

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



CHAPTER lxxxi.

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Keyhaven. A.D. 1936.
[31st 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 (Keyhaven) Confirmation Act 1936. Short title.

A.D. 1936.

SCHEDULE.

KEYHAVEN PIER.

Order empowering the Isle of Wight Ferry Company Limited to construct a pier in the borough of Lymington to levy rates and dues in respect thereof and for other purposes.

Preliminary.

- Short title. 1. This Order may be cited as the Keyhaven Pier Order 1936.
- Commencement. 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."
- Interpretation. 3. 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—
- 10 & 11 Vict. c. 27. "the Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;
- "the Company" means the Isle of Wight Ferry Company Limited;
- "the works" means the works authorised by this Order or as the case may require any part thereof;
- "the pier" means the pier by this Order authorised and the land buildings works plant property and conveniences connected therewith or any part thereof as the case may be;
- "the undertaking" means the undertaking of the Company in connection with the pier;
- "the deposited plan and section" or "the deposited plan" or "the deposited section" as the case may be means the plan and section deposited with reference to this Order with the Ministry of Transport;
- "authorised rates" and "authorised rate" mean respectively the rates or rate which the Company are for the

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time being authorised to levy demand and recover in A.D. 1936.
pursuance of 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.

Undertakers.

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

5.—(1) The Lands Clauses Acts (except so much thereof Incorporation of Lands
as relates to the purchase and taking of lands otherwise than by Clauses Acts.
agreement and to the entry upon lands by the promoters of the
undertaking) are hereby incorporated with this Order.

(2) For the purposes of the incorporation of the said Acts
the expression “the special Act” in those Acts shall mean this
Order.

6.—(1) In the application to this Order of the Harbours Application
Clauses Act 1847 the word “vessel” shall include a seaplane of Harbours
on the surface of the water and the expression “the special Clauses Act
Act” means this Order. Provided that nothing in the Harbours 1847.
Clauses Act 1847 or this Order shall authorise a pier 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 and 84 to 87 of the Harbours
Clauses Act 1847 shall not be incorporated with this Order.

Acquisition of Lands.

7. Subject to the provisions of this Order the Company may Power to
by agreement purchase or lease and use such of the lands shown take lands
on the deposited plan as may be requisite for the purposes of the by agree-
works and they may further by agreement purchase and hold for ment.
the purposes of this Order any additional lands not exceeding in
the whole ten acres but with respect to such additional lands
nothing in this Order or in the Acts incorporated therewith shall
exempt the Company from any indictment action or other
proceedings for nuisance in the event of any nuisance being caused
or permitted by them thereon.

8. Persons empowered by the Lands Clauses Acts to sell Power to
and convey or release lands may subject to the provisions of those grant ease-
Acts and of this Order grant to the Company for the purposes of ments.
this Order any easement right or privilege (not being an easement

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A.D. 1936. — 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.

9.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Company may retain hold and use for such time as they may think fit or may sell let lease exchange or otherwise dispose of in such manner and for such consideration 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 and premises or any interest therein vested in them as part of the undertaking or acquired by them under this Order which may not be required for the purposes thereof and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises 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.

(2) Nothing in this section contained shall release the Company 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 Company or any person from or through whom the Company 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 passed.

Limits.

Limits.

10.—(1) The limits within which the Company shall have authority under this Order and within which the powers of the pier-master may be exercised shall comprise the works and an area below high-water mark within a distance of fifty yards from any part of the works 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 works.

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Works and Powers.

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11. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and section as the Board of Trade may require before completion of the works the Company may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section make and maintain the works.

—
 Power to
 construct
 works.

12. The works authorised by this Order will be situate in the borough of Lymington and are—

Description
 of works.

