

**CHAPTER xxxiv**

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Great Yarmouth.
[28th July 1950.]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 24 & 25 Vict. is not of any validity or force whatever until confirmation c. 45. thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act as 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 Short title. (Great Yarmouth) Confirmation Act 1950.

SCHEDULE

GREAT YARMOUTH PORT AND HAVEN

Provisional Order to vary the tolls leviable by the Great Yarmouth Port and Haven Commissioners and for other purposes

Short and collective titles.

1.—(1) This Order may be cited as the Great Yarmouth Port and Haven Order 1950.

15 & 16 Geo. 5. c. liii.
11 & 12 Geo. 6. c. xlvi.

(2) The Great Yarmouth Port and Haven Acts 1866 to 1911 as extended by the Lowestoft (Oulton Broad) Order 1922 the Great Yarmouth Haven Bridge Act 1925 and the Great Yarmouth Port and Haven Act 1948 may be cited together as the Great Yarmouth Port and Haven Acts and Order 1866 to 1948.

(3) The Great Yarmouth Port and Haven Acts and Order 1866 to 1948 and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1950.

Commencement of Order.

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.—(1) In this Order 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;

"Act of 1948" means the Great Yarmouth Port and Haven Act 1948;

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

10 & 11 Vict. c. 27.

"Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"Minister" means the Minister of Transport;

14 & 15 Geo. 5. c. lxxxii.

"Order of 1924" means the Great Yarmouth Port and Haven Order 1924 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1924;

29 & 30 Vict. c. ccxlvii.

"port" means the port of Great Yarmouth as defined by section 4 (Limit of the Port of Great Yarmouth) of the Great Yarmouth Port and Haven Act 1866 as amended by the Act of 1948;

"seaplane" has the same meaning as in the Act of 1948;

"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;

"vessel" has the same meaning as in the Act of 1948.

Order (Great Yarmouth) Confirmation Act, 1950

(2) Any reference in this Order 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 Order.

4. The Great Yarmouth Port and Haven Commissioners shall be the undertakers for carrying this Order into execution and are in this Order referred to as "the Commissioners".

5.—(1) In the application to this Order of the Harbours Clauses Act 1847 the expression "the special Act" shall mean this Order and the word "vessel" shall include a seaplane on the surface of the water: Application of Harbours Clauses Act 1847.

Provided that nothing in the Harbours Clauses Act 1847 or this Order shall in any circumstances require or authorise the harbour-master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(2) Sections 12 and 13 and 16 to 19 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

6. On and from the commencement of this Order the several tolls authorised by section 70 (Tolls on vessels in Second Schedule) section 71 (Tolls on animals fish and goods in Third Schedule) and section 73 (Tolls on fish and goods landed etc. at or shipped in haven) of the Act of 1911 and specified in the Second Third and Fifth Schedules respectively of the said Act and the charges prescribed by section 11 (Byelaws) of the Great Yarmouth Port and Haven Act 1907 shall be increased by fifty per centum. Increase of tolls. 7 Edw. 7. c. xlii.

7. On and from the commencement of this Order the Commissioners may demand take and recover any sums not exceeding the several tolls respectively specified in the schedule to this Order for or in respect of— River tolls on vessels animals fish and goods.

- (a) all vessels navigating or using the rivers Yare Bure or Waveney or any part of any of such rivers ;
- (b) all yachts sailing motor or other boats rowing boats or punts navigating or using the rivers Yare Bure or Waveney or any part of any of such rivers or any part of Oulton Broad or Oulton Dyke ;
- (c) all vessels moored in the rivers Yare Bure or Waveney or any part of any of such rivers and laid by and unused or used otherwise than for the purpose of navigation ;
- (d) all passengers carried or conveyed in any vessel on any part of any of such rivers ;
- (e) all animals fish and goods carried or conveyed in any vessel on any part of any of such rivers :

Provided that the tolls in respect of passengers animals fish and goods shall be and become payable at the option of the Commissioners at the place on any of the said rivers where such passengers are landed or embarked or where such animals fish or goods are loaded or unloaded or where the vessel first touches after entering any of the said rivers whichever shall first happen:

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Provided also that no tolls shall be taken or recovered under this section in respect of any animals hay straw fodder or farm produce chalk or manure carried on the river Yare the river Bure or the river Waveney or any part of any of such rivers by the occupier of lands abutting thereon for depasturing consumption or use upon any other lands in his occupation abutting on the same river:

Provided further that the expression "chalk" in this section shall be deemed to mean and include only chalk carried on any of the said rivers by the occupier of agricultural land for use upon his land as manure or for some agricultural purpose in connection with such land.

Revision of
tolls.

8.—(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 shipowners ; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application ; or
- (c) by the Commissioners ;

that under the circumstances then existing the authorised tolls should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised tolls referred to in the application 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 subsection.

