



CHAPTER liii.

An Act to alter the constitution of the Tees Conservancy Commissioners to authorise the Commissioners to make works to acquire and hold lands and to provide and carry on docks wharves quays landing places and the like to make provision for the rates tolls dues and charges demandable by the Commissioners to extend the time for the construction of certain works by the Commissioners to confer upon the Commissioners further powers with respect to the raising of money and for other purposes. [1st August 1946.]

WHEREAS by the Tees Conservancy Acts 1852 to 1922 the Tees Conservancy Commissioners (hereinafter referred to as "the Commissioners") are constituted and incorporated and invested with powers for the conservancy improvement and regulation of the river Tees and for the construction of works and the reclamation of land and for other purposes:

And whereas the Tees Conservancy Commissioners now consist of twenty-one members of whom three are appointed by the Minister of Transport four are appointed by the Stockton Council four are appointed by the Middlesbrough Council two are elected by the Yarm rate-payers and two each are elected by the Stockton shipowners the Middlesbrough shipowners the Stockton payers of Tees dues and the Middlesbrough payers of Tees dues respectively all as defined in the Acts relating to the Commissioners:

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

And whereas it is desirable in the interests of the expansion of trade and shipping and in furtherance of the development of the ports of the Tees that the port facilities be expanded and that further powers be conferred upon the Commissioners with respect to the making and management of docks and wharves and conveniences in connection therewith:

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

10 & 11 Geo. 5.
c. xxxvi.

And whereas it is provided by section 34 (Period for completion of works) of the Tees Conservancy Act 1920 that if the works by that Act authorised shall not be completed within twenty-five years from the passing of that Act the powers thereby granted for executing those works shall cease except as to so much thereof as shall then be completed:

3 & 4 Geo. 6.
c. 16.

And whereas owing to difficulties and embarrassments suffered by the Commissioners by reason of circumstances beyond their control and by reason of circumstances directly or indirectly attributable to the war it has been impossible to complete the said works within the time so limited and the Minister of War Transport in pursuance of the powers vested in him by the Special Enactments (Extension of Time) Act 1940 made an order under section 1 of that Act intituled the Tees Conservancy Act 1920 (Extension of Time) Order 1945 extending the time so limited for the completion of the said works for a period of three years from the second day of July nineteen hundred and forty-five and it is expedient further to extend the time so limited and extended:

And whereas it is expedient to confer upon the Commissioners further powers with respect to their finances:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands authorised by this Act to be acquired or used and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the North Riding of Yorkshire and the town clerk of the county borough of Middlesbrough which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid 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 (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Tees Conservancy Act 1946 and the Tees Conservancy Acts 1852 to 1922 and this Act may be cited together for all purposes as the Tees Conservancy Acts 1852 to 1946. Short and collective titles.

2. This Act is divided into Parts as follows:—

Act divided into Parts.

Part I.—Preliminary.

Part II.—Constitution of Commissioners.

Part III.—Works and lands.

Part IV.—Trading.

Part V.—Rates tolls dues and charges.

Part VI.—Extension of time for certain works.

Part VII.—Finance.

Part VIII.—Miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely):— Incorporation of Acts.

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845; 8 & 9 Vict. c. 18.

The Harbours Docks and Piers Clauses Act 1847 except section 50 thereof; 10 & 11 Vict. c. 27.

and in construing the incorporated provisions of the said Acts the expressions “the promoters of the undertaking” and “the undertakers” shall respectively mean the Commissioners.

4. The several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act unless the subject or context otherwise requires— Interpretation.

“The Commissioners” means the Tees Conservancy Commissioners;

“The Yarm rate-payers” means the persons rated to the general rate in the parish of Yarm acting by the Yarm Parish Council;

“The Middlesbrough shipowners” means persons registered in the books of the custom house of the port of Middlesbrough as owners or part owners of vessels registered as belonging to that port;

PART I.
—cont.

- “ The Stockton shipowners ” means persons registered in the books of the custom house of the port of Stockton as owners or part owners of vessels registered as belonging to that port;
- “ The shipowners of the ports of the Tees ” means the Middlesbrough shipowners and the Stockton shipowners;
- “ The Middlesbrough payers of Tees dues ” means persons carrying on business within the port of Middlesbrough and paying within that port any money in respect of dues tolls or rates leviable under the Tees Conservancy Acts 1852 to 1946 or any enactment amending or extending the same;
- “ The Stockton payers of Tees dues ” means persons carrying on business within the port of Stockton and paying within that port any money in respect of dues tolls or rates leviable under the Tees Conservancy Acts 1852 to 1946 or any enactment amending or extending the same;
- “ The wharfowners ” means the Tees Wharfowners’ Association and “ a wharfowner ” means a member of the said association;
- “ The shipbrokers ” means the Middlesbrough and District Association of Chartered Shipbrokers and “ a shipbroker ” means a member of the said association;
- “ The Middlesbrough Council ” and “ the Stockton Council ” “ the Redcar Council ” “ the Thornaby Council ” “ the Billingham Council ” and “ the Eston Council ” respectively mean the respective councils of the county borough of Middlesbrough the boroughs of Stockton on Tees Redcar and Thornaby on Tees and the urban districts of Billingham and Eston;
- “ The four councils ” means the Redcar Council the Thornaby Council the Billingham Council and the Eston Council;
- “ The appointed Commissioners ” means the persons holding office at the passing of this Act as Commissioners appointed by the Middlesbrough Council and the Stockton Council;
- “ The Yarm Commissioners ” means the persons holding office at the passing of this Act as Commissioners elected by the Yarm rate-payers as those rate-payers are defined in the Act of 1852;
- “ The elected Commissioners ” means the persons from time to time elected as Commissioners by the shipowners of the ports of the Tees the Middlesbrough

payers of Tees dues and the Stockton payers of Tees dues under the provisions of this Act and includes the persons holding office at the passing of this Act as Commissioners elected by the Middlesbrough shipowners the Stockton shipowners as those shipowners are defined in the Act of 1875 and by the Stockton payers of Tees dues and the Middlesbrough payers of Tees dues (as so defined);

“ The revisers ” means the persons from time to time appointed in pursuance of the provisions of this Act as revisers of lists of electors entitled to vote as shipowners of the ports of the Tees and as Middlesbrough payers of Tees dues and Stockton payers of Tees dues;

“ The Act of 1852 ” means the Tees Conservancy and Stockton Dock Act 1852; 15 & 16 Vict. c. clxii.

