



CHAPTER xxvii

An Act to alter the constitution of the Great Yarmouth Port and Haven Commissioners to increase certain tolls leviable by the Commissioners to confer further powers upon the Commissioners and for other purposes. [1st August 1951.]

WHEREAS the Great Yarmouth Port and Haven Commissioners (hereinafter referred to as "the Commissioners") were incorporated by the Great Yarmouth Port and Haven Act 1866 and under the powers conferred upon them by the Great Yarmouth Port and Haven Acts and Orders 1866 to 1950 are the authority for the conservation and improvement of the port and haven of Great Yarmouth: 29 & 30 Vict. c. ccxlvii.

And whereas it is expedient to make provision for the alteration of the constitution of the Commissioners as in this Act provided:

And whereas it is expedient to empower the Commissioners to demand and take tolls as in this Act provided:

And whereas it is expedient that the powers in this Act contained should be conferred upon the Commissioners and that the other provisions in this Act contained should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

1.—(1) This Act may be cited as the Great Yarmouth Port and Haven Act 1951. Short and collective titles.

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1950 and this Act may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1951.

Incorporation
of Acts.

2. The following enactments (as varied by and so far as the same are applicable for the purposes of and are not inconsistent with the Great Yarmouth Port and Haven Acts and Orders 1866 to 1951) are hereby incorporated with and form part of this Act:—

10 & 11 Vict.
c. 16.

The Commissioners Clauses Act 1847 except sections 6 7 17 to 36 44 46 48 54 55 57 84 92 and 106 thereof;

10 & 11 Vict.
c. 27.

The Harbours Docks and Piers Clauses Act 1847 except sections 6 to 13 and 16 to 19 thereof;

and in construing the incorporated provisions of the last-mentioned Act the expression “the undertakers” shall mean the Commissioners.

Interpretation.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

1 & 2 Geo. 5.
c. xcix.

“Act of 1911” means the Great Yarmouth Port and Haven Act 1911;

11 & 12 Geo. 6.
c. xlvi.

“Act of 1948” means the Great Yarmouth Port and Haven Act 1948;

“boat-letter” means the owner or part-owner of any yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat kept solely for the purpose of being let lent hired or engaged exclusively for pleasure for gift pay hire or reward or promise of payment;

“the Commissioners” means the Great Yarmouth Port and Haven Commissioners;

“enactment” includes any public general local or private Act and any Order or other instrument having the force of an Act;

“fish” includes shellfish shrimps and ~~crustaceans~~;

“Great Yarmouth Corporation” means the mayor aldermen and burgesses of the county borough of Great Yarmouth;

“haven” has the same meaning as in the Act of 1866;

“the Norwich Corporation” “the Norfolk Justices” and “the Suffolk Justices” have the same respective meanings as in the Act of 1911;

“Order of 1950” means the Great Yarmouth Port and Haven Order 1950 confirmed by the Pier and Harbour Order (Great Yarmouth) Confirmation Act 1950;

14 Geo. 6.
c. xxxiv.

“ port ” means the port of Great Yarmouth as defined by section 4 (Limits of the port of Great Yarmouth) of the Great Yarmouth Port and Haven Act 1866 ;

“ private yacht-owner ” means the owner or part-owner of any yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat used exclusively for pleasure and not kept solely for the purpose of being let lent hired or engaged for gift pay hire or reward or promise of payment ;

“ registered shipowners ” “ registered tollpayers ” “ registered fish-owners and fish tollpayers ” “ ship-owners’ list ” “ tollpayers’ list ” and “ fish-owners’ and fish tollpayers’ list ” have the respective meanings assigned to those expressions by section 13 (Collector of tolls to make lists of shipowners tollpayers and fish-owners and fish tollpayers) of this Act ;

“ registered private yacht-owners ” “ registered boat-letters ” and “ yacht-owners’ list ” have the respective meanings assigned to those expressions by section 14 (Collectors of tolls to make lists of yacht-owners) of this Act ;

“ the river Yare ” “ the river Bure ” and “ the river Waveney ” have the same respective meanings as in the Great Yarmouth Port and Haven Act 1866 ;

“ toll ” has the same meaning as in the Act of 1948.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

4. Notwithstanding any repeal effected by this Act each of the persons holding office as a Commissioner at the passing of this Act shall unless he shall previously die or resign or become disqualified to be a Commissioner continue to hold that office until the close of the yearly meeting to be held on the twenty-fifth day of March one thousand nine hundred and fifty-two. Present Commissioners continued in office.

