.

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Commissioners.

(6) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

per annum on which the equal annual payments to the fund are based any such excess may be applied towards such annual payments.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

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

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

(9) If the Commissioners desire to accelerate the repayment of any loan they may with the approval of the Minister of Transport increase the amounts payable to any sinking fund.

(10) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Transport be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Minister may approve.

(11) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Transport be sufficient without any further payments thereto to repay the loan in respect of which it is formed within the prescribed period the Commissioners may with the consent of that Minister discontinue the equal annual payments to the sinking fund until that Minister otherwise direct.

(12) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Commissioners with the consent of the Minister of Transport may determine.

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

Return to
Minister of
Transport
with respect
to repay-
ment of debt.

46.—(1) The clerk shall if and when he is requested by the Minister of Transport so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Commissioners under the authority of this Order.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Transport may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Commissioners and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister of Transport by such a return as aforesaid or otherwise that the Commissioners have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Order in pursuance of which the moneys are raised or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such Order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Auditor.

47.—(1) The Minister of Transport may appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and may fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this Order.

(2) The Minister of Transport may at any time revoke the appointment of any person as auditor and thereupon shall unless he sees special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and furnish him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

48.—(1) The Commissioners shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and any and every such accounts.

Annual
account to
be sent to
Ministry of
Transport.

(2) The Commissioners shall as from the expiration of that period 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 the foregoing provisions.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

BYELAWS.

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

Byelaws.

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

Provided that in the case of any byelaw which the said Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the said Minister and the allowance and confirmation of any such byelaw by the Minister of Transport or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

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

LIFE-SAVING APPARATUS.

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

Exclusion of
sections 16 to 19
of Harbours
Clauses Act 1847

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Yarmouth
(Isle of
Wight).

Life-saving
apparatus
may be
attached to
pier.

51. The officers of the coast-guard and all other persons for the time being actually employed in connection with any life-boat or apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the undertaking spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Life-buoys
to be kept.

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

LIGHTS.

Permanent
lights on
works.

53.—(1) The Commissioners shall at the outer extremity of the pier and harbour below high-water mark of ordinary spring tides 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 Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Commissioners 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.

Provision
against
danger to
navigation.

54. In case of injury to or destruction or decay of the pier quay or harbour or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so 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 and the Commissioners shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

MISCELLANEOUS.

Meters and
weighers.

55. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

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| <p>56. The Commissioners may appoint officers for securing the observance of the byelaws and regulations made by the Commissioners under 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 until so sworn in and unless in uniform or provided with a warrant.</p> | <p>A.D. 1931. <hr style="width: 10%; margin: 0 auto;"/> <i>Yarmouth (Isle of Wight).</i> Appointment of officers to enforce byelaws and regulations. Application of Harbours Clauses Act 1847.</p> |
| <p>57. Sections 12 and 13 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.</p> | <p>Application of Harbours Clauses Act 1847.</p> |
| <p>58. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.</p> | <p>Recovery of penalties.</p> |
| <p>59. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the undertaking without payment.</p> | <p>Officers exempt from rates.</p> |
| <p>60. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.</p> | <p>Local lighthouse authority.</p> |
| <p>61. The pier shall be deemed to be for all purposes within the parish of Yarmouth in the rural district of the Isle of Wight.</p> | <p>Pier to be in parish of Yarmouth.</p> |
| <p>62. Nothing in this Order shall extend or be deemed or construed to extend to prejudice or diminish or alter or in any manner interfere with the free use by the public of those landing places at or in connection with the quay which have hitherto been free and the public shall be entitled to the use of the quay on payment of the several rates by this Order authorised to be received for or in respect of the use of the quay.</p> | <p>Saving rights of public to use of landing places now free.</p> |
| <p>63. For the protection of Major Charles Johnston Alexander or other the owner or owners for the time being of the following hereditaments and rights (that is to say) :—</p> | <p>For protection of Major C. J. Alexander and others.</p> |
| <p>(a) the dwelling-house and premises in the parish of Freshwater in the rural district of the Isle of Wight known as " Marina " ;</p> | |
| <p>(b) the land in the said parish known as Norton Spit ;</p> | |
| <p>(c) the building or structure in the said parish known as Sandhouse with the roadway leading thereto and to low-water mark and the dock pier and slipway in connection therewith ; and</p> | |
| <p>(d) the rights in the foreshore adjacent to Norton Spit which are claimed by the said Major Charles Johnston Alexander to have been vested in him immediately before the commencement of this Order but which claim is not admitted by the Trustees ;</p> | |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

or of any of those hereditaments and rights or any part or parts thereof respectively and the respective lessees or tenants for the time being of the said owner or owners (each of which persons is in this section referred to as "the owner") the following provisions shall apply and have effect (that is to say) :—