“ The Act of 1858 ” means the Tees Conservancy Act 1858; 21 & 22 Vict. c. cxii.

“ The Act of 1875 ” means the Tees Conservancy Act 1875; 38 & 39 Vict. c. lxxxvi.

“ The Act of 1887 ” means the Tees Conservancy (No. 2) Act 1887; 50 & 51 Vict. c. cxlvii.

“ The Act of 1912 ” means the Tees Conservancy Act 1912; 2 & 3 Geo. 5. c. lxxvi.

“ The Act of 1920 ” means the Tees Conservancy Act 1920; 10 & 11 Geo. 5. c. xxxvi.

“ The Tees Conservancy Acts ” means the Tees Conservancy Acts 1852 to 1922;

“ The river ” means the portions of the river Tees and shore thereof and of any creek bay arm of the sea or navigable river communicating therewith within the jurisdiction of the Commissioners;

“ The Minister ” means the Minister of Transport;

“ The revenues of the Commissioners ” includes all rates tolls dues charges contributions and revenues receivable by the Commissioners.

PART II.

CONSTITUTION OF COMMISSIONERS.

General.

5. On and after the ninth day of November nineteen hundred and forty-six the enactments mentioned in Parts 1 and 2 of the First Schedule to this Act and relating respectively to the appointment and election of the Commissioners and to the Stockton Dock Committee are hereby repealed to the extent there mentioned. Repeal.

PART II.
—cont.
Present Com-
missioners
continued in
office.

6. 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 as in this section provided (namely):—

The Commissioners appointed by the Minister until the ninth day of November nineteen hundred and forty-six;

The appointed Commissioners in accordance with the provisions of subsection (1) of the section of this Act of which the marginal note is "Appointment of Commissioners by local authorities";

The Yarm Commissioners and the elected Commissioners until the ninth day of November nineteen hundred and forty-six.

Constitution of
Commis-
sioners.

7.—(1) Notwithstanding any repeal effected by this Act the Commissioners shall continue until the ninth day of November nineteen hundred and forty-six to consist of—

Three Commissioners appointed by the Minister;

Four Commissioners appointed by the Middlesbrough Council;

Four Commissioners appointed by the Stockton Council;

Two Commissioners elected by the Yarm rate-payers (as defined in the Act of 1852);

Two Commissioners elected by the Middlesbrough ship-owners (as defined in the Act of 1875);

Two Commissioners elected by the Stockton shipowners (as defined in the Act of 1875);

Two Commissioners elected by the Middlesbrough payers of Tees dues (as defined in the Act of 1875);

Two Commissioners elected by the Stockton payers of Tees dues (as defined in the Act of 1875);

(2) On the ninth day of November nineteen hundred and forty-six—

(i) there shall be added to the Commissioners six additional Commissioners appointed as follows:—

By the Redcar Council	...	...	1
By the Thornaby Council	...	...	1
By the Billingham Council	...	...	1
By the Eston Council	...	...	1
By the wharfowners	...	...	1
By the shipbrokers	...	...	1

(ii) The Yarm Commissioners shall be reduced from two Commissioners to one Commissioner;

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

PART II.
—cont.

By the shipowners of the ports of the Tees	4
By the Middlesbrough payers of Tees dues	4
By the Stockton payers of Tees dues	2

(3) Accordingly on and after that ninth day of November the Commissioners shall consist of—

Three Commissioners appointed by the Minister;

One Commissioner appointed by the Yarm rate-payers;

Twelve Commissioners appointed by local authorities as follows:—

By the Middlesbrough Council ...	4
By the Stockton Council ...	4
By the Redcar Council	1
By the Thornaby Council ...	1
By the Billingham Council ...	1
By the Eston Council	1

One Commissioner appointed by the wharfowners;

One Commissioner appointed by the shipbrokers;

Ten Commissioners elected as follows:—

By the shipowners of the port of the Tees	4
By the Middlesbrough payers of Tees dues	4
By the Stockton payers of Tees dues	2

8. Notwithstanding any repeal effected by this Act the several persons who from time to time are under this Act or any subsequent Act amending or extending this Act holding office as Commissioners shall (subject to the provisions of any such subsequent Act) continue incorporated by the name of "the Tees Conservancy Commissioners" and by that name continue and be 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 Tees Conservancy Acts 1852 to 1946 and to put into execution the provisions of those Acts so far as they are to be executed by the Commissioners.

Notwithstanding repeals Commissioners to continue incorporated.

9. A person shall be disqualified for being appointed or elected or being a Commissioner if he holds any paid office or other place of profit in the gift or disposal of the Commissioners.

Disqualification for office as Commissioner.

PART II.
—cont.
Provision in
case of 9th
November
falling on a
Sunday &c.

10. Whenever the ninth day of November in any year is a Sunday or a day appointed for a bank holiday public fast or thanksgiving the tenth day of November in that year or the next day which is not a Sunday bank holiday fast day or day of thanksgiving shall for the purposes of the appointment and election of Commissioners for the purposes of this Act be substituted for the ninth day of November in that year.

Commissioners appointed by Minister.

Appointment
of Commis-
sioners by
Minister.

11.—(1) (a) The persons holding office at the passing of this Act as Commissioners appointed by the Minister under the Act of 1852 shall go out of office on the ninth day of November nineteen hundred and forty-six.

(b) On that day and on the ninth day of November in every second year thereafter the Minister shall appoint three persons to be Commissioners for the ensuing two years.

(2) All appointments by the Minister under this section shall be made in writing under the hand of the secretary or an assistant secretary of the Ministry of Transport and notice thereof shall be given to the clerk to the Commissioners.