5.—(1) Notwithstanding any repeal effected by this Act the Commissioners shall continue until the close of the yearly meeting to be held on the twenty-fifth day of March one thousand nine hundred and fifty-two to consist of— Constitution of Commissioners.

Three Commissioners appointed by the Great Yarmouth Corporation ;

Three Commissioners appointed by the Norwich Corporation ;

Three Commissioners appointed by the Norfolk Justices ;

Three Commissioners appointed by the Suffolk Justices ;

Three Commissioners elected by the persons registered in the shipowners' and tollpayers' list provided for by the Act of 1911 and for the time being in force ;

Three Commissioners elected by the persons registered in the fish-owners' and fish tollpayers' list provided for by the Act of 1911 and for the time being in force ;

One Commissioner elected by the persons registered in the yacht-owners' list provided for by the Act of 1911 and for the time being in force.

(2) From and after the close of the yearly meeting to be held on the twenty-fifth day of March one thousand nine hundred and fifty-two—

(i) The Commissioners appointed by the Norfolk Justices and the Suffolk Justices respectively shall each be reduced from three Commissioners to two Commissioners ;

(ii) The elected Commissioners shall consist of persons elected as follows:—

by registered shipowners	...	...	Two
by registered tollpayers	...	...	Three
by registered fish-owners and fish tollpayers	...	...	Three
by registered private yacht-owners	...	...	One
by registered boat-letters	...	...	One

(3) Accordingly from and after the close of the yearly meeting to be held on the twenty-fifth day of March one thousand nine hundred and fifty-two the Commissioners shall consist of—

Three Commissioners appointed by the Great Yarmouth Corporation ;

Three Commissioners appointed by the Norwich Corporation ;

Two Commissioners appointed by the Norfolk Justices ;

Two Commissioners appointed by the Suffolk Justices ;

Ten Commissioners elected as follows:—

by registered shipowners	...	...	Two
by registered tollpayers	...	...	Three
by registered fish-owners and fish tollpayers	...	...	Three
by registered private yacht-owners	...	...	One
by registered boat-letters	...	...	One

Great Gannet Port and Haven Act
1951

14 & 15 Geo. 6 c. 27

Competition

History

11.40

6. Notwithstanding any repeal effected by this Act the several persons who from time to time are under this Act or any subsequent Act or Order amending or extending this Act holding office as Commissioners shall (subject to the provisions of any such subsequent Act or Order) continue incorporated by the name "the Great Yarmouth Port and Haven Commissioners" as a body corporate with perpetual succession and a common seal and by that name may sue and be sued and shall have power to purchase take on lease hold and dispose of land and other property for the purposes of the Great Yarmouth Port and Haven Acts and Orders 1866 to 1951 and to put into execution the provisions of those Acts and Orders so far as they are to be executed by the Commissioners.

Notwith-
standing
repeals
Commissioners
to continue
incorporated.

7.—(1) The general qualification of a Commissioner (other than a Commissioner to be elected by registered private yacht-owners or by registered boat-letters) shall be that at the time of his appointment or election he be a male person of full age or that his name appears in the shipowners' list or the tollpayers' list or the fish-owners' and fish tollpayers' list for the time being in force.

General
qualification
of Com-
missioners.

(2) The qualification of a Commissioner to be elected by registered private yacht-owners or by registered boat-letters shall be that at the time of his election he be a male person of full age and that his name appears in the yacht-owners' list for the time being in force.

8. The Great Yarmouth Corporation shall on or before the first day of March in the year one thousand nine hundred and fifty-two and on or before the same date in every third year thereafter appoint three persons respectively qualified as by this Act prescribed to be three of the Commissioners.

Appointment
of Com-
missioners
by Great
Yarmouth
Corporation.

9. The Norwich Corporation shall on or before the first day of March in the year one thousand nine hundred and fifty-two and on or before the same date in every third year thereafter appoint three persons respectively qualified as by this Act prescribed (one at least of whom shall be a merchant trader actually carrying on business in the city and county of Norwich) to be three of the Commissioners and such Commissioners shall be called "the Norwich Commissioners".

Appointment
of Com-
missioners
by Norwich
Corporation.

