



CHAPTER xviii.

An Act to make further provision with respect to the rates tolls and dues leviable by the Warkworth Harbour Commissioners. A.D. 1936.
—

[9th April 1936.]

WHEREAS by the Act 7 William IV and 1 Victoria chapter lxxvii certain persons were constituted commissioners and empowered to make and maintain a harbour in the parish of Warkworth and to improve the navigation of the river Coquet and by the Act 5 and 6 Victoria chapter lvii the time for executing the said works was extended :

7 Will. IV.
and 1 Vict.
c. lxxvii.

5 & 6 Vict.
c. lvii.

And whereas the said commissioners put the said Acts into execution and raised by debentures certain sums of money but the same were insufficient to complete the said works and the said two hereinbefore recited Acts were by the Warkworth Harbour Act 1847 repealed and a fresh body of commissioners was appointed (in that Act and in this Act called "the Commissioners") and the undertaking of the former commissioners was vested in the Commissioners and they were empowered to complete the formation of the harbour piers jetties and works at Warkworth then in progress in the manner in which they were laid out and planned and to scour cleanse deepen widen and otherwise improve the navigation of such part of the river Coquet as lies between Warkworth Bridge and the sea and erect quays wharves embankments warehouses machinery and appliances for the convenience of shipping :

10 & 11 Vict.
c. cxxviii.

A.D. 1936.

— And whereas the maximum rates tolls and dues which the Commissioners were entitled to demand and receive from ships and vessels using the harbour and in respect of passengers goods and merchandise imported or exported at to or from the harbour are specified in the First and Second Schedules to the said Warkworth Harbour Act 1847 :

10 & 11
Geo. 5. c. 21.

And whereas by orders made by the Minister of Transport under the Harbour Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922 as continued by divers Expiring Laws Continuance Acts the said maximum rates tolls and dues were from time to time temporarily increased ultimately by fifty per centum :

25 & 26
Geo. 5. c. 4.

And whereas the Warkworth Harbour (Temporary Increase of Charges) Order 1935 (S.R. & O. 1935 No. 1301) made by the Minister of Transport under the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922 as continued in force by the Expiring Laws Continuance Act 1935 will cease to have effect on the thirty-first day of December one thousand nine hundred and thirty-six and it is expedient that provision should be made as in this Act contained with reference to the rates tolls and dues to be leviable thereafter by the Commissioners :

And whereas it is expedient that the other provisions of this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

Short and
collective
titles.

1.—(1) This Act may be cited as the Warkworth Harbour Act 1936.

(2) The Warkworth Harbour Acts 1847 and 1893 and this Act may be cited together as the Warkworth Harbour Acts 1847 to 1936.

Interpreta-
tion.

2. In this Act unless the subject or context otherwise requires—

“ The Commissioners ” means the Commissioners of Warkworth Harbour ;

“ The appointed day ” means the first day of January
nineteen hundred and thirty-seven; A.D. 1936.

“ The Minister ” means the Minister of Transport;

“ Authorised rates ” means the rates tolls and dues
which the Commissioners are for the time being
authorised to levy in pursuance of this Act;

“ The Act of 1847 ” and “ the Act of 1893 ” mean
respectively the Warkworth Harbour Act 1847
and the Warkworth Harbour Act 1893.

3.—(1) The provisions of this section shall have Rates tolls
and dues.
effect on and after the appointed day.

(2) The Act of 1847 shall be read and have effect as
if the rates tolls and dues specified in the First and
Second Schedules to that Act were severally increased by
an amount equal to fifty per centum of the respective
amounts thereof as so specified :

Provided that the Commissioners may charge dues
in respect of iron and steel exported or imported not
exceeding five pence per ton.

(3) If any rate toll or due levied in pursuance of this
section includes a fraction of a penny the fraction if
less than one halfpenny shall not be charged and if equal
to or more than one halfpenny shall be charged as one
penny.

(4) All references in any provisions of the Act of
1847 and the Act of 1893 to the rates tolls and dues
which the Commissioners are entitled to demand and
receive shall (so far as applicable and not inconsistent
with this Act) be construed as including a reference to
the rates tolls and dues which the Commissioners are for
the time being authorised to levy in pursuance of this
section.

4.—(1) The Commissioners shall within two months Annual
account to
be sent to
Minister.
25 Vict.
c. 19.
after the date to which their annual accounts and balance
sheet are made up send a copy of the same to the
Minister and the sixteenth section of the General Pier
and Harbour Act 1861 Amendment Act shall apply to
and include the Commissioners and any and every such
account.

A.D. 1936.

(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.

10 & 11 Vict.
c. 27.

(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 thirtieth day of June in each year.

Revision of
rates tolls
and dues.

5.—(1) If at any time after the expiration of one year from the appointed day it is represented by application in writing to 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 the order shall take effect and the period during which the order shall continue in force and thenceforth the order shall remain in force until it expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) 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 a manner as he may require.

(3) Where upon an application for revision of the authorised rates or any of them 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.

(4) Before making an order under subsection (1) of this section the Minister shall cause an inquiry to be held in reference thereto and the provisions of the section of this Act of which the marginal note is "Inquiries by Minister" shall apply to such inquiry

as if it were an inquiry held in pursuance of that section A.D. 1936.
 Provided that the person appointed to hold the inquiry —
 shall be the rates advisory committee constituted under 9 & 10
 the Ministry of Transport Act 1919 or any sub-committee Geo. 5. c. 50.
 thereof to which the said advisory committee may under 10 & 11
 section 2 of the Harbours Docks and Piers (Temporary Geo. 5. c. 21.
 Increase of Charges) Act 1920 have delegated their powers
 or if the said advisory committee cease to exist some
 persons with similar qualifications to be appointed for
 the purpose by the Minister.

6. Section 7 (Power to borrow) of the Act of 1893 Amendment
 shall be read and have effect as if "fifty thousand of section 7
 pounds" was inserted therein instead of "thirty of Act of
 thousand pounds." 1893.

7. Nothing in this Act contained shall extend or Saving
 be deemed or construed to extend to take away lessen rights of
 prejudice alter or in anywise affect sections 43 and Duke of
 44 of the Act of 1847 but such sections shall be and Northum-
 remain of as full force and effect as if this Act had not berland.
 been passed.

8. The Minister may cause to be held such inquiries Inquiries by
 as he may consider necessary in regard to the exercise of Minister.
 any powers or duties conferred or imposed upon him and
 the giving of any consent or approval or the making of
 any order or the confirmation of any byelaw under the
 Act of 1847 the Act of 1893 or this Act and sub-
 sections (2) to (5) of section 290 of the Local Government 23 & 24
 Act 1933 shall apply to such inquiries as if they were an Geo. 5. c. 51.
 inquiry held in pursuance of subsection (1) of that
 section and the Commissioners were a local authority.

9. All costs charges and expenses of and incident Costs of
 to the preparing for obtaining and passing of this Act Act.
 or otherwise in relation thereto shall be paid by the
 Commissioners.

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