- (1) The Commissioners shall not execute erect or construct any work building or structure or do any act or thing so as to obstruct access by land or by water to or to affect prejudicially or interfere with the use exercise or reasonable enjoyment by the owner as fully and freely as if this Order had not been made and confirmed of any land property or rights for the time being belonging to or exerciseable by him ;
- (2) If by reason or in consequence of the exercise by the Commissioners of the powers of the section of this Order of which the marginal note is " Power to dredge " any alteration of high-water mark of ordinary spring tides is caused so as to result in any encroachment upon or erosion of the hereditaments of the owner above described in sub-paragraphs (b) and (c) the Commissioners shall at their own expense forthwith make good such encroachment or erosion and restore the said hereditaments to their former state and condition to the reasonable satisfaction of the owner ;
- (3) Nothing in this Order or done thereunder shall—
 - (a) deprive the owner of any right power privilege or exemption to which he would have been entitled if this Order had not been made and confirmed ; or
 - (b) diminish or prejudicially affect the exercise or enjoyment of any such right power privilege or exemption ; or
 - (c) render the owner liable to pay to the Commissioners any rate due or charge which he would not have been liable to pay if this Order had not been made and confirmed ;
- (4) If any difference shall arise between the owner and the Commissioners under subsection (1) or subsection (2) of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed upon the application of either party (after notice in writing to the other of them) by the President of the Chartered Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to any such reference ;

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

(5) Nothing in this section shall be held to recognise or confirm any right title or claim of the owner or of any other body or person to any foreshore but the right and title to such foreshore shall remain in the same state as if this Order had not been made. A.D. 1931.
—
Yarmouth
(Isle of
Wight).

64. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners 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 Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. Crown
rights.

65. All costs charges and expenses of and incident to the preparing 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 Commissioners out of the reserve fund or out of money borrowed for the purposes of the promotion of this Order or out of the revenue of the undertaking. Costs of
Order.

SCHEDULE to which the foregoing Order refers.

I.

RATES ON VESSELS (OTHER THAN FISHING BOATS) ANCHORING
OR MOORING AT THE PIER OR WITHIN THE RATING LIMITS.

| | Per registered ton. <i>s. d.</i> |
|---|--|
| For every vessel under 15 tons - - - - | 0 4 |
| For every vessel of 15 tons and under 50 tons - - - | 0 6 |
| For every vessel of 50 tons and under 100 tons - - - | 0 8 |
| For every vessel of 100 tons and upwards - - - - | 0 10 |
| All lighters from any vessel inside the rating limits shall be exempted from rates but if the vessel does not enter the rating limits every lighter shall pay for each trip from such vessel - - - - - | |
| | 0 2 |
| For every vessel remaining within the rating limits after one month per week or part thereof - - - - - | 1 0 |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

II.

Yarmouth
(Isle of
Wight).

RATES ON FISHING BOATS ANCHORING OR MOORING AT THE PIER
OR WITHIN THE RATING LIMITS.

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| For every fishing boat as a composition in full of tonnage rates payable in advance per quarter - - - | 7 | 6 |
| For every fishing boat not paying the above composition dues - - - - - | 0 | 4 |

The above rates shall be payable in respect of any hull lying in the rating limits for the purposes of being completed or engined and also for boats lying in the rating limits waiting for or undergoing repairs.

In the event of any boat not paying the above composition dues remaining in the rating limits more than 24 hours the above rates shall be payable for the first 24 hours and for each 24 hours or part thereof thereafter.

III.

RATES FOR USE OF PIER.

| | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|
| For every person using the pier for each time - - - | 0 | 2 |
| For every bath chair (including attendant) taken on the pier for each time - - - - - | 0 | 4 |
| For every perambulator (including attendant) taken on the pier for each time - - - - - | 0 | 2 |
| For each article of luggage not carried by the passenger - | 0 | 2 |

The master and every member of the crew of any vessel within the limits of this Order shall be entitled to use the pier and quay free of charge for the purpose of landing from or embarking on board his vessel.