10. The Norfolk Justices shall at the general quarter sessions for the county of Norfolk on or next after the first day of January in the year one thousand nine hundred and fifty-two and on or next after the same date in every third year thereafter appoint two persons respectively qualified as by this Act prescribed to be two of the Commissioners and such Commissioners shall be called "the Norfolk Commissioners".

Appointment
of Com-
missioners
by Norfolk
Justices.

Appointment
of Com-
missioners
by Suffolk
Justices.

11. The Suffolk Justices shall at the general quarter sessions to be held in and for the eastern division of the county of Suffolk on or next after the first day of January in the year one thousand nine hundred and fifty-two and on or next after the same date in every third year thereafter appoint two persons respectively qualified as by this Act prescribed to be two of the Commissioners and such Commissioners shall be called "the Suffolk Commissioners".

Evidence of
appointment
of appointed
Commissioners.

12.—(1) The appointment of appointed Commissioners by the Great Yarmouth Corporation and the Norwich Corporation respectively shall be signified to the clerk of the Commissioners by writing under the hand of the town clerk of the county borough of Great Yarmouth and the town clerk of the city and county of Norwich respectively and the appointment of appointed Commissioners by the Norfolk Justices and the Suffolk Justices respectively shall be signified to the clerk of the Commissioners by writing under the hand of the clerk of the peace for the county of Norfolk and the clerk of the peace for the eastern division of the county of Suffolk respectively and every such signification shall be conclusive evidence of every appointment made by each of the respective bodies aforesaid.

(2) No appointed Commissioner shall act until the signification of his appointment shall have been received by the clerk of the Commissioners.

Collector of
tolls to make
and deliver
lists of ship-
owners toll-
payers and
fish-owners and
fish tollpayers.

13. The collector of tolls appointed by or under the Acts and Orders from time to time relating to the Commissioners shall on or before the thirty-first day of January in the year one thousand nine hundred and fifty-two and on or before the same date in every third year thereafter make and deliver to the clerk of the Commissioners the following lists and shall at the foot of every list sign a certificate of its accuracy:—

(1) A list wherein shall be entered in alphabetical order the names with the residences and descriptions of all persons resident in Great Britain who as the owners or part-owners of any vessels (other than vessels employed in catching fish and for no other purpose) shall during the year ending the thirty-first day of December then last in respect of such vessels have paid any of the tolls specified in the Second Schedule to the Act of 1911 as amended by any enactment from time to time relating to the Commissioners to the amount in the whole of fifteen pounds or upwards or have paid a composition in lieu thereof to that amount or upward in the whole and containing the amount of such tolls or composition paid by every such owner or part-owner and the persons whose names are so entered in such list shall be called "registered shipowners" and such list shall be called the "shipowners' list":

- (2) A list wherein shall be entered in alphabetical order the names with the residences and descriptions of all persons resident in Great Britain who during the year ending the thirty-first day of December then last shall in respect of animals or goods or both (other than fish) have paid tolls specified in the Third and Fifth Schedules to the Act of 1911 as amended by any enactment from time to time relating to the Commissioners or in both or either of such schedules to the amount in the whole of fifteen pounds or upwards or have paid a composition in lieu thereof to that amount or upwards in the whole and containing the amount of such tolls or composition paid by every such person and the persons whose names are so entered in such list shall be called "registered tollpayers" and such list shall be called the "tollpayers' list":
- (3) A list wherein shall be entered in alphabetical order the names with the residences and descriptions of all persons registered in the books of the custom house at Great Yarmouth as the owners or part-owners on the thirty-first day of December then last of any vessels registered as belonging to and trading from the port and employed in catching fish and for no other purpose with the names and registered tonnage of the vessels and also the names with the residences and descriptions of all persons resident in Great Britain who during the year ending the thirty-first day of December then last shall in respect of vessels employed in catching fish and for no other purpose or of fish landed or unloaded sold or shipped in the haven have paid the tolls specified in the said Second Third and Fifth Schedules as amended as aforesaid or in all or any of such schedules to the amount in the whole of fifteen pounds or upwards or have paid a composition in lieu thereof to that amount or upwards in the whole and containing the amount of such tolls or composition paid by every such person and the persons whose names are so entered in such list shall be called "registered fish-owners and fish tollpayers" and such list shall be called the "fish-owners' and fish tollpayers' list":

Provided always that subject to the provisions of this Act for the purposes of each list for any year in all cases where there are bills of lading the persons appearing on the bills of lading in the case of exports as consignors and in the case of imports as consignees paying the tolls or a composition in lieu thereof or otherwise the person whom the payer of the tolls at the time of paying them shall declare to be the owner of the goods in respect of which the tolls or composition are or is paid shall be deemed the person paying the tolls or composition.