(3) With a view to providing for the representation of labour on the Tees Conservancy Commission one of the persons appointed by the Minister under this section shall be appointed after consultation with such organizations representative of labour as the Minister thinks best qualified to advise upon the matter.

Commissioner appointed by Yarm rate-payers.

Appointment
of Commis-
sioner by
Yarm rate-
payers.

12.—(1) (a) The Yarm Parish Council shall on the ninth day of November in the year nineteen hundred and forty-six and every second year thereafter appoint a person resident in the southern division of the county of Durham or in the North Riding of the county of York to be a Commissioner for the ensuing two years.

(b) If on any ninth day of November on which an appointment should be made under paragraph (a) of this subsection the Yarm Parish Council fail to appoint a person to be a Commissioner the said parish council shall make such appointment within seven days after that day.

(2) Every person appointed to be a Commissioner under this section shall be a member of the Yarm Parish Council.

(3) Every person appointed to be a Commissioner under this section shall hold office on and from the date of his appointment until and including the eighth day of November in the second year after his appointment unless he shall

previously die resign or become disqualified to be a Commissioner and on the expiry of his term of office shall if qualified be eligible for re-appointment.

(4) Notice in writing of the name of any person appointed to be a Commissioner under this section shall be given by the clerk of the Yarm Parish Council to the clerk to the Commissioners.

Commissioners appointed by local authorities.

13.—(1) (a) On the ninth day of November nineteen hundred and forty-six of the Commissioners appointed by the Middlesbrough Council and by the Stockton Council respectively the two Commissioners appointed by each such council who shall have been longest in office shall go out of office and the remaining two Commissioners appointed by the Middlesbrough Council and two Commissioners appointed by the Stockton Council shall remain in office.

Appointment
of Commis-
sioners by local
authorities.

(b) On that day the Middlesbrough Council and the Stockton Council shall each appoint two persons to be Commissioners in addition to the two so remaining in office.

(c) On the ninth day of November in every succeeding year the two of the Commissioners appointed by the Middlesbrough Council and the two of the Commissioners appointed by the Stockton Council who shall have been longest in office shall go out of office and the Middlesbrough Council and the Stockton Council shall each appoint two persons to be Commissioners in the place of the Commissioners so going out of office.

(d) If on any ninth day of November on which an appointment should be made under paragraph (c) of this subsection either the Middlesbrough Council or the Stockton Council fail to appoint such persons to be Commissioners the council so failing shall make such appointment within seven days next after that day.

(e) On the expiry of his term of office a Commissioner appointed under this subsection shall if qualified be eligible for reappointment.

(2) (a) Each of the four councils shall on the ninth day of November in the year nineteen hundred and forty-six and every second year thereafter respectively appoint the number of persons mentioned in subsection (3) of the section of this Act of which the marginal note is "Constitution of Commissioners" opposite the name of such council to be a Commissioner for the ensuing two years.

PART II.
cont.

(b) If on any ninth day of November on which an appointment should be made under paragraph (a) of this subsection any of the four councils fail to appoint a person to be a Commissioner that council shall make such appointment within seven days next after that day.

(c) Every person appointed to be a Commissioner under this subsection shall hold office on and from the date of his appointment until and including the eighth day of November in the second year after his appointment unless he shall previously die resign or become disqualified to be a Commissioner and on the expiry of his term of office shall if qualified be eligible for re-appointment.

(3) Every person from time to time appointed under this section to be a Commissioner shall be resident in the southern division of the county of Durham or in the North Riding of the county of York and be a member of the council by which he is appointed.

(4) Notice in writing of the name of any person appointed to be a Commissioner under this section shall be given by the clerk of the council by which he is appointed to the clerk to the Commissioners.

Commissioners appointed by wharfowners and shipbrokers.

Appointment
of Commis-
sioners by
wharfowners
and ship-
brokers.

14.—(1) (a) The wharfowners and the shipbrokers respectively shall on the ninth day of November in the year nineteen hundred and forty-six and every second year thereafter each appoint a person being in the case of the wharfowners a wharfowner and in the case of the shipbrokers a shipbroker to be Commissioners for the ensuing two years.

(b) If on any ninth day of November on which an appointment should be made under paragraph (a) of this subsection the wharfowners or the shipbrokers fail to appoint a person to be a Commissioner the wharfowners or the shipbrokers as the case may be shall make such appointment within seven days of that day.

(2) Every person appointed as a Commissioner under this section shall hold office on and from the date of his appointment until and including the eighth day of November in the second year after his appointment unless he shall previously die resign or become disqualified to be a Commissioner and on the expiry of his term of office shall if qualified be eligible for re-appointment.

(3) Every person from time to time appointed under this section to be a Commissioner shall be resident in the southern division of the county of Durham or in the North Riding of the county of York.

(4) Notice in writing of the name of any person appointed to be a Commissioner under this section shall be given by the wharfowners and the shipbrokers respectively to the clerk to the Commissioners.

PART II.
—cont.

As to vacancies among Commissioners appointed under this Act.

15.—(1) If any person appointed to be a Commissioner under this Act shall during his term of office as a Commissioner die resign or become disqualified the person or body by whom he was appointed shall with all convenient speed appoint another qualified person to be a Commissioner and the person so appointed shall be entitled to hold office so long only as the Commissioner in whose stead he is appointed would have been entitled to continue in office but shall if qualified be eligible for re-appointment.

As to supplying vacancies in cases of Commissioners appointed under this Act and ceasing to act.

(2) If within twenty-eight days after notice of such vacancy has been given by the clerk to the Commissioners to the person or body by whom the Commissioner so dying resigning or becoming disqualified was appointed such person or body has not appointed some other person to be a Commissioner the Commissioners may (if they think fit) themselves appoint a qualified person to fill such vacancy and the person so appointed shall be entitled to hold office and be eligible for re-appointment as if he had been appointed by the body or person in default.

Elected Commissioners.

16. On and after the ninth day of November nineteen hundred and forty-six ten Commissioners shall be elected by the three classes and in the proportions following (that is to say):—

By whom Commissioners to be elected.

Four by the shipowners of the ports of the Tees;

Four by Middlesbrough payers of Tees dues;

Two by Stockton payers of Tees dues.