(2) An application made to the Minister under subsection (1) of 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 under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the tolls 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 consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commissioners where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Commissioners or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised tolls as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Commissioners being insufficient or more than sufficient to enable the

Commissioners with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their undertaking including interest on loan capital (regard being had by him to any capital which the Commissioners may reasonably be expected to expend) making good depreciation providing for any contributions which the Commissioners may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses (if any) properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking of the Commissioners taking into account their financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised tolls in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Commissioners being insufficient to enable the Commissioners to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The provisions of section 19 (Inquiries by Minister) of the Act of 1948 shall apply to inquiries which the Minister may cause to be held under this section.

(7) The power of the Minister to make an order under this section shall be exercisable by statutory instrument.

(8) In this section "authorised tolls" means the dues rates tolls and charges which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Great Yarmouth Port and Haven Acts and Orders 1866 to 1950 or any order made under this section.

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

(2) The Commissioners shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every refusal or neglect to comply with the foregoing provisions.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the twenty-fourth day of March in each year.

10. The following enactments are hereby repealed:—

Order of 1924—

The whole Order:

Great Yarmouth Port and Haven Act 1900—

Section 37 (Annual accounts to be sent to Board of Trade):

Repeal.

63 & 64 Vict.
c. ciii.

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Act of 1911—

Section 72 (River tolls on vessels animals fish and goods in Fourth Schedule);

Fourth Schedule:

Act of 1948—

In section 1 (Short and collective titles) the words from “and the Great Yarmouth Port and Haven Acts and Order 1866 to 1924” to the end of the section;

Section 7 (Revision of tolls);

In the Second Schedule the amendments to the Fourth Schedule of the Great Yarmouth Port and Haven Act 1911 specified in the second column thereof.

Costs of Order.

11. 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 Commissioners.

The SCHEDULE referred to in the foregoing Order

	£	s.	d.
1. For every vessel (except sea-going vessels) navigating or using the rivers Yare Bure or Waveney or any part of any of such rivers for the purpose of carrying animals fish or goods—			
If propelled by steam or other mechanical power per register ton or at the option of the Commissioners per ton burden or carrying power per annum	0	3	9
If propelled in any other way per register ton or at the option of the Commissioners per ton burden or carrying power per annum	0	1	6
2. For every sea-going vessel navigating or using the rivers Yare Bure or Waveney or any part of any of such rivers for the purpose of carrying animals fish or goods—			
In respect of vessels making a user of the said rivers for each such user—			
If the vessel be propelled by steam or other mechanical power per register ton... ..	0	0	6
If propelled in any other way per register ton	0	0	4½
(A user of a river provided it does not exceed one month shall be deemed to commence when the vessel enters a river from a sea voyage and to determine when the vessel leaves the river for a sea voyage.)			
3. (a) For every vessel yacht sailing motor or other boat (not being an open rowing boat or punt) house-boat or hulk used as a house-boat navigating or using the rivers Yare Bure or Waveney or any part of any			

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	£	s.	d.
of such rivers or any part of Oulton Broad or Oulton Dyke for any purpose other than the purpose of carrying animals fish or goods—			
If propelled by mechanical power per ton per annum	0	15	0
with a minimum toll per annum of £1 and a maximum toll per annum of £15.			
If propelled in any other way per ton per annum... ..	0	10	0
with a minimum toll per annum of 15 shillings and a maximum toll per annum of £10.			
(b) For every open rowing boat or punt navigating or using the said rivers or any part of any of such rivers or any part of Oulton Broad or Oulton Dyke per annum	0	8	0

(For the purposes of this schedule a year shall be deemed to commence on the 25th day of March and end on the next ensuing 24th day of March and the above tolls shall be due and payable on the day in each year on which the vessel boat or punt shall for the first time be navigated or used in that year in the case of tolls under paragraph 1 on any part of any of the rivers Yare Bure or Waveney and in the case of tolls under paragraph 3 on any part of any of the rivers Yare Bure or Waveney or on any part of Oulton Broad or Oulton Dyke).

4. (a) For every yacht sailing motor or other boat house-boat or hulk used as a house-boat moored in the rivers Yare Bure or Waveney or any part of any of such rivers and laid by and unused or used otherwise than for the purpose of navigation in respect of which no toll under any other part of this schedule shall have been paid during any year as defined in the last preceding paragraph—

For each six months or any fractional part of six months not being less than one month

{ One-half of the tolls respectively authorised by paragraph 3 of this schedule.

(b) For every other vessel moored and laid by as aforesaid per register ton per month 0 0 1½

5. For every vessel (not being an open rowing boat or punt) navigating or using any part of any of the rivers Yare Bure or Waveney and carrying or conveying passengers thereon in addition to the above tolls—

In respect of every passenger so carried or conveyed 0 0 1½

(This toll shall be due and payable once only in respect of the same passenger carried or conveyed on the same day on the same vessel on any part of any of the said rivers.)

RIVER TOLLS ON ANIMALS FISH AND GOODS

One-half part of the tolls on animals fish and goods as respectively specified in the Third Schedule to the Act of 1911 as amended by this Order.

(For the purposes of this schedule a fraction of a ton shall be considered as one ton.)

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ARRANGEMENT OF SECTIONS

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SCHEDULE

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