Collectors of
tolls to make
lists of yacht-
owners.

14. The collector of tolls for the river Yare the collector of tolls for the river Bure and the collector of tolls for the river Waveney (which last-mentioned river for the purposes of this section includes Oulton Broad and Oulton Dyke) appointed by or under the Acts and Orders from time to time relating to the Commissioners shall respectively on or before the thirty-first day of January in the year one thousand nine hundred and fifty-two and on or before the same date in every third year thereafter make and deliver to the clerk of the Commissioners a list as in this section provided and shall at the foot of such list sign a certificate of its accuracy—

A list wherein shall be entered in alphabetical order the names with the residences and descriptions of every person registered in the books of the Commissioners as the owner or part-owner on the thirty-first day of December then last of any yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat used exclusively for pleasure who during the year ending on such thirty-first day of December shall have paid to the Commissioners all river tolls due and payable for that year under the Acts and Orders from time to time relating to the Commissioners in respect of such yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat or have paid the composition for the time being payable in lieu thereof and containing the amount of such tolls or composition paid by every such person and specifying if such owner or part-owner is a "private yacht-owner" or "boat-letter" and the persons so specified shall be called "registered private yacht-owners" or "registered boat-letters" (as the case may be);

and such lists together shall be called the "yacht-owners' list."

Collector of
customs to
afford facilities.

15. The collector of the customs at the port shall on the application of the collector of tolls and within a reasonable period thereafter produce at the custom house at Great Yarmouth to such collector of tolls for his inspection and transcription all such books as are proper and sufficient to enable him to make the lists provided for by section 13 (Collector of tolls to make lists of shipowners tollpayers and fish-owners and fish tollpayers) of this Act and shall afford him all reasonable and proper facilities in that behalf:

Provided always that such books shall only be required to be produced during the hours of official attendance of the collector of the customs and upon payment of the legally authorised fee.

16. No owner or part-owner of a vessel entitled to have his name entered in the shipowners' list in respect of the ownership or part-ownership of such vessel shall by reason of such ownership or part-ownership be deemed to be an owner or part-owner of a yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat entitled to have his name entered in the yacht-owners' list in respect of the same vessel.

Owners of vessels not to be on two lists.

17. Subject to the provisions of section 26 (As to voting by co-owners partnerships and bodies corporate) of the Act of 1911 every person whose name appears in the shipowners' list for the time being in force who in the year ending the thirty-first day of December one thousand nine hundred and fifty-one or in any third year thereafter shall (otherwise than as an agent or broker for any other person) have paid tolls specified in the Second Schedule to the Act of 1911 as amended by any enactment from time to time relating to the Commissioners to an amount mentioned in this section or a composition in lieu thereof to such amount shall in respect of the amount of tolls or composition which he shall appear by such list to have paid be entitled to votes according to the following scale:—

Scale of registered ship-owners' votes.

To the amount or aggregate amount of fifteen pounds or upwards but less than one hundred and fifty pounds two votes ;

To the amount or aggregate amount of one hundred and fifty pounds or upwards but less than three hundred pounds four votes ;

To the amount or aggregate amount of three hundred pounds or upwards but less than six hundred pounds six votes ;

To the amount or aggregate amount of six hundred pounds or upwards eight votes ;

and no such person shall be entitled to more than eight votes under such list.

18. Subject to the provisions of section 26 (As to voting by co-owners partnerships and bodies corporate) of the Act of 1911 every person whose name appears in the tollpayers' list or as a fish tollpayer in the fish-owners' and fish tollpayers' list for the time being in force who in the year ending the thirty-first day of December one thousand nine hundred and fifty-one or in any third year thereafter shall (otherwise than as a fish salesman agent or broker for any other person) have paid tolls specified in the Third and Fifth Schedules to the Act of 1911 as amended by any enactment from time to time relating to the Commissioners or in both or either of such schedules as so amended to an amount mentioned in this section or a composition in lieu

Scale of registered tollpayers' and fish tollpayers' votes.

thereof to such amount shall in respect of the amount of tolls or composition which he shall appear by either such list to have paid be entitled to votes according to the following scale:—

To the amount or aggregate amount of fifteen pounds or upwards but less than one hundred and fifty pounds three votes ;

To the amount or aggregate amount of one hundred and fifty pounds or upwards but less than three hundred pounds six votes ;

To the amount or aggregate amount of three hundred pounds or upwards but less than six hundred pounds nine votes ;

To the amount or aggregate amount of six hundred pounds or upwards twelve votes ;

and no such person shall be entitled to more than twelve votes under either such list.

