

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



CHAPTER lxxxiv.

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Whitley Bay. 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 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 and 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 (Whitley Bay) Confirmation Act 1936. Short title.

A.D. 1936.

SCHEDULE.

WHITLEY BAY PIER.

Order for the construction of a pier at Whitley Bay in the county of Northumberland and the levy of rates and charges in connection therewith and for other purposes.

- Short title. 1. This Order may be cited as the Whitley Bay Pier Order 1936.
- Commencement. 2. This Order shall come into operation upon the day when the Act confirming the Order is passed and that day is in this Order referred to as the commencement of this Order.
- Interpretation. 3. In this Order the following words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :—
- 10 & 11 Vict.
c. 27. “ The Company ” means the North Eastern Piers Limited ;
“ The Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847 ;
“ Vessel ” includes any ship lighter keel barge boat wherry raft or craft or any kind of vessel whatsoever however navigated or propelled and any seaplane on the surface of the water ;
“ The pier ” means and includes the works authorised by this Order 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 works ” means the works authorised by this Order or as the case may require any part thereof ;
“ Authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Company are for the time being authorised to levy demand and recover in pursuance of this Order ;
“ The Minister ” means the Minister of Transport ;
“ Seaplane ” includes a flying boat and any other aircraft designed to manœuvre on the water.

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4. The Company shall be the undertakers for carrying this Order into execution. A.D. 1936.
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Undertakers.

5. The following Acts are incorporated with this Order except as expressly varied thereby:— Incorporation of Acts.

(1) 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);

(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 Clauses Act 1847 the word "vessel" shall include a seaplane on the surface of the water and the expression "the special Act" means this Order: Application of Act 10 and 11 Vict. c. 27.

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 and 84 to 87 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

7. Subject to the provisions of this Order the Company may by agreement purchase and use such of the lands shown on the plan deposited for the purposes of this Order as may be requisite for the purposes of the works and they may further by agreement purchase and hold for the purposes of this Order any additional lands not exceeding in the whole two 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. Power to take lands by agreement.

8. 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 Company 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 rent-charges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges respectively. Power to grant easements.

9.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Company may retain hold and use for Power to retain sell &c. lands.

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A.D. 1936. — 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 :

Provided that the Company shall not (unless the Minister otherwise directs) sell lease exchange or otherwise dispose of any such lands or any interests therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister be necessary or has been obtained.

(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.

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

(2) The limits within which the power to levy rates may be exercised hereinafter termed "the rating limits" shall comprise the pier.

Power to construct works.

11. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before.

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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 sections make and maintain the works. A.D. 1936.
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12.—(1) The works authorised by this Order are—

Description
of works.

A pier commencing in the parish of Whitley Bay in the county of Northumberland at a point on the promenade opposite the centre of a road known as the Esplanade and extending thence in a northerly direction into and terminating in the bed of the sea at a distance of nine hundred and fifty feet or thereabouts from the point of commencement.

(2) The works shall be constructed upon piers piles or pillars and shall be open work.

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 plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding ten feet 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. Subject to the provisions of this Order the Company may from time to time erect construct and maintain whether temporarily or permanently all such piles caissons cofferdams passageways landing stages moorings lights buoys tollhouses gates shelters and other structures and other works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction maintenance and use of the work hereinbefore described Provided that any electrical works erected constructed or maintained under the provisions of this section shall be so erected constructed maintained and used 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. Powers as to further and subsidiary works.
41 & 42 Vict.
c. 76.

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. Penalty for obstructing works.

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Powers to
cease in
certain
events.

16.—(1) 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.

(2) 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.

(3) 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
Council to
carry out
works.

17. On the granting of any such certificate by the Minister the rights and powers of the Company under this Order and any works constructed by the Company shall vest in the Whitley and Monkseaton Urban District Council (in this section called "the council") and—

(1) The council may with the consent in writing of the Minister transfer to and vest in any other company or person the undertaking authorised by this Order together with all the rights and powers of the Company under this Order and for the purpose of this Order such company or person their or his heirs assigns or successors in title shall be the undertakers with all the rights powers and privileges of the Company under this Order; or

(2) The council may themselves become and be the undertakers for the purposes of this Order with all the rights powers and privileges of the Company under this Order and such purposes shall be deemed purposes of the Local Government Act 1933 and for such purposes the council may with the sanction of the Minister and subject to the provisions of that Act borrow such sum or sums of money as may from time to time be required for the purposes of this Order.

23 & 24
Geo. 5 c. 51.

Power to
erect
pavilions
and other
buildings.

18. 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. A.D. 1936.
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19. The Company may dredge scour and deepen from time to time the bed of the sea at or near any part of the intended work and may appropriate any sand mud and any other material so dug or excavated and generally use the same for the support and maintenance of the intended work or may sell or otherwise dispose thereof: Power to dredge.