17. The clerk to the Commissioners shall on or before the first day of September nineteen hundred and forty-six and in every second year thereafter apply to the collectors of customs of the ports of Middlesbrough and Stockton and those collectors shall respectively on or before the fifteenth day of that month make and sign and deliver to the Commissioners respective lists of the shipowners of the ports of the Tees as registered on the thirtieth day of June in that year with the respective names and registered tonnage of the vessels in respect of which they are registered.

Collectors of customs to make lists of registered shipowners.

PART II.

—cont.

Scale of
votes for
registered
shipowners.

18. Every person appearing by any such list to be a registered shipowner in the ports of the Tees to the amount or aggregate amount of one hundred tons shall be entitled to one vote for the first or only one hundred tons and to one additional vote for every two hundred and fifty tons above the first one hundred tons not exceeding in the whole six votes.

Commissioners
to make
registers of
payers of dues.

19. On or before the first day of September nineteen hundred and forty-six and in every second year thereafter the Commissioners shall make for each of the ports of Middlesbrough and Stockton a register to be called the Register of Middlesbrough or Stockton (as the case may be) payers of Tees dues and therein shall enter the names of all persons who have within the year ending on the thirtieth day of June in that year paid within each of the two ports of Middlesbrough and Stockton Tees dues to the amount in the whole of ten pounds and in the register they shall enter the total sums paid by every such person within the year ending as last aforesaid.

Scale of votes
for payers
of dues.

20. Every payer of Tees dues shall be entitled to one vote in respect of the first ten pounds of dues appearing by the register to have been paid by him or them and to one additional vote for every twenty-five pounds above the first ten pounds not exceeding in the whole six votes.

Clerk to
Commissioners
to make lists.

21. On or before the first day of October nineteen hundred and forty-six and in every second year thereafter the clerk to the Commissioners shall from the lists and registers aforesaid make up three separate alphabetical lists of the persons entitled to vote as shipowners of the ports of the Tees and as Middlesbrough and Stockton payers of Tees dues respectively with the number of votes to which they are respectively entitled and on or before the same day shall cause each such list to be printed and to be posted on the outer door of the custom houses of the ports of Middlesbrough and Stockton and printed copies of each such list shall be kept at the principal office of the Commissioners for public inspection and on payment of such sum as the Commissioners think reasonable not exceeding sixpence the Commissioners shall deliver a printed copy of each list to every person requiring it.

Votes of
partners.

22. In every case of several persons being registered as shipowners in partnership whether as part owners or as sole owners or as both and in every case of several persons in partnership being payers of Tees dues they respectively shall with respect to the scale of votes be deemed one person and one of such partners authorized in writing by the other partner or by a majority of them or where no such writing is exhibited the partner whose name stands first among such partners shall

alone be entitled to exercise on behalf of the partners their right of voting at the election of Commissioners under this Part of this Act.

PART II.
—cont.

23. On or within one month before the first day of October nineteen hundred and forty-six and in every second year thereafter the Commissioners shall appoint two of their number to be two of the revisers of the lists of electors entitled to vote as shipowners of the ports of the Tees and as Middlesbrough and Stockton payers of Tees dues respectively. And those two Commissioners before the seventh day of the same month of October (and in their default the Minister) shall appoint a third person being on one of the lists of electors for that year or being a member of a firm or company which is named in the list of electors for that year to be the third of those revisers and to be their chairman. Revisers of lists to be appointed.

24. The revisers shall during the seven days next after such seventh day of October revise at the Commissioner's office the lists of electors giving not less than three days' notice by advertisement in one or more newspapers published within the ports of Middlesbrough and Stockton of every such revision. But in the case of the death or failure to act or continue to act of any one or two of the revisers the others or other of them shall (and in the case of the death or failure to act or continue to act of all of the revisers a person appointed by the Minister shall) make or complete the revision. Revision of lists.

25. On every such revision any person whose name is not inserted in a list of electors may in person or by his agent claim to have his name inserted therein and any person whose name is inserted therein may in person or by his agent claim to have the number of votes attributed to him therein corrected and may object to any other person as not being entitled to have his name retained therein or as not being entitled to the number of votes attributed to him therein. Claims and objections before revisers.

26. The revisers shall retain in any list any name or number of votes objected to if the objection is not established to their satisfaction and shall insert therein the name of any person shown to their satisfaction to be entitled to have his name inserted therein and shall retain therein the name of every person to whom and every number of votes to which an objection is not made and shall strike out therefrom the name of every person shown to their satisfaction to be dead or not to be entitled to have his name inserted therein and shall correct therein the number of votes attributed to any person shown to their satisfaction to be entitled to any other number of votes than the numbers attributed to him. Revisers to correct lists.

PART II.

—cont.

Revisers to
sign lists.

27. The decision of the revisers or the majority of them with respect to a list shall be final and conclusive and the revisers shall forthwith after every revision sign their names at the foot of each list revised and deliver or forward the same to the clerk to the Commissioners.

Production to
revisers of
books &c.

28. For the revision of the lists the Commissioners shall produce at their office to the revisers the books and accounts of the Commissioners and the lists and registers and shall afford to them all reasonable and proper facilities.

Evidence of
revised lists.

29. Every list purporting to be a list revised and signed as by this Part of this Act provided shall be evidence of the same being a list duly made and revised until the contrary is shown.

Continuance
of revised lists.

30. Every revised list shall be in force until the revision of the then next list and the persons whose names appear on the revised list from time to time in force shall be the persons entitled to vote at elections of Commissioners under this Act and shall at every such election be respectively entitled to such number of votes as appears by the revised list.

Revised list to
be printed and
published.

31. Every revised list shall forthwith after the revision thereof be printed and published by the Commissioners and all persons shall be entitled to buy the same at such price not exceeding sixpence a copy as the Commissioners think reasonable.

Time of meet-
ings for
election of
Commis-
sioners.