Scale of
registered
fish-owners'
votes.

19. Subject to the provisions of section 26 (As to voting by co-owners partnerships and bodies corporate) of the Act of 1911 every person whose name appears in the fish-owners' and fish tollpayers' list for the time being in force as part-owner or sole owner or both of a vessel or vessels employed in catching fish shall be entitled to votes according to the following scale:—

To the amount or aggregate amount of twenty-five tons or upwards but less than seventy-five tons three votes ;

To the amount or aggregate amount of seventy-five tons or upwards but less than one hundred and twenty-five tons six votes ;

To the amount or aggregate amount of one hundred and twenty-five tons or upwards nine votes ;

and no such person shall be entitled to more than nine votes as such part-owner or sole owner or both.

Scale of
registered
private yacht-
owners' and
registered
boat-letters'
votes.

20. Subject to the provisions of section 26 (As to voting by co-owners partnerships and bodies corporate) of the Act of 1911 every person whose name appears in the yacht-owners' list for the time being in force shall in respect of the amount of tolls or composition which he shall appear by such list to have paid as a registered private yacht-owner or as a registered boat-letter be entitled to votes according to the following scale:—

To the amount or aggregate amount of a sum less than ten pounds one vote ;

To the amount or aggregate amount of ten pounds or upwards but less than twenty pounds two votes ;

To the amount or aggregate amount of twenty pounds and upwards three votes ;

and no registered private yacht-owner or registered boat-letter shall as such be entitled to more than three votes.

21. Notwithstanding anything in the Acts and Orders from time to time relating to the Commissioners from and after the first day of March one thousand nine hundred and fifty-two at every election of elected Commissioners by shipowners or by tollpayers or by fish-owners and fish tollpayers no person whose name appears in the shipowners' list for the time being in force shall give to any one candidate at such election more than one-half of the number of votes to which such person shall be stated by such list to be entitled as a registered shipowner under the provisions of this Act nor shall any person whose name appears in the tollpayers' list for the time being in force give to any one candidate at such election more than one-third of the number of votes to which such person shall be stated by such list to be entitled as a registered tollpayer under the provisions of this Act nor shall any person whose name appears in the fish-owners' and fish tollpayers' list for the time being in force give to any one candidate at such election more than one-third of the number of votes to which such person shall be stated by such list to be entitled as a registered fish-owner and fish tollpayer under the provisions of this Act.

Maximum number of votes to be given for one candidate in certain cases.

22. The returning officer for the purposes of the election of elected Commissioners by registered shipowners and registered tollpayers and registered fish-owners and fish tollpayers and registered private yacht-owners and registered boat-letters in the year one thousand nine hundred and fifty-two and in every third year thereafter shall be the chairman of the Commissioners or in the event of his decease or failure to act one of the Commissioners appointed in that behalf by the Commissioners or if no appointment be made then the clerk of the Commissioners.

Returning officer for election of elected Commissioners.

23. Subject to the provisions of the Acts and Orders from time to time relating to the Commissioners the rules in the First Schedule to this Act relating to the nomination and mode of election of elected Commissioners by registered shipowners and registered tollpayers and registered fish-owners and fish tollpayers and registered private yacht-owners and registered boat-letters (as the case may be) in the year one thousand nine hundred and fifty-two and in every third year thereafter shall be observed.

Rules as to nomination and election.

24. On and from the passing of this Act the several tolls specified in paragraphs 3 4 and 5 of the schedule to the Order of 1950 and the minimum and maximum tolls specified therein being tolls which the Commissioners are authorised by that Order to demand take and recover shall be increased by fifty per centum.

Increase of certain tolls in schedule to Order of 1950.

25.—(1) Any officer of the Commissioners on producing if required so to do a certificate of his personal authority signed by the clerk of the Commissioners may at all reasonable times enter

Power to enter and inspect pleasure boats.

into or upon any pleasure boat within the limits of the port and inspect and examine such pleasure boat and every part thereof for the purpose of ensuring that the byelaws of the Commissioners relating to the registration and certification of such boats have been complied with.

