



CHAPTER xlviii.

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Gloucester. A.D. 1936.
[14th July 1936.]

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 Order 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 Order which as amended is set out in the schedule to this Act shall be and the same is 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 Order in schedule.

2. This Act may be cited as the Pier and Harbour Order (Gloucester) Confirmation Act 1936. Short title.

A.D. 1936.

SCHEDULE.

GLOUCESTER HARBOUR.

*Order to increase certain of the maximum rates leviable by
the Gloucester Harbour Trustees and for other purposes.*

Short title.

1. This Order may be cited as the Gloucester Harbour Order 1936.

Construction.

2. The Order of 1889 and the Order of 1890 as amended by this Order and this Order shall be construed and read together as one enactment except as far as might be inconsistent with or repugnant to the purposes thereof.

Commencement.

3. 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.

Interpretation.

4. In this Order unless the context otherwise requires—

Words and expressions to which by the Order of 1889 and the Order of 1890 or by any enactments incorporated therewith or applied thereto respectively meanings are assigned have in this Order the same respective meanings;

10 & 11 Vict.
c. 27.

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

“The undertaking” means the undertaking of the Trustees in connection with the harbour;

“The Trustees” means the Gloucester Harbour Trustees incorporated by the Order of 1890;

52 & 53 Vict.
c. lvi.

“The Order of 1889” means the Sharpness Lighthouses Order 1889;

53 & 54 Vict.
c. xcvi.

“The Order of 1890” means the Gloucester Harbour Order 1890;

“The Order of 1935” means the Gloucester Harbour (Temporary Increase of Charges) Order 1935 (S. R. & O. 1935 No. 1299) made by the Minister under the provisions of the Harbours Docks and Piers (Temporary Increase of Charges) Acts 1920 to 1922;

[26 GEO. 5. & *Pier and Harbour Order* [Ch. xlviiii.]
 1 EDW. 8.] (*Gloucester*) *Confirmation*
Act, 1936.

“ Authorised rates ” and “ authorised rate ” mean A.D. 1936.
 respectively the rates or rate which the Trustees are
 for the time being authorised to levy demand and
 recover in pursuance of the Order of 1889 the Order
 of 1890 and this Order ;

“ The Minister ” means the Minister of Transport ;

“ Vessel ” includes a seaplane on the surface of the water ;

“ Seaplane ” includes a flying boat and any other aircraft
 designed to manœuvre on the water.

5.—(1) In the application to this Order of the Harbours Application
of Harbours
Clauses Act
1847.
 Clauses Act 1847 the word “ vessel ” shall include a seaplane on
 the surface of the water Provided that nothing in the Harbours
 Clauses Act 1847 or this Order shall authorise a harbour master
 or other officer to require the dismantlement of a seaplane or
 any part thereof or the making of any alteration modifying in
 any way its structure or equipment or otherwise affecting its
 airworthiness.

(2) Sections 12 and 13 16 to 19 25 and 26 47 60 and 84 to 87
 of the Harbours Clauses Act 1847 shall be deemed not to be
 incorporated with the Order of 1889 and the Order of 1890 and
 shall not be incorporated with this Order With reference to
 section 88 it shall not be necessary that the byelaws therein
 mentioned shall be exhibited in the office of the Trustees unless
 such office is situated within the limits of the Order of 1890 as
 defined in section 12 thereof.

6. On and from the commencement of this Order the Increase of
rates.
 provisions of section 14 (Lighting rates) of the Order of 1889 shall
 be read and have effect as if the schedule therein referred to were
 the schedule to this Order.

7. Subject to the provisions of the Air Navigation Act 1920 Dues on
seaplanes.
10 & 11
Geo. 5. c. 80.
 and any Act amending or extending that Act or of any Order
 made in pursuance thereof the Trustees may demand levy collect
 and receive on and in respect of seaplanes entering or using the
 harbour such reasonable rates as may from time to time be
 approved by the Minister after consultation with the Secretary of
 State for Air which rates shall be in lieu of the rates leviable by
 the Trustees under the Order of 1889 and the Order of 1890 or
 this Order on and in respect of vessels.