32. For the election from time to time of Commissioners meetings of the three classes of electors shall be held separately on the last Tuesday in October nineteen hundred and forty-six and in every second year thereafter between the hours of eleven in the forenoon and four in the afternoon at such place or places as the Commissioners appoint and shall be convened by the clerk to the Commissioners by not less than seven nor more than fourteen days' notice by advertisement in one or more newspapers published within each of the ports of Middlesbrough and Stockton specifying the time and place and object of the meeting.

Procedure at
meetings.

33. At every such meeting the persons present at the commencement of the meeting personally or by proxy appointed in writing shall forthwith appoint a chairman and the person so appointed shall receive the votes and shall act in all other respects as chairman of the meeting and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of the persons or person to be elected Commissioners thereat.

Printed copies
of lists to be
conclusive.

34. The clerk to the Commissioners shall cause to be supplied to each such meeting a printed copy of the list of persons

qualified to vote thereat with his signature appended thereto in writing or in print and that copy shall for all purposes of the meeting be conclusive evidence of the matters therein appearing.

35. Every person elected Commissioner under this Act shall be resident in the southern division of the county of Durham or in the North Riding of the county of York. Qualification of Commissioners.

36. The Commissioners to be from time to time elected by each class of electors shall be elected by a majority of the votes of the electors of that class present personally or by proxy appointed in writing and the votes shall be given in writing under the hands of the respective voters or their proxies and every elector shall be entitled to give the number of votes for which he is registered to one person or to distribute them as he thinks fit amongst the number of persons to be elected by the class to which the elector belongs and in every case of an equality of votes the chairman of the meeting shall when requisite to decide the election have an additional or casting vote. Election to be by majority of votes.

37. No elector shall be entitled to vote both as a Middlesbrough payer of Tees dues and as a Stockton payer of Tees dues and any person comprised in both lists of payers of Tees dues shall be entitled to vote as an elector of the one class or of the other. Voting for Middlesbrough or for Stockton.

38. The appointment of a proxy shall be made by an instrument in writing (in the form given in the Second Schedule to this Act with such variations as circumstances require) signed by the appointer or if the appointer is an incorporated company sealed with the common seal of the company and in all cases attested by one witness at least. Regulations respecting proxies.

An instrument appointing a proxy shall not be used at any election unless it has been deposited at the office of the Commissioners not less than forty-eight hours before the time appointed for that election.

An instrument appointing a proxy shall not be valid except for the election next after the date of its execution.

No person shall be capable of acting as a proxy except an elector or in case of an incorporated company a shareholder or officer of the company.

39. The result of every election shall immediately after the conclusion of the meeting at which it takes place be communicated in writing by the chairman of the meeting to the clerk to the Commissioners. Result of election to be communicated to clerk.

PART II.

—cont.

Duration of
office of elected
Commis-
sioners.

40. The term of office of the Commissioners elected by shipowners of the ports of the Tees the Middlesbrough payers of Tees dues and the Stockton payers of Tees dues under this Act shall commence on the ninth day of November in the year of election and shall continue for two years and every Commissioner going out of office shall be eligible for re-election.

Nomination of
candidates.

41. Notwithstanding anything in this Act a person shall not be eligible at any election by shipowners of the ports of the Tees the Middlesbrough payers of Tees dues and the Stockton payers of Tees dues of a Commissioner under this Act unless five clear days at least before the day of election he has been proposed by an elector and seconded by another elector and has intimated his willingness to be elected by a joint writing under the hands of his proposer and seconder and himself delivered at or sent by registered letter to the principal office of the Commissioners and three clear days at least before the day appointed for the election the Commissioners shall publish the names of the candidates by advertisement in one or more newspapers published within the ports of Middlesbrough and Stockton.

Filling up
of extra-
ordinary
vacancies.

42. In every case of an extraordinary vacancy happening by reason of death or resignation of a Commissioner or otherwise in the office of Commissioner elected by shipowners of the ports of the Tees the Middlesbrough payers of Tees dues and the Stockton payers of Tees dues under this Act the Commissioners shall convene a special meeting of the proper class of electors for the election of a Commissioner to supply the vacancy and the proceedings at all such special meetings shall be conducted as nearly as may be in the same manner as the proceedings at biennial meetings for election and every person elected a Commissioner under this section shall be entitled to hold office as long only as the Commissioner in whose stead he is elected would have been entitled to continue in office.

Expenses of
elections.

43. The expenses incurred by the Commissioners or their clerk of and incident and preparatory to the obtaining and preparation of lists and registers and of holding elections directed by this Act or otherwise relative to such elections including the expenses of the collectors of customs of the ports of Middlesbrough and Stockton shall be paid by the Commissioners as part of their ordinary expenses.

PART III.

WORKS AND LANDS.

Power to
execute works.

44. Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and

use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

PART III.
—cont.

The works hereinbefore referred to and authorised by this Act will be situated in the North Riding of the administrative county of York and are as follows:—

Work No. 1 A wet dock (about 33 acres in extent) in the urban district of Eston situate on the foreshore of the south bank of the river Tees to be formed by—

(a) a quay wall commencing at a point at or near high-water mark of ordinary tides 1200 feet or thereabouts measured in a south-westerly direction from the ninth buoy front light shown on the 1/2500 Ordnance map Yorkshire North Riding sheet VI.8 (edition of 1929) and proceeding in a south-easterly direction for a distance of 2500 feet or thereabouts and terminating at a point 3730 feet or thereabouts measured in a northerly direction from the north-east corner of Grangetown station building shown on the same Ordnance map sheet VI.12 (edition of 1929);

(b) a dredged slope the top of which commences at or near low-water mark of ordinary tides 625 feet or thereabouts measured in a south-westerly direction from the said ninth buoy front light and proceeds in a south-easterly direction for a distance of 2500 feet or thereabouts and terminates at a point 4130 feet or thereabouts measured in a northerly direction from the said north-east corner of Grangetown station building.