(2) For the purposes of this section "pleasure boat" includes any yacht sailing motor or other boat open rowing boat punt house-boat or hulk used as a house-boat (not being a sea-going boat or vessel or used solely as a tug or exclusively for the carriage of animals fish or goods) and includes any pleasure boat let lent hired or engaged for gift pay hire or reward or promise of payment.

Amendments
of Acts of
1866 1911
and 1948.

26. The amendments specified in the second column of the Second Schedule to this Act shall be made in the provisions of the Great Yarmouth Port and Haven Act 1866 the Act of 1911 and the Act of 1948 specified in the first column of the said schedule.

Crown rights.

27. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of His Majesty first had and obtained for that purpose.

Repeal.

28. The following enactments are hereby repealed:—

Act of 1911—

Section 6 (Commissioners until twenty-fifth day of March one thousand nine hundred and twelve);

Section 7 (Commissioners on and after yearly meeting in one thousand nine hundred and twelve);

Section 8 (General qualification of Commissioners);

Section 9 (Appointment of Commissioners by Corporation);

Section 10 (Appointment of Commissioners by Norwich Corporation);

Section 11 (Appointment of Commissioners by Norfolk Justices);

Section 12 (Appointment of Commissioners by Suffolk Justices);

- Section 13 (Evidence of appointment of appointed Commissioners) ;
- Section 14 (Collector of tolls to make lists of shipowners and tollpayers and fish-owners and fish tollpayers) ;
- Section 15 (Collector of customs to afford facilities) ;
- Section 16 (Collectors of tolls to make lists of yacht-owners) ;
- Section 17 (Owners of vessels not to be on two lists) ;
- Section 18 (Scale of shipowners' and fish-owners' votes) ;
- Section 19 (Scale of registered tollpayers' votes) ;
- Section 20 (Scale of registered yacht-owners' votes) ;
- Section 25 (Maximum number of votes to be given for one candidate in certain cases) :

Act of 1948—

- Section 8 (Returning officer for election of elected Commissioners) ;
- Section 9 (Rules as to nomination and election) ;
- First Schedule.

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

SCHEDULES

FIRST SCHEDULE

NOMINATION OF CANDIDATES AND MODE OF ELECTION

1. The returning officer shall in the year one thousand nine hundred and fifty-two and in every third year thereafter not less than seven days before the day appointed by him for the delivery to him of nominations for the election of elected Commissioners by registered shipowners and registered tollpayers and registered fish-owners and fish tollpayers and registered private yacht-owners and registered boat-letters publish by advertisement in a local newspaper circulating in the borough of Great Yarmouth a notice signed by him specifying—

- (a) The number of persons to be elected by—
 - (i) registered shipowners ;
 - (ii) registered tollpayers ;
 - (iii) registered fish-owners and fish tollpayers ;
 - (iv) registered private yacht-owners ; and
 - (v) registered boat-letters ;
- (b) The place where forms of nomination may be obtained ;
- (c) The place where and the day upon and the hours during which the nominations are to be delivered or sent to him ;
- (d) The day on which in the event of a poll the voting papers will be sent out and the day on or before which and the place where they are to be returned ; and
- (e) The place for the examination and casting up of the votes.

2. Subject to the provisions of this Act the person or persons to be from time to time elected as elected Commissioners by the registered shipowners or the registered tollpayers or the registered fish-owners and fish tollpayers or the registered private yacht-owners or the registered boat-letters (as the case may be) in the case of a poll being taken shall to the extent of the vacancy or vacancies in respect of which the poll is taken be the person or persons receiving thereat the greatest number of votes of the registered shipowners or registered tollpayers or registered fish-owners and fish tollpayers or registered private yacht-owners or registered boat-letters (as the case may be) In the case of an equality of votes at the poll the returning officer shall be entitled to give a casting vote in addition to the vote or votes (if any) to which he may be otherwise entitled under this Act.