A pier partly in solid embankment and partly in open construction and all works and conveniences necessary or convenient in connection therewith situated on the foreshore and bed of the Solent commencing at a point on the high-water mark of ordinary tides 1,020 yards or thereabouts measured in an easterly direction from the coastguard's station at Keyhaven and 1,800 yards or thereabouts measured in a southerly direction from the lodge at the entrance to the drive to Pennington House and extending in a south-easterly direction for a distance of 1,350 yards or thereabouts and terminating at a point 2,140 yards or thereabouts measured in a south-easterly direction from the said coastguard's station and 2,820 yards or thereabouts measured in a southerly direction from the said lodge.

13. Subject to the provisions of this Order in constructing the works the Company may deviate laterally from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on the said plan and they may deviate vertically from the levels of the said works as shown on the deposited section to any extent Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to
 deviate.

14.—(1) Subject to the provisions of this Order the Company may within the limits of this Order maintain widen alter improve and extend the works and in connection therewith may from time to time construct erect maintain alter and improve all necessary jetties landing-places approaches roads sewers drains water-courses cuts gas and water pipes electric light and power works steps warehouses offices sheds marine garages and other buildings cranes weighing machines machinery moorings buoys and other works apparatus and conveniences and may also from time to time lay down and maintain rails tramways and turntables on and along the pier.

Power to
 maintain
 and improve
 works.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of

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A.D. 1936. — passengers unless and until the Minister is satisfied that such line is fit for that use.

41 & 42 Vict.
c. 76. (3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

45 & 46 Vict.
c. 56. (4) 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 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Penalty for obstructing works. 15. Any person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events. 16.—(1) If the works are not completed within five years from the commencement of this Order then on the expiration of that period the powers given by this Order to the Company for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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

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

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

Power to erect pavilions and other buildings. 17. The Company may construct and maintain on the pier and may furnish and equip fishing-platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle-stands bandstands shops bazaars kiosks aquaria lavatories baths and sanitary and other

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conveniences and they may also construct under the pier head 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.

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18.—(1) The Company may deepen dredge scour and excavate any portion of the foreshore and bed of the Solent to any extent necessary to secure a sufficient waterway and approach to the pier 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 Company 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 Company under this section shall be exerciseable 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 Company 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 Company 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.

19. The Company 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 the Company to which capital is properly applicable.

Power to purchase dredgers &c.

20. No merchandise animals or goods (passengers' personal luggage excepted) shall be landed on or at the works otherwise than with the consent of the Company.

Goods not to be landed without consent.

21. No vessel or boat of any kind shall be moored or attached alongside or to the works without the consent of the Company or the pier-master.

Restrictions on mooring.

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Rates.

Power to
levy rates.

10 & 11
Geo. 5. c. 80.

Rates may
be levied
though
works not
completed.

Power to
vary ex-
emptions
and com-
pound for
rates.

Rates for
services and
accommo-
dation not
otherwise
provided for.

Payment of
rates not to
confer right
to use
buildings.

22. When the certificate required by section 26 of the Harbours Clauses Act 1847 has been obtained the Company may within the rating limits subject and according to the provisions of this Order levy and demand for the use of the works and the conveniences connected therewith and subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any Order made in pursuance thereof in respect of seaplanes using the works such reasonable rates as may from time to time be approved by the Minister after consultation with the Secretary of State for Air and in respect of all other vessels persons and goods of every description and for services described in the schedule to this Order any rates not exceeding those specified in that schedule and they may receive and recover payment accordingly.

23. If it is at any time certified by the Minister that the works have been so far completed as to afford reasonable accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Company may notwithstanding section 25 of the Harbours Clauses Act 1847 and although the whole of the works have not then been completed levy and demand such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Minister be commensurate with the accommodation afforded.

24. The Company 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 works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

25. The Company 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 marine garages warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Company or in respect of any services rendered by them in connection with the works.

26. No pass ticket or payment of rates payable under this Order for the use of the works shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the works or any of them or any part of the works which is set apart for a particular purpose unless the Company otherwise determine.

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27. 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 pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

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 Certain fishing vessels under stress of weather exempt from rates.

28. 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 works.