The said wet dock will be comprised within the area bounded by the quay wall and dredged slope hereinbefore described and by high-water mark of ordinary tides in so much of the river Tees as is situate between the respective points of commencement and termination of the said quay wall and dredged slope:

Work No. 2 A coal berth (in conjunction with Work No. 1 above referred to) situate in the bed of the river Tees and the foreshore of the south bank thereof commencing at a point 1440 feet or thereabouts measured in a south-westerly direction from the said ninth buoy front light and terminating at a point 500 feet or thereabouts measured in a south-westerly direction from the point of commencement:

Work No. 3 A bunker oil berth in the urban district of Eston situate in the bed of the river Tees and the foreshore of the south bank thereof commencing at

PART III.
—cont.

a point 2040 feet or thereabouts measured in a south-westerly direction from the said ninth buoy front light and terminating at a point 500 feet or thereabouts measured in a south-westerly direction from the point of commencement:

Work No. 4 A railway in the urban district of Eston and the borough of Redcar 1700 yards or thereabouts in length in connection with Works Nos. 1 2 and 3 above referred to commencing by a junction with an existing railway of the London and North Eastern Railway Company at a point 580 yards or thereabouts measured in an easterly direction from the eastern end of the hereinbefore mentioned Grange-town station building and proceeding in a north-north-easterly direction for a distance of 950 yards or thereabouts and continuing in a north-easterly direction for a distance of 750 yards or thereabouts and terminating in the enclosure numbered 35 in the borough of Redcar on the 1/2500 Ordnance map Yorkshire North Riding sheet VII.5 (edition of 1929):

Work No. 5 A railway in the urban district of Eston 2100 yards or thereabouts in length in connection with Works Nos. 1 2 and 3 above referred to commencing by a junction with Work No. 4 above referred to at a point 630 yards or thereabouts measured in a south-westerly direction from its terminus and proceeding in a south-westerly westerly and north-westerly direction to and terminating at or near the commencement of the quay wall forming part of Work No. 1:

Work No. 6 An approach road in the urban district of Eston 60 feet or thereabouts in width commencing at Lackenby Lane at the northern corner of the enclosure numbered 575 on the 1/2500 Ordnance map Yorkshire North Riding sheet VII.9 (edition of 1929) at a point 30 yards or thereabouts measured at right angles to and from the centre of the existing railway of the London and North Eastern Railway Company thence proceeding in a north-easterly northerly and north-westerly direction for a distance of 1500 yards or thereabouts to and terminating at the southern extremity of the dock Work No. 1 above referred to.

Notwithstanding anything shewn on the deposited plans and sections the said approach road will cross the railway of the London and North Eastern Railway Company and the railway Work No. 4 above referred to by means of overbridges having minimum

clear headways throughout above the railways of 15 feet and minimum clear spans throughout measured on the square of 67 feet 2 inches and 26 feet respectively.

45. Subject to the provisions of this Act the Commissioners may in connection with the works by this Act authorised and for the purposes of this Act exercise within the limits of deviation shewn on the deposited plans all or any of the powers and carry into effect all or any of the objects following (that is to say):—

Subsidiary
works and
powers.

- (1) They may take and divert into and use for the purposes of the dock and coal berth and bunker oil berth (Works Nos. 1 2 and 3) by this Act authorised the waters of the river Tees:
- (2) They may deepen dredge scour cleanse widen alter and improve from time to time the bed channels foreshore and banks of the river Tees adjoining the works and of any rivers streams and creeks adjacent to the works and remove any sand shingle mud soil rocks shoals or other material which may interfere with the access to the works and use appropriate and dispose of any materials so dredged or removed or which may be obtained in the construction of the works:
- (3) They may reclaim so much of the bed foreshore and banks of the river Tees adjoining the works or any of the said rivers streams or creeks as may be necessary for the construction of the works:
- (4) They may construct and maintain from time to time all necessary and convenient cuts channels locks sidings junctions turntables stations signals bridges approaches roads gates warehouses sheds buildings yards quays wharves walls embankments electric lighting telegraphic and telephonic works waterworks wells pumps tanks reservoirs pipes mains conduits wires cables sewers drains culverts sluices shipping places landing places staites stairs gantries coal and other tips machinery conveyors cranes hydraulic electric and other lifts hoists drops dolphins moorings buoys beacons and other works buildings machinery and appliances connected with the works:
- (5) They may cross divert alter or stop up any roads ways footpaths bridges aqueducts creeks streams watercourses reens sewers drains culverts and pipes which it may be necessary to cross divert alter stop up or interfere with in connection with the construction or maintenance of the works:

PART III.
—cont.

Provided that no materials excavated or dredged under the provisions of this section (other than materials required for the construction of the works) shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Minister.

For protection
of Postmaster-
General.

32 & 33 Vict.
c. 73.

46.—(1) Any telegraphic and telephonic works and any other electric works or apparatus constructed and maintained under this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such lines.

41 & 42 Vict.
c. 76.

(2) The Commissioners shall not divert or otherwise alter any such telegraphic line except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

Certain pro-
visions of Tees
Conservancy
Acts respecting
reclaimed
lands not to
apply.

47. The provisions of the Tees Conservancy Acts relating to reclaimed lands shall not apply to any lands which may be reclaimed under the powers of this Act and any lands so reclaimed shall not be deemed to be included in the definition of the expression "reclaimed lands" in section 4 of the Act of 1858 but shall be held and disposed of subject to the provisions of this Act.

Limits of
deviation.

48. In the execution of any of the works by this Act authorised or any part thereof the Commissioners may subject to the provisions of this Act deviate laterally from the lines or situation thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Minister.

Application of
certain
sections of Act
of 1920.

49. The following sections of the Act of 1920 shall apply to the works by this Act authorised as if they had been re-enacted in this Act and as if for references therein to the Board of Trade there were inserted references to the Minister or the Ministry of Transport as the case may require (that is to say):—

Section 20 (Works below high-water mark to be subject to approval of Board of Trade);

Section 21 (Survey of works by Board of Trade);

Section 22 (Abatement of work abandoned or decayed);

- Section 23 (Lights on works during construction);
 Section 24 (Permanent lights on works);
 Section 25 (Provision against danger to navigation).

PART III.
 —cont.

50.—(1) Subject to the provisions of this Act the Commissioners may for the purposes of the improvement of the river Tees and the expansion of the port facilities enter upon take use and hold the lands hereinafter described and situate in the borough of Redcar which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to take
 additional
 lands.