IV.

RATES IN RESPECT OF GOODS SHIPPED UNSHIPPED OR
TRANSHIPPED WITHIN THE RATING LIMITS.

| | <i>Per</i> | <i>s.</i> | <i>d.</i> |
|-----------------------------------|------------|-----------|-----------|
| Aerated waters - - - - - | ton | 1 | 4 |
| Agricultural implements - - - - - | ton | 1 | 4 |
| Alum - - - - - | ton | 1 | 4 |
| Ammonia - - - - - | ton | 0 | 10 |
| Anchors iron or steel - - - - - | ton | 1 | 4 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

| Animals live :— | Per | s. | d. | A.D. 1931. |
|---|-------|------|----|---------------------------------|
| Asses - - - - - | each | 0 | 2 | Yarmouth (Isle of Wight). |
| Bulls - - - - - | each | 0 | 2 | |
| Calves - - - - - | each | 0 | 0½ | |
| Cows - - - - - | each | 0 | 2 | |
| Dogs - - - - - | each | 0 | 1 | |
| Goats - - - - - | each | 0 | 1 | |
| Horses - - - - - | each | 0 | 2 | |
| Lambs - - - - - | score | 0 | 6 | |
| Mules - - - - - | each | 0 | 2 | |
| Pigs - - - - - | score | 0 | 6 | |
| Sheep - - - - - | score | 0 | 6 | |
| not otherwise specified | each | 0 | 3 | |
| Aniseed - - - - - | ton | 0 | 10 | |
| Apples - - - - - | ton | 1 | 4 | |
| Arrowroot - - - - - | ton | 1 | 4 | |
| Ashes - - - - - | ton | 0 | 6 | |
| Asphalt - - - - - | ton | 0 | 6 | |
| Bacon - - - - - | ton | 1 | 4 | |
| Ballast - - - - - | ton | 0 | 6 | |
| Bark - - - - - | ton | 0 | 6 | |
| Barrels empty - - - - - | | Free | | |
| Bars iron or steel - - - - - | ton | 0 | 10 | |
| Baskets - - - - - | ton | 3 | 0 | |
| Beer bottled - - - - - | ton | 1 | 4 | |
| Beer in casks - - - - - | ton | 1 | 4 | |
| Bicycles - - - - - | each | 0 | 2 | |
| Biscuits - - - - - | ton | 1 | 4 | |
| Bleaching powder - - - - - | ton | 1 | 4 | |
| Blubber - - - - - | ton | 0 | 10 | |
| Boats and canoes (minimum 1 ton each) - - - - - | ton | 0 | 3 | |
| Bolts iron or steel - - - - - | ton | 0 | 10 | |
| Bone ash - - - - - | ton | 0 | 10 | |
| Bones for manure - - - - - | ton | 0 | 6 | |
| Books - - - - - | ton | 1 | 4 | |
| Boots and shoes - - - - - | ton | 0 | 3 | |
| Bottles - - - - - | ton | 1 | 4 | |
| Boxes empty - - - - - | | Free | | |
| Brass scrap - - - - - | ton | 0 | 6 | |
| Bread - - - - - | ton | 1 | 4 | |
| Bricks common - - - - - | 1,000 | 0 | 6 | |
| „ fireclay and bath - - - - - | 1,000 | 0 | 10 | |
| Brimstone - - - - - | ton | 0 | 10 | |
| Brooms - - - - - | ton | 1 | 4 | |
| Broom and brush handles - - - - - | ton | 1 | 4 | |
| Brushes - - - - - | ton | 1 | 4 | |
| Bulrushes - - - - - | ton | 1 | 4 | |
| Burnt ore - - - - - | ton | 0 | 6 | |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Yarmouth
(Isle of
Wight).