3. Any person entitled to vote in the election of elected Commissioners may by writing signed by him nominate for the office of Commissioner himself if qualified or any other person if qualified and any persons being co-owners or in partnership or any body

corporate registered on the shipowners' list or on the tollpayers' list or on the fish-owners' and fish tollpayers' list or on the yacht-owners' list (as the case may be) for the time being in force may in the case of any such co-ownership or partnership by a majority of the members thereof in writing and in the case of a body corporate by writing under their common seal nominate for the office of Commissioner any person duly qualified. Every such nomination which must be assented to in writing by the person nominated shall be on a form to be prescribed by the Commissioners. If the persons nominated by registered shipowners and so assenting are more than two the Commissioners to be elected by the registered shipowners shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by registered tollpayers and so assenting are more than three the Commissioners to be elected by the registered tollpayers shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by registered fish-owners and fish tollpayers and so assenting are more than three the Commissioners to be elected by the registered fish-owners and fish tollpayers shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by registered private yacht-owners are more than one the Commissioner to be elected by the registered private yacht-owners shall be elected from the persons so nominated and assenting and from them only and if the persons nominated by the registered boat-letters are more than one the Commissioner to be elected by the registered boat-letters shall be elected from the persons so nominated and assenting and from them only.

4. If the number of persons duly qualified and nominated by registered shipowners and by registered tollpayers and by registered fish-owners and fish tollpayers and by registered private yacht-owners and by registered boat-letters respectively and having assented to the nominations as hereinbefore provided does not exceed the number of vacancies to be filled by persons to be elected by such bodies respectively no poll shall (except as hereinafter provided) be necessary to fill such vacancies or vacancy but in each such case the persons or person so nominated and having so assented shall as from the date stated in their or his respective nominations or nomination be deemed to be elected to fill such vacancies or vacancy.

5. If the persons duly nominated for election as elected Commissioners by the registered shipowners or the registered tollpayers or the registered fish-owners and fish tollpayers respectively be less in number than the number of vacancies to be filled or be not qualified as required by this Act to fill all the vacancies the retiring Commissioners elected by those bodies respectively shall if qualified as required by this Act or so many of them respectively (chosen if occasion arises by lot) as may be required to fill the remaining vacancies or vacancy be deemed to be re-elected and if no person be duly nominated by the registered private yacht-owners or by the registered boat-letters respectively the retiring Commissioner elected by those bodies shall if qualified as required by this Act be deemed to be re-elected and in any case in which there shall be no retiring elected Commissioner or an insufficient number of retiring elected

Commissioners qualified as required by this Act to fill such vacancies or vacancy the same shall in each such case be filled up in accordance with the provisions of section 33 (As to bye-elections) of the Act of 1911.

6. Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the returning officer not later than three clear days before the day for sending out the voting papers in the case of a poll.

7. In the case of a poll the returning officer shall cause to be prepared separate voting papers of the persons nominated by—

- (a) the registered shipowners ;
- (b) the registered tollpayers ;
- (c) the registered fish-owners and fish tollpayers ;
- (d) the registered private yacht-owners ; and
- (e) the registered boat-letters ;

and shall insert therein the full name and address of each of the persons nominated by the registered shipowners and the registered tollpayers and the registered fish-owners and fish tollpayers and the registered private yacht-owners and the registered boat-letters (as the case may be) and not withdrawn in the alphabetical order of the surnames of such persons and he shall also insert on each of such voting papers the name and address of the person entitled to vote and the number of votes to which such person is entitled.

8. The returning officer shall not less than seven days before the last day on which the voting papers are to be returned to him cause a voting paper to be delivered by persons appointed by him for that purpose or by post at the address stated in the shipowners' list or the tollpayers' list or the fish-owners' and fish tollpayers' list or the yacht-owners' list (as the case may be) of every person entitled to vote at the election or in the case of co-owners a partnership or a body corporate at the addresses of the co-owners or the address of the partnership or the body corporate (as the case may be).

9. Each voter shall place in the proper column of the voting paper against the name of any candidate for whom he votes the number of votes he gives to such candidate and shall sign such voting paper and in case the voter votes on behalf of co-owners or a partnership or a body corporate he shall state the names or name of the co-owners partnership or body corporate for whom he votes.

10. If any person entitled to receive a voting paper has not received a voting paper as aforesaid he shall either on written or personal application to the returning officer on or before the last day for returning the voting papers be entitled to receive a voting paper from him and to fill up the same in his presence and then and there to deliver the same to him.

11. The voter shall send the voting paper to the returning officer so as to reach him on or before the day fixed by him in the notice of the election either by leaving or causing the same to be left at the place named in the notice or by posting the same so as to reach the returning officer not later than noon on the day fixed by the notice.