8.—(1) If it is represented by application in writing to the Revision of
rates.
 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 Trustees ;

[Ch. xlviii.] *Pier and Harbour Order*
(*Gloucester*) *Confirmation*
Act, 1936.

[26 GEO. 5. &
1 EDW. 8.]

A.D. 1936.

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.

(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 manner as he may require.

(3) 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.

(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 section 11 (Inquiries by Minister) of this Order shall apply to such inquiry as if it were an inquiry held in pursuance of that section :

9 & 10
Geo. 5. c. 50.
10 & 11
Geo. 5. c. 21.
Provided that the person appointed to hold the inquiry shall be 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 if the said advisory committee cease to exist some persons with similar qualifications to be appointed for the purpose by the Minister.

Annual
account to
be sent to
Minister.
25 Vict.
c. 19.
9.—(1) The Trustees shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Minister and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Trustees and any and every such accounts.

(2) The Trustees 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 Trustees 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 twenty-fifth day of March in each year.

[26 GEO. 5. & *Pier and Harbour Order* [Ch. xlviii.]
1 EDW. 8.] (*Gloucester*) Confirmation
Act, 1936.

10.—(1) The byelaws which may from time to time be made by the Trustees in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 and by the Orders of 1889 and 1890 may provide for the imposing of a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. A.D. 1936.
—
Byelaws.

(2) Notwithstanding the provisions of the Harbours Clauses Act 1847 relating to the procedure for the making and confirmation of byelaws by the Trustees the provisions of subsections (3) to (6) of section 250 and section 252 of the Local Government Act 1933 shall apply to all byelaws except such as relate solely to the Trustees or their officers or servants to be made by the Trustees in respect of the undertaking and in the application of such last-mentioned provisions the Minister shall be the confirming authority : 23 & 24
Geo. 5. c. 51.

Provided that—

(a) In the case of any byelaws which the Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of subsections (1) and (2) of this section shall apply as if the said Board were substituted for the Minister ;

(b) The confirming authority shall consult the Secretary of State for Air before confirming any byelaws which relate to seaplanes.

(3) Confirmation of any such byelaws by the Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

11. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of 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 this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiries as if they were an inquiry held in pursuance of subsection (1) of that section and the Trustees were a local authority. Inquiries by
Minister.

12. On and from the commencement of this Order the following provisions shall be repealed :— Repeal

The Order of 1889—

Section 16 (Rates may be revised from time to time);

Section 17 (Annual account to be sent to Board of Trade);

The schedule thereto.

[Ch. xlviii.] *Pier and Harbour Order* [26 GEO. 5. &
(*Gloucester*) *Confirmation* 1 EDW. 8.]
Act, 1936.

A.D. 1936.

The Order of 1890—

Section 23 (Revise rates);

Section 25 (Annual account to be sent to Board of Trade);

Section 31 (Certain sections in Harbours Docks and Piers Clauses Act 1847 excluded).

The Order of 1935—

The whole Order.

Costs of Order.

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 Trustees.

SCHEDULE to which the foregoing Order refers.

For every vessel passing outwards or inwards on any voyage to or from any place beyond the United Kingdom and the Irish Free State a rate not exceeding one penny per register ton.

For every vessel passing outwards or inwards on any voyage to or from any place in the United Kingdom and the Irish Free State without proceeding to or coming from any other place or country a rate not exceeding one halfpenny per register ton :

Provided that if the total amount of any rate levied in pursuance of this Order includes a fraction of one 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.

The foregoing rates shall not be levied on yachts belonging to any yacht club or on any vessel under twenty tons register or on any vessel when navigated wholly and bona fide in ballast and upon which no profit or freight may be made or on any vessel exempted from rates by the Harbours Clauses Act 1847.

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