| | Per | s. | d. |
|-----------------------------------|------|----|----|
| Butter | ton | 1 | 4 |
| Calcium chloride | ton | 1 | 4 |
| Candles | ton | 1 | 4 |
| Canvas | ton | 1 | 4 |
| Carpets | ton | 2 | 0 |
| Carriages— | | | |
| Four wheels | ton | 0 | 8 |
| Two wheels | ton | 0 | 6 |
| Carts | each | 0 | 6 |
| Castings iron or steel | ton | 0 | 10 |
| Cement | ton | 0 | 10 |
| Chaff | ton | 0 | 10 |
| Chains iron or steel | ton | 0 | 10 |
| Chalk | ton | 0 | 6 |
| Charcoal | ton | 0 | 10 |
| Cheese | ton | 1 | 4 |
| Chemicals not otherwise specified | ton | 3 | 0 |
| Chestnuts | ton | 1 | 4 |
| Chimney pots clay | ton | 1 | 4 |
| Chimney pots or tops metal | ton | 1 | 4 |
| Chinaware | ton | 3 | 0 |
| Chocolate | ton | 3 | 0 |
| Cider | ton | 1 | 4 |
| Cigarettes | ton | 3 | 0 |
| Cigars | ton | 3 | 0 |
| Cinders | ton | 0 | 6 |
| Clay | ton | 0 | 2 |
| Cloth | ton | 1 | 4 |
| Coal | ton | 0 | 3 |
| Cochineal | ton | 0 | 10 |
| Cocoa | ton | 1 | 4 |
| Cocoanuts | ton | 1 | 4 |
| Coffee | ton | 1 | 4 |
| Coke | ton | 0 | 6 |
| Confectionery | ton | 3 | 0 |
| Copper | ton | 0 | 10 |
| Copperas | ton | 0 | 10 |
| Coprolites | ton | 0 | 10 |
| Cordage | ton | 1 | 4 |
| Cork | ton | 1 | 4 |
| Corkwood | ton | 1 | 4 |
| Corn meal &c.— | | | |
| Barley | ton | 0 | 10 |
| Beans | ton | 0 | 10 |
| Bran | ton | 0 | 10 |
| Flour | ton | 0 | 10 |
| Maize (Indian corn) | ton | 0 | 10 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

| Corn meal &c.— <i>continued.</i> | Per | s. | d. | A.D. 1931. |
|---|------|----|----|--|
| Malt - - - - - | ton | 0 | 10 | <i>Yarmouth (Isle of Wight).</i> |
| Oats - - - - - | ton | 0 | 10 | |
| Oatmeal - - - - - | ton | 0 | 10 | |
| Peas - - - - - | ton | 0 | 10 | |
| Rye - - - - - | ton | 0 | 10 | |
| Tares - - - - - | ton | 0 | 10 | |
| Wheat - - - - - | ton | 0 | 10 | |
| Cotton manufactured - - - - - | ton | 0 | 10 | |
| „ raw - - - - - | ton | 0 | 10 | |
| „ wool - - - - - | ton | 0 | 10 | |
| Culm - - - - - | ton | 0 | 3 | |
| Doors wooden - - - - - | ton | 3 | 0 | |
| Drugs - - - - - | ton | 3 | 0 | |
| Dye stuffs not otherwise specified - - - - - | ton | 3 | 0 | |
| Earthenware - - - - - | ton | 3 | 0 | |
| Eggs - - - - - | ton | 1 | 4 | |
| Emery - - - - - | ton | 1 | 4 | |
| Esparto grass - - - - - | ton | 1 | 4 | |
| Feathers - - - - - | ton | 3 | 0 | |
| Felt - - - - - | ton | 1 | 4 | |
| Fish :— | | | | |
| Herrings fresh - - - - - | cran | 0 | 1 | |
| Fish except as otherwise herein provided :— | | | | |
| Fresh - - - - - | ton | 1 | 4 | |
| Cured - - - - - | ton | 1 | 4 | |
| Dried or Salted - - - - - | ton | 1 | 4 | |
| Flax - - - - - | ton | 0 | 10 | |
| Fruit fresh not otherwise specified - - - - - | ton | 1 | 4 | |
| Fruit dried - - - - - | ton | 1 | 4 | |
| Furniture household - - - - - | ton | 3 | 0 | |
| Game - - - - - | ton | 3 | 0 | |
| Ginger - - - - - | ton | 1 | 4 | |
| Glass broken - - - - - | ton | 0 | 10 | |
| „ window - - - - - | ton | 1 | 6 | |
| Glassware - - - - - | ton | 3 | 0 | |
| Glue - - - - - | ton | 0 | 10 | |
| Gramophones - - - - - | ton | 3 | 0 | |
| Granite - - - - - | ton | 0 | 6 | |
| Grates - - - - - | ton | 3 | 0 | |
| Gravestones - - - - - | ton | 3 | 0 | |
| Grease - - - - - | ton | 0 | 10 | |
| Grindstones - - - - - | ton | 0 | 10 | |
| Groceries not otherwise specified - - - - - | ton | 2 | 0 | |
| Guano - - - - - | ton | 0 | 6 | |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