Exemption of lifeboat crew.

29.—(1) Notwithstanding anything contained in this Order the Company 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.

Power to charge higher rates at certain times.

(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 Company 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 jetties 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.

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

Power to close pier on special occasions.

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(2) On all such occasions the Company 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.

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

Pass and
family
tickets.

31.—(1) The Company 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 Company 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.

(2) The Company 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.

Revision of
rates.

32.—(1) If 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 Company;

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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.

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(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 the section of this Order 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 :

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.

9 & 10 Geo. 5.
c. 50.

10 & 11
Geo. 5. c. 21.

Powers of Sale and Leasing.

33.—(1) At any time before or after the works have been completed the Company may (if authorised so to do by their memorandum and articles of association and subject to the powers and provisions thereof) with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister sell the undertaking and the purchaser to the extent authorised by the conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Order or which the Company have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under this Order.

Power to sell
undertaking.

(2) The Company shall within one month after the date of any conveyance made under this section deposit a certified

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A.D. 1936. — copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

Power to
lease under-
taking or
rates.

34.—(1) The Company 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 lease to any company corporation or person (a) the undertaking or any part thereof or (b) the right to collect and retain the authorised rates.

(2) As from the commencement of any lease made under subsection (1) of this section the lessee during the continuance of and to the extent provided in such lease shall have and may exercise all or any of the powers conferred upon the Company by this Order which the Company have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company 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 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 Company 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 Company 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 Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to
lease
pavilions
&c.

35. The Company may let for hire or lease for any term not exceeding seven 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.

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Finance.

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36. All moneys received from rates or otherwise as income under this Order shall be applicable to payment of the expenses properly chargeable to revenue of the maintenance repair and management of the works and the surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Application
of revenue.

37.—(1) The Company 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 Minister and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts.

Annual
account to
be sent to
Minister.
25 Vict. c. 19.

(2) The Company 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 Company 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.

38.—(1) The byelaws which may from time to time be made by the Company in exercise of the powers 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) Notwithstanding the provisions of the Harbours Clauses Act 1847 relating to the procedure for the making and confirmation of byelaws by the Company 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 Company or their officers or servants to be made by the Company in respect of the undertaking and in the application of such last-mentioned provisions the Minister shall be the confirming authority Provided that—

23 & 24
Geo. 5. c. 51.

(a) In the case of any byelaw 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.

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(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.

Appoint-
ment of
officers to
enforce bye-
laws and
regulations.

39. The Company may appoint officers for securing the observance of the byelaws and regulations made by the Company under this Order in respect of the pier 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.

Inquiries.

Inquiries by
Minister.

40. 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 Company were a local authority.

Life-saving Apparatus.

Provision
for life-
saving
apparatus.

41.—(1) The Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving
apparatus
may be
attached to
pier.

42. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier 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.

Lifebuys
to be kept.

43. The Company shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuys and lifelines in good order and fit and ready for use.

Lights.

Permanent
lights on
works.

44.—(1) After the completion of the works the Company shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every

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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. A.D. 1936.
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(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable 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.

45.—(1) In case of injury to or destruction or decay of the works 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 Company 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. Provision against danger to navigation.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable 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.

46. Notwithstanding anything in this Order any cables pipes or wires to be laid or placed under the powers of this Order by the Company on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Board of Trade may require. Cables pipes or wires under or across tidal waters.

47. The Company shall have the appointment of meters and weighers within the limits of this Order. Meters and weighers.

48. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847. Recovery of penalties.

49. Officers of the Board of Trade and Ministry of Transport British sea-fishery officers 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 works without payment. Officers exempt from rates.

50. The Company shall within the limits of this Order be a local lighthouse authority for the purpose of the Merchant Shipping Act 1894. Local lighthouse authority. 57 & 58 Vict. c. 60.

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Agreements
between
Company
and Southern
Railway
Company
and others.