An area of unbuilt land comprising 700 acres or thereabouts bounded on the north by the northern boundary of the Dormanstown ward which boundary runs along the northern side of the enclosure numbered 35 in the borough of Redcar on the 1/2500 Ordnance map Yorkshire North Riding sheet VII.1 (edition of 1929) and continuing in a straight line to the southern end of Redcar wharf on the south by the boundary between the borough of Redcar and the urban district of Eston on the east by the railway of the London and North Eastern Railway Company and on the west by the half-tide training bank following the line of beacons on the Yorkshire side of the river Tees channel.

(2) In case of difference between the description in subsection (1) of this section and the area as delineated on the deposited plans the latter shall prevail.

51.—(1) If there be any omission, misstatement or wrong description of any lands or of the owners, lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commissioners after giving ten days' notice to the owners, lessees and occupiers of the land in question may apply to two justices acting for the North Riding of the county of York for the correction thereof.

Correction of
 errors in
 deposited
 plans and book
 of reference.

(2) If on any such application it appears to the justices that the omission, misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) Such certificate shall be deposited with the clerk of the county council of the North Riding of the county of York and a duplicate thereof shall also be deposited in a case where the lands are situate in the borough of Redcar with the town clerk of the borough of Redcar and in a case where the lands are situate in the urban district of Eston with the clerk of the

PART III.
—cont.

council of the urban district of Eston and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands and execute the works in accordance with such certificate.

(4) Such certificate and duplicates respectively shall be kept by such clerk of the county council and town clerk and clerk of the council respectively with the other documents to which the same relate.

Cables pipes or wires under or across tidal waters.

52. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Commissioners under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Minister may require and if any such cable pipe or wire become in the opinion of the Minister an obstruction to navigation or otherwise prejudicial to the river Tees the Commissioners shall on being so required by the Minister remove the same and replace it in such position as the Minister may prescribe.

Period for completion of works.

53. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Limits of dockmasters' authority.

54. The prescribed limits for the purposes of the Harbours Docks and Piers Clauses Act 1847 (hereinafter referred to as "the prescribed limits") shall be the dock and coal berth and bunker oil berth (Works Nos. 1 2 and 3) by this Act authorised and the water area within two hundred yards of any part of the said dock coal berth or bunker oil berth. Provided that nothing in this section contained shall affect the rights powers authorities and jurisdiction of the Minister within the said limits and that the jurisdiction of the dockmasters of the Commissioners shall not be exercised except with reference to vessels going to or departing from the said dock coal berth or bunker oil berth and vessels which shall obstruct the entrance or approach to the said dock coal berth or bunker oil berth nor shall such jurisdiction be exercised beyond the prescribed limits.

Power to Commissioners to enter upon property for survey and valuation.

55. The Commissioners and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying

and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

56. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements.

57.—(1) Any private right of way over land which the Commissioners are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

Extinction of private rights of way.

(2) The Commissioners shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

58. In settling any question of disputed purchase money or compensation payable in respect of lands taken under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the twentieth day of November one thousand nine hundred and forty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered building.

59. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

60. In addition to any other lands which the Commissioners are by the Tees Conservancy Acts or this Act or any Act incorporated therewith authorised to take hold and use they may for any purposes of those Acts acquire by agreement or take on lease and hold and use any further lands.

Additional lands.

PART III.

—cont.

Power to
retain lease
&c. lands.

61. The Commissioners may notwithstanding anything in the Tees Conservancy Acts or this Act or in the Lands Clauses Acts or in the Harbours Docks and Piers Clauses Act 1847 retain and hold or lease or otherwise dispose of any lands for the time being belonging to or vested in them and which were acquired by them under any of the powers of this Act and which they consider unnecessary for the purposes of the Tees Conservancy Acts or this Act to such persons and for such considerations and on such terms and conditions and in cases of leases for such periods as they may think fit.

As to exercise
of certain
powers.

62.—(1) The Commissioners shall not exercise the powers conferred by paragraph (5) of section 45 of this Act in relation to (a) any roads ways bridges aqueducts culverts and pipes vested in or repairable by any local authority or (b) any sewers drains creeks streams watercourses and reens forming part of any sewerage system of any local authority or (c) any right of way which (except for the powers of this Act) could not be closed without an order of quarter sessions without the consent in writing of the Authority in whom the same is vested or by whom the same is repairable given under the hand of their clerk which consent shall not be unreasonably withheld and may be given subject to any reasonable conditions.

(2) Any question as to the reasonableness of the withholding of any consent or of any conditions attached to any consent under this section shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing such agreement appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

As to jurisdic-
tion of
justices.

63. For all purposes of or in connection with the jurisdiction of the justices of the North Riding of Yorkshire petty sessional division of North Langbaugh the Works No. 1 No. 2 and No. 3 by this Act authorised shall be deemed to be within the parish of Eston.

Accommoda-
tion for
workmen
employed on
construction
of works.

64.—(1) The Commissioners shall erect fit up and maintain or provide—

- (a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works by this Act authorised;
- (b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Commissioners shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance Act 1911 or any Act amending or extending the same or otherwise.

1 & 2 Geo. 5.
c. 55.

(3) The medical officer of health of the administrative county of the North Riding of the county of York (in this section called "the county council") and the medical officers of health and sanitary inspectors of the Eston Council and the Redcar Council shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Commissioners shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the county council that the Commissioners have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Commissioners shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Commissioners give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

(6) If the Commissioners fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not

PART III.
—cont.

exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Commissioners and shall be recoverable as a debt due from the Commissioners to the county council.

(8) The Commissioners shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding three guineas a day for the services of any inspector in connection with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

Special provisions relating to Black Path.