| A.D. 1931. | | Per | s. | d. |
|-----------------|--|-----|----|----|
| | Gunpowder | ton | 3 | 0 |
| <i>Yarmouth</i> | Gypsum | ton | 0 | 10 |
| <i>(Isle of</i> | Haberdashery | ton | 1 | 4 |
| <i>Wight).</i> | Hams | ton | 1 | 4 |
| | Hair | ton | 3 | 0 |
| | Hardware | ton | 2 | 0 |
| | Handspikes wooden | ton | 1 | 4 |
| | Hats | ton | 3 | 0 |
| | Hay | ton | 0 | 10 |
| | Hearthstones | ton | 1 | 4 |
| | Hemp | ton | 0 | 10 |
| | Hides and skins | ton | 1 | 4 |
| | Honey | ton | 1 | 4 |
| | Hoops wooden | ton | 3 | 0 |
| | Hoops iron or steel | ton | 1 | 4 |
| | Hops | ton | 0 | 10 |
| | Horns | ton | 1 | 4 |
| | Ice | ton | 1 | 4 |
| | Indigo | ton | 1 | 4 |
| | Jute | ton | 0 | 10 |
| | Kelp | ton | 0 | 10 |
| | Lard | ton | 1 | 4 |
| | Lead black red white | ton | 0 | 10 |
| | Lead sheet | ton | 0 | 10 |
| | Leather | ton | 1 | 4 |
| | Lemons | ton | 1 | 4 |
| | Lime | ton | 0 | 3 |
| | Limestone | ton | 0 | 3 |
| | Linseed | ton | 0 | 10 |
| | Lint | ton | 0 | 10 |
| | Loam | ton | 0 | 3 |
| | Machines and machinery not otherwise specified | ton | 1 | 4 |
| | Manure :— | | | |
| | Chemical | ton | 0 | 6 |
| | Street | ton | 0 | 2 |
| | Marble | ton | 3 | 0 |
| | Masts and spars wooden :— | | | |
| | Not exceeding 16 feet in length | ton | 3 | 0 |
| | Above 16 feet in length | ton | 3 | 0 |
| | Mats | ton | 1 | 4 |
| | Meal. <i>See Corn.</i> | | | |
| | Meat :— | | | |
| | Fresh | ton | 1 | 4 |
| | Salted | ton | 1 | 4 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

| | Per | s. | d. | A.D. 1931. |
|--|------|----|----|--|
| Milk - - - - - | ton | 1 | 4 | <i>Yarmouth (Isle of Wight).</i> |
| Millinery - - - - - | ton | 3 | 0 | |
| Mill stones - - - - - | ton | 0 | 10 | |
| Mineral waters - - - - - | ton | 1 | 4 | |
| Mirrors - - - - - | ton | 3 | 0 | |
| Molasses - - - - - | ton | 3 | 0 | |
| Moss litter - - - - - | ton | 0 | 10 | |
| Motor cars - - - - - | each | 1 | 6 | |
| Motor cycles - - - - - | each | 0 | 2 | |
| Musical instruments - - - - - | ton | 3 | 0 | |
| Nails iron or steel - - - - - | ton | 0 | 10 | |
| Nitrate of soda - - - - - | ton | 0 | 8 | |
| Nuts iron or steel - - - - - | ton | 0 | 10 | |
| Nuts not otherwise specified - - - - - | ton | 0 | 10 | |
| Oakum - - - - - | ton | 0 | 10 | |
| Oars - - - - - | ton | 3 | 0 | |
| Ochre - - - - - | ton | 0 | 10 | |
| Oil :— | | | | |
| Fish - - - - - | ton | 0 | 10 | |
| Fuel - - - - - | ton | 0 | 10 | |
| Mineral - - - - - | ton | 0 | 10 | |
| Vegetable - - - - - | ton | 0 | 10 | |
| Oilcake - - - - - | ton | 0 | 10 | |
| Onions - - - - - | ton | 1 | 4 | |
| Oranges - - - - - | ton | 1 | 4 | |
| Ore :— | | | | |
| Copper - - - - - | ton | 0 | 6 | |
| Iron - - - - - | ton | 0 | 6 | |
| Lead - - - - - | ton | 0 | 6 | |
| Manganese - - - - - | ton | 0 | 6 | |
| Sulphur - - - - - | ton | 0 | 6 | |
| Paints and colours - - - - - | ton | 1 | 4 | |
| Paper - - - - - | ton | 1 | 4 | |
| Patent fuel - - - - - | ton | 0 | 3 | |
| Paving stones - - - - - | ton | 0 | 10 | |
| Peats - - - - - | ton | 0 | 3 | |
| Perry - - - - - | ton | 1 | 4 | |
| Pewter - - - - - | ton | 0 | 10 | |
| Pictures - - - - - | ton | 3 | 0 | |
| Pig iron - - - - - | ton | 0 | 8 | |
| Pipe clay - - - - - | ton | 0 | 10 | |
| Pipes drain - - - - - | ton | 0 | 6 | |
| ,, iron or steel - - - - - | ton | 0 | 6 | |
| ,, tobacco - - - - - | ton | 0 | 6 | |
| Piping lead - - - - - | ton | 0 | 10 | |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