Provided that 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 of the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below low-water mark and sold by the Company under this section as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

20. 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 and 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. Power to purchase dredgers &c.

21. 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 pier 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 described in the schedule to this Power to levy rates.
10 & 11
Geo. 5. c. 80.

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Order any rates not exceeding those specified in that schedule and may receive and recover payment accordingly.

Rates may be levied though works not completed.

22. 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.

Power to vary exemptions and compound for rates.

23. 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.

Rates for services and accommodation not otherwise provided for.

24. 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 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 pier.

Certain fishing vessels under stress of weather exempt from rates.

25. 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.

Exemption of lifeboat crew.

26. 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 pier.

Power to charge higher rates at certain times.

27.—(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

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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. A.D. 1936.

(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.

28.—(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 against the public and may on such occasions admit any persons to the pier 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.

(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 of the pier a notice of their intention to close the pier under this section.

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Pass and
family
tickets.

29.—(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.

(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Company and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Order shall apply thereto accordingly.

Annual
account to
be sent to
Minister.

25 Vict. c. 19.

30.—(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 Harbours Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts.

(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.

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(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. A.D. 1936.
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31.—(1) If it is represented by application in writing to the Minister— Revision of
rates.

(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;

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 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.

32. All moneys received from rates or otherwise as income under this Order shall be applicable to payment of the expenses Application
of revenue.

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A.D. 1936. — properly chargeable to revenue of the maintenance repair and management of the pier and the surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Power to sell undertaking. 33.—(1) At any time 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 his 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.

(2) The Company 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.

Power to lease undertaking 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 (b) the right to collect and retain the authorised rates.

(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 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.

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(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. A.D. 1936.

35. The Company may let for hire or lease for any term not exceeding seven years any pavilions theatre rooms shops baths sheds warehouses or other buildings or structures 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. Power to lease pavilions &c.

36.—(1) The byelaws which may from time to time be made by the Company 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) 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 and 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—

(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.

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Appoint-
ment of
officers to
enforce
byelaws and
regulations.

37. 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 by
Minister.

38. 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.

Provision
for life-
saving
apparatus.

39.—(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 on or 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.

40. 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 from or over the pier.

Lifebuoys
to be kept.

41. 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 lifebuoys and life lines in good order and fit and ready for use.

Permanent
lights on
works.

42.—(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 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 Company fail to comply in any respect with the provisions of this section they shall be liable to a penalty not

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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. A.D. 1936.
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43.—(1) In the 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 of 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.

44. 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.

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

46. 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.

47. 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 pier without payment. Officers exempt from rates.

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

49. 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 Crown rights.

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

A.D. 1936. 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
 Commisioners 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 parish of
 Whitley Bay.

50. The works shall be deemed to be for all purposes within
 the parish of Whitley Bay in the county of Northumberland.

Costs of
 Order.

51. 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.

SCHEDULE referred to in the foregoing Order.

I.—RATES FOR VESSELS USING THE PIER.

	£	s.	d.
For every vessel not exceeding the burden of 15 tons per ton register - - - - -	0	4	
For every vessel exceeding the burden of 15 tons and under 50 tons per ton register - - - - -	0	6	
For every vessel of the burden of 50 tons and under 100 tons per ton register - - - - -	0	8	
For every vessel of the burden of 100 tons and under 150 tons per ton register - - - - -	0	10	
For every vessel of the burden of 150 tons and upwards per ton register - - - - -	1	0	

II.—RATES FOR USE OF PIER.

For every passenger or other person landing on the pier from or embarking from it on board of any vessel for each time any sum not exceeding - - - - -	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	2	
For every bath chair (including attendant) taken on the pier for each time any sum not exceeding -	0	4	
For every perambulator (including attendant) taken on the pier for each time any sum not exceeding -	0	4	
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	4	
For every master of any vessel using the pier for the purpose of going to or returning from his own vessel an annual sum not exceeding - - - - -	1	0	0

[26 GEO. 5. & *Pier and Harbour Order* [Ch. lxxxiv.]
 I EDW. 8.] (*Whitley Bay*) *Confirmation*
Act, 1936.

III.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER. A.D. 1936.

	<i>s. d.</i>
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 28 pounds -	0 2
Over 28 pounds and not exceeding 84 pounds - -	0 4
Over 84 pounds and not exceeding 112 pounds - -	0 5
Over 112 pounds and not exceeding 140 pounds - -	0 6
Over 140 pounds and not exceeding 196 pounds - -	0 7
Over 196 pounds and not exceeding 2 hundredweight	0 8
If exceeding 2 hundredweight for every hundredweight	0 4
And for every 28 pounds weight in addition - -	0 1

IV.—RATES FOR VEHICLES LANDED AT THE PIER OR SHIPPED OR TRANSHIPPED.

	<i>s. d.</i>
For every four-wheeled carriage - - - - -	4 0
For every two-wheeled carriage - - - - -	2 6
For every bicycle or tricycle for each and every time -	0 3

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