COUNTING OF VOTES

12. The returning officer shall on the day immediately following the day for returning the voting papers attend at the principal office of the Commissioners and he shall cast up such of the votes as he finds to be valid and to have been duly given and shall ascertain the number of such votes for each candidate.

13. A voting paper by which a voter purports to give more votes than he is entitled to give shall be void to all intents.

14. Any candidate may himself attend or may appoint any agent to attend the examination and casting-up of the votes and any candidate or agent so attending who obstructs or in any way interferes with the examination and casting-up of the votes may by order of the returning officer be forthwith removed from the place appointed for that purpose and if so removed shall not be permitted to return thereto.

15. The candidates elected shall be certified by the returning officer under his hand and to each person so elected the returning officer shall forthwith send or deliver or cause to be delivered notice of his election.

16. The returning officer shall also cause to be made a list containing the names of the candidates together with (in the case of a contest) the number of votes given to each and the names of the persons elected and shall sign and certify such list and shall publish the list in a local newspaper circulating in the borough of Great Yarmouth and shall deliver such list together with the nomination and voting papers which he has received to the Commissioners who shall cause the same to be deposited in their principal office. The clerk of the Commissioners shall post a copy of such list on the outer door of the principal office of the Commissioners.

GENERAL PROVISIONS

17. The returning officer shall make all his arrangements for the conduct of every election so as to ensure its completion within twenty-one days after the first day of March.

18. (a) Where the day or last day on which anything is required or permitted to be done by or in pursuance of the foregoing rules is any of the days mentioned in the next succeeding sub-paragraph the requirements or permission shall be deemed to relate to the first day thereafter which is not one of those days.

(b) The days referred to in the immediately preceding sub-paragraph are any Sunday Christmas Day Good Friday any bank holiday under the Bank Holidays Act 1871 and any day appointed for public thanksgiving or mourning.

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Vict. c. 17.

SECOND SCHEDULE

AMENDMENTS OF THE GREAT YARMOUTH PORT AND HAVEN ACTS
1866 1911 AND 1948

THE GREAT YARMOUTH PORT AND HAVEN ACT 1866

Provisions to be amended	Amendments
Section 6 (Interpretation of terms).	The words "and embayments" shall be inserted after the word "branches" wherever that word occurs.

THE GREAT YARMOUTH PORT AND HAVEN ACT 1911

Section 21 (Lists to be printed).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Part of this Act" wherever those words occur and the words "one thousand nine hundred and fifty-two" shall be substituted for the words "one thousand nine hundred and twelve".
Section 22 (Revisor of lists).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Part of this Act" and the words "one thousand nine hundred and fifty-two" shall be substituted for the words "one thousand nine hundred and twelve".
Section 23 (Lists to be revised).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Part of this Act" the words "shipowners' list or the toll-payers' list" shall be substituted for the words "shipowners' and toll-payers' list" and the words "provisions of the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "provisions of this Act".
Section 26 (As to voting by co-owners partnerships and bodies corporate).	The words "shipowners' list or the toll-payers' list" shall be substituted for the words "shipowners' and toll-payers' list" and the words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Part of this Act".

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Provisions to be amended	Amendments
Section 31 (Retirement from office of Commissioners).	The words "one thousand nine hundred and fifty-two" shall be substituted for the words "one thousand nine hundred and twelve" the words "after the yearly meeting to be held in the year one thousand nine hundred and fifty-two" shall be inserted after the words "provided always that" and the words "by the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "by this Act" wherever those words occur.
Section 32 (Supplying occasional vacancies).	The following proviso shall be inserted at the end of the first paragraph:— "Provided that if such Commissioner be an elected Commissioner and the vacancy arises within twelve months of the expiration of the term for which such Commissioner was elected the vacancy need not be filled".
Section 34 (Notice to be given of occasional vacancies in office of appointed Commissioners).	The words "section 12 (Evidence of appointment of appointed Commissioners) of the Great Yarmouth Port and Haven Act 1951" shall be substituted for the words "the section of this Act of which the marginal note is 'Evidence of appointment of appointed Commissioners'".
Section 39 (Errors in election &c. not to vitiate acts of Commissioners).	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "this Act".

THE GREAT YARMOUTH PORT AND HAVEN ACT 1948

Section 2 (Interpretation) ...	The words "the Acts and Orders from time to time relating to the Commissioners" shall be substituted for the words "the existing Acts and this Act" in paragraph (a) of subsection (2).
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Great Yarmouth Port and Haven Act, 1951

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