51. The Company on the one hand and the Southern Railway Company or any other company body or person on the other hand may subject to the provisions of this Order so far as the same are applicable enter into and carry into effect agreements with reference to the construction maintenance management use or working of the works or any part or parts thereof.

Crown
rights.

52. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company 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.

Works to be
in borough of
Lymington.

53. The works shall be deemed to be for all purposes within the parish and borough of Lymington and in the county of Southampton.

Costs of
Order.

54. 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 Company.

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SCHEDULE to which the foregoing Order refers. A.D. 1936.

I.

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

	£	s.	d.
For every lighter each trip per ton - - - -	0	0	6
For every boat entirely open landing or taking on board passengers or goods each - - - -	0	0	6
For every other vessel under the burden of 15 tons per ton register - - - - -	0	0	4
For every vessel of the burden of 15 tons and under 50 tons per ton register - - - - -	0	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton register - - - - -	0	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton register - - - - -	0	0	10
For every vessel of the burden of 150 tons and up- wards per ton register - - - - -	0	1	0

II.

RATES FOR GOODS SHIPPED UNSHIPED OR TRANSHIPPED
 WITHIN THE RATING LIMITS.

	£	s.	d.
Light goods per cubic foot - - - - -	0	0	1
Heavy goods per ton - - - - -	0	2	0

Light goods shall be deemed to be goods or articles the weight of which is less than 56 lbs. per cubic foot measurement.

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

III.

RATES FOR THE USE OF CRANES AND WEIGHING MACHINES.

1.—*Cranes.*

	£	s.	d.
All goods not exceeding one ton - - - - -	0	0	3
Exceeding one ton and not exceeding two tons - - - - -	0	0	4
Exceeding two tons and not exceeding three tons - - - - -	0	0	6
Exceeding three tons and not exceeding four tons - - - - -	0	0	8
Exceeding four tons and not exceeding five tons - - - - -	0	0	10

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	£	s.	d.
Exceeding five tons and not exceeding six tons - -	0	1	0
Exceeding six tons and not exceeding seven tons - -	0	1	2
Exceeding seven tons and not exceeding eight tons - -	0	1	4
Exceeding eight tons and not exceeding nine tons - -	0	1	8
Exceeding nine tons and not exceeding ten tons - -	0	2	0
Exceeding ten tons - - - - -	0	3	0

2.—*Weighing Machines.*

	£	s.	d.
For goods weighed for each ton or part of a ton - -	0	0	2

IV.

RATES FOR USE OF PIER.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for bathing embarking or disembarking for each time any sum not exceeding - - - - -	0	0	3
For every bath-chair (including attendant) taken on the pier for each time any sum not exceeding - - - - -	0	0	4
For every perambulator (including attendant) taken on the pier for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	0	6
For every motor-car taken on the pier but not shipped or unshipped for each time any sum not exceeding - - - - -	0	5	0
For every lorry taken on the pier but not shipped or unshipped for each time any sum not exceeding per ton - - - - -	0	3	0
For every bicycle or tricycle taken on the pier but not shipped or unshipped for each time any sum not exceeding - - - - -	0	0	2
For any vehicle not otherwise specified such rate as the Company may determine.			

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

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V.

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RATES ON PASSENGERS' LUGGAGE.

	£	s.	d.
For every trunk portmanteau box parcel or other pack- age within the description of luggage and not borne by the passenger not exceeding 28 lbs. -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. -	0	0	8
If exceeding 2 cwt. for every 28 lbs. weight in addition	0	0	1

VI.

RATES FOR SUPPLYING WATER ON PIER.

	£	s.	d.
Water per 100 gallons - - - - -	0	1	0

VII.

RATES FOR ANIMALS.

	£	s.	d.
Horses - - - - - each	0	1	6
Asses mules bulls cows and oxen - - - each	0	1	0
Calves sheep and pigs - - - - - each	0	0	3
Lambs dogs and other small animals - - - each	0	0	2

For any animal not otherwise specified such rate as the
 Company may determine.

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