Yarmouth
(Isle of
Wight).

| | Per | s. | d. |
|--|-----|----|----|
| Pitch | ton | 0 | 10 |
| Plants shrubs or trees | ton | 1 | 4 |
| Plaster of Paris | ton | 1 | 4 |
| Plates iron or steel | ton | 0 | 10 |
| Potatoes | ton | 0 | 6 |
| Poultry | ton | 1 | 4 |
| Preserves fish fruit meat and provisions | ton | 1 | 4 |
| Pyrites | ton | 1 | 4 |
| Rabbits dead | ton | 1 | 4 |
| Rags | ton | 1 | 4 |
| Rails iron or steel | ton | 0 | 10 |
| Rice | ton | 1 | 4 |
| Rods iron and steel | ton | 0 | 10 |
| Ropes new | ton | 1 | 4 |
| " old | ton | 1 | 4 |
| Rosin | ton | 0 | 10 |
| Rugs | ton | 3 | 0 |
| Saddlery | ton | 3 | 0 |
| Sails | ton | 1 | 4 |
| Salt | ton | 0 | 10 |
| Saltpetre | ton | 0 | 10 |
| Sand | ton | 0 | 3 |
| Scrap iron or steel | ton | 0 | 6 |
| Screws iron or steel | ton | 0 | 10 |
| Scythes | ton | 3 | 0 |
| Scythe stones | ton | 3 | 0 |
| Seeds agricultural and vegetable not otherwise specified | ton | 0 | 10 |
| Sewing machines | ton | 3 | 0 |
| Sheets iron or steel | ton | 0 | 10 |
| Shot lead | ton | 0 | 10 |
| Shovels | ton | 1 | 4 |
| Shumac | ton | 1 | 4 |
| Slates common | ton | 0 | 6 |
| " writing | ton | 0 | 6 |
| Snuff | ton | 3 | 0 |
| Soap | ton | 0 | 10 |
| Soda | ton | 0 | 10 |
| Soot | ton | 0 | 10 |
| Spades | ton | 1 | 4 |
| Spirits. <i>See Wines.</i> | | | |
| Spirits of turpentine | ton | 3 | 0 |
| Spokes wooden | ton | 1 | 4 |
| Starch | ton | 0 | 10 |
| Stationery | ton | 3 | 0 |
| Staves prepared for casks | ton | 0 | 10 |

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

| | Per | s. | d. | A.D. 1931. |
|------------------------------------|------|----|----|---------------------------------|
| Stoneware | ton | 0 | 10 | Yarmouth (Isle of Wight). |
| Stoves | ton | 3 | 0 | |
| Straw | ton | 0 | 10 | |
| Stucco | ton | 0 | 10 | |
| Sugar | ton | 0 | 10 | |
| Tallow | ton | 0 | 10 | |
| Tar | ton | 0 | 6 | |
| Tea | ton | 1 | 4 | |
| Tiles roofing | ton | 0 | 10 | |
| Tin | ton | 0 | 10 | |
| Tinplate | ton | 0 | 10 | |
| Tobacco leaf | ton | 3 | 0 | |
| „ manufactured | ton | 3 | 0 | |
| Tow | ton | 1 | 4 | |
| Toys | ton | 3 | 0 | |
| Treenails | ton | 0 | 10 | |
| Turnips | ton | 0 | 6 | |
| Turpentine | ton | 1 | 4 | |
| Twine | ton | 1 | 4 | |
| Varnish | ton | 1 | 4 | |
| Vegetables not otherwise specified | ton | 1 | 4 | |
| Vinegar | ton | 1 | 4 | |
| Vitriol | ton | 1 | 4 | |
| Wedges wood | ton | 1 | 4 | |
| Whalebone | ton | 1 | 4 | |
| Wheels carriage or cart | pair | 1 | 4 | |
| Whitening | ton | 0 | 10 | |
| Wines and spirits | ton | 3 | 0 | |
| Wire iron or steel | ton | 0 | 10 | |
| Wood :— | | | | |
| Battens | ton | 0 | 10 | |
| Deals and deal ends | ton | 0 | 10 | |
| Fir | ton | 0 | 10 | |
| Firewood | ton | 0 | 10 | |
| Fustic | ton | 0 | 10 | |
| Greenheart | ton | 0 | 10 | |
| Laths | ton | 0 | 10 | |
| Lathwood | ton | 0 | 10 | |
| Lignum vitæ | ton | 0 | 10 | |
| Logwood | ton | 0 | 10 | |
| Mahogany- | ton | 0 | 10 | |
| Oak | ton | 0 | 10 | |
| Pine | ton | 0 | 10 | |
| Pitprops | ton | 0 | 10 | |
| Rosewood | ton | 0 | 10 | |
| Sleepers | ton | 0 | 10 | |

[Ch. lxxxix.] *Pier and Harbour* [21 & 22 GEO. 5.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

A.D. 1931.

| | Per | <i>s.</i> | <i>d.</i> |
|-----------------------|-----|-----------|-----------|
| Wool - - - - - | ton | 3 | 0 |
| Worsted - - - - - | ton | 3 | 0 |
| Yarn cotton - - - - - | ton | 0 | 10 |
| Yeast - - - - - | ton | 3 | 0 |
| Zinc - - - - - | ton | 0 | 10 |

For all articles not specified in this part of the schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

V.

RATES FOR THE USE OF CRANES WEIGHING MACHINES AND SHEDS.

1.—CRANES.

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| All goods not exceeding one ton - - - - - | 0 | 3 |
| Exceeding one ton and not exceeding two tons - - - - - | 0 | 4 |
| Exceeding two tons and not exceeding three tons - - - - - | 0 | 6 |
| Exceeding three tons and not exceeding four tons - - - - - | 0 | 8 |
| Exceeding four tons and not exceeding five tons - - - - - | 0 | 10 |
| Exceeding five tons and not exceeding six tons - - - - - | 1 | 0 |
| Exceeding six tons and not exceeding seven tons - - - - - | 1 | 2 |
| Exceeding seven tons and not exceeding eight tons - - - - - | 1 | 4 |
| Exceeding eight tons and not exceeding nine tons - - - - - | 1 | 8 |
| Exceeding nine tons and not exceeding ten tons - - - - - | 2 | 0 |
| Exceeding ten tons - - - - - | 3 | 0 |

2.—WEIGHING MACHINES.

| | | |
|---|---|---|
| For goods weighed for each ton or part of a ton - - - - - | 0 | 2 |
|---|---|---|

3.—SHEDS.

For each ton or 40 cubic feet of goods which shall remain in any shed on the quay or pier for a longer time than forty-eight hours the sum of threepence and the sum of one penny halfpenny per ton or 40 cubic feet for each day during which such goods shall remain after the first forty-eight hours.

VI.

RATES FOR SUPPLYING WATER.

| | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|
| For each 100 gallons of water supplied to any vessel - - - - - | 1 | 0 |

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All returned empties are exempted from payment of rates.
2. All goods landed and re-shipped on board the same or any other vessel shall be liable to one rate only provided that the

[21 & 22 GEO. 5.] *Pier and Harbour* [Ch. lxxxix.]
Orders (Cowes and Yarmouth (Isle of Wight))
Confirmation Act, 1931.

goods were consigned in the first instance from the original forwarding point through to the destination to which they are re-shipped and no change of ownership of the goods has in the meantime taken place.

A.D. 1931.

—
Yarmouth
(Isle of
Wight).

3. In charging the rates on goods weighed or measured the gross weight or measurement shall be taken Fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single packet or thing shall be one penny.

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