65. In their application to that portion of the path known as the Black Path or Sailors' Trod which is within the urban district of Eston (hereinafter referred to in this section as "the Black Path") the provisions of the section of this Act of which the marginal note is "As to exercise of certain powers" shall unless otherwise agreed between the Commissioners and the Eston Council have effect subject to the following modifications:—

- (1) Failing agreement between the parties the arbitrator shall be appointed by the Minister; and
- (2) The arbitrator shall not hold that the Eston Council have attached an unreasonable condition to the giving of their consent under the said section if that condition is the requirement of a suitable path or other means of access in place of the portion of the Black Path proposed to be diverted altered stopped-up or otherwise interfered with.

For protection of London and North Eastern Railway Company.

66. Notwithstanding anything contained in this Act or shewn upon the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Commissioners and the London and North Eastern Railway Company (in this section referred to as "the company") apply and have effect (that is to say):—

(1) In this section—

"The railway" means the railways lands works and property of the company;

"The works" means so much of Work No. 6 by this Act authorised and of any works connected therewith as may be made maintained or renewed upon across under or over the railway or which will otherwise affect the same;

"The engineer" means the company's engineer.

- (2) The Commissioners shall not except by agreement enter upon take or use any of the lands of the company numbered on the deposited plans 33 in the urban district of Eston but the Commissioners may purchase and take and the company shall sell and grant an easement or right of using so much of the said lands of the company as may be necessary for the purpose of constructing and maintaining the works subject to and in accordance with the provisions of this section and the Commissioners shall not either temporarily or permanently enter upon use or interfere with the said lands except only so far as may be necessary for the said purposes:
- (3) The Commissioners shall pay to the company for any easement or right which they may acquire under the provisions of this section such consideration as may be agreed upon or in the event of difference may be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for the purpose of any such determination the acquisition of such easement or right shall be deemed a taking of lands within the meaning of the Lands Clauses Consolidation Act 1845:
- (4) The works shall when commenced be carried out continuously with all possible dispatch and shall be constructed in such line or situation within the limits of deviation shewn upon the deposited plans and according to such levels as shall be reasonably approved by the engineer and by such means and in such manner (so far as is reasonably practicable) as in no way to obstruct impede or interfere with the free uninterrupted and safe user of the railway or with the traffic thereon and if any such interruption or interference shall be caused or take place contrary to this enactment the Commissioners shall notwithstanding any such approval as aforesaid pay to the company all costs and expenses to which they may be put as well as full compensation for any loss sustained by them by reason of any such interruption or interference:
- (5) The Commissioners shall not less than twenty-eight days before commencing the construction of any of the works furnish to the company proper and sufficient plans sections drawings and specifications of such works for the approval of the engineer and shall not commence such works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of

PART III.
—cont.

difference arising between the engineer and the Commissioners until the same shall have been settled by arbitration. Provided that if within twenty-eight days after the furnishing to the company of such plans sections drawings and specifications the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same:

- (6) The works shall be executed under the supervision and to the reasonable satisfaction of the engineer and the Commissioners shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply to the engineer all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (7) If any alterations or additions either permanent or temporary to the railway or to any signal boxes signals signalling apparatus telephone or telegraph posts and wires or any other works or apparatus of the company shall in the opinion of the engineer be necessary to be made in consequence of the construction of the works such alterations and additions may be effected by the company at the expense of the Commissioners who shall repay to the company on demand the reasonable cost thereof including a sum to represent the reasonable capitalised cost of (i) maintaining working and when necessary renewing any such additional works or apparatus and (ii) the increased expenses (if any) entailed in maintaining working and when necessary renewing any such altered works or apparatus:
- (8) The Commissioners shall reimburse to the company all reasonable costs charges and expenses incurred by the company—
 - (a) in respect of the employment by the company of a sufficient number of inspectors watchmen signalmen and other persons to be appointed by them for inspecting watching lighting and signalling the railway with reference to and during the construction maintenance or renewal of the works and for preventing as far as may be all interference obstruction danger or accident arising therefrom;
 - (b) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed

or from the substitution or diversion of services during the progress of the works or within a reasonable time thereafter;

(c) in lighting the railway in the vicinity of and during the progress of the works;

(d) in respect of the approval by the engineer of plans drawings and specifications submitted by the Commissioners and of the supervision by the engineer of any works executed by the Commissioners or their contractors:

(9) The Commissioners shall at all times after the construction of the works maintain the same in substantial repair and good order and condition and when necessary renew the same to the reasonable satisfaction of the engineer and whenever the Commissioners fail to do so after reasonable notice in that behalf the company may make and do in and upon the lands and property of the company or of the Commissioners such works and things as the engineer shall consider requisite in that behalf and the reasonable cost of so doing as certified by the engineer shall be repaid to the company by the Commissioners on demand:

(10) The Commissioners shall be responsible for and make good to the company all costs charges damages and expenses not otherwise provided for in this section which may be occasioned to the company or to the railway or to the traffic thereon or otherwise by reason of the construction renewal maintenance or failure of the works or of any act or omission of the Commissioners or of any person or persons in their employ or of their contractors or others whilst engaged upon works under or in pursuance of the provisions of this Act and the Commissioners shall effectually indemnify and hold harmless the company from all claims or demands upon or against them by reason of such construction renewal maintenance or failure or of any such act or omission:

(11) If at any time hereafter the company shall be desirous of widening or altering any part of the railway affected by the works or of adapting the same for working by electrical power the Commissioners shall give to the company all proper and reasonable facilities for that purpose including the right in connection with such electrification to make attachments to the works subject to the reasonable approval of the Commissioners:

PART III.
—cont.

(12) (a) The company shall not be responsible for lateral or vertical support for the works and shall not be under any obligation to purchase any mines or minerals or to require any minerals to be left unworked for the support of the works;

(b) If in the opinion of the engineer it shall be necessary for the protection and safety of the railway for the company to purchase or pay compensation for any minerals required to be left unworked for the support of the works the Commissioners shall on demand pay to the company the amount paid by the company for or in respect of such minerals and of the costs and expenses incurred by the company in relation to any such purchase or payment of compensation as certified by the engineer:

(13) Any difference arising between the Commissioners and the company under this section (other than a difference arising under subsection (3) hereof or a difference as to the meaning or construction of this section) shall be referred to and determined by the arbitration of an engineer to be agreed upon or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party after notice to the other and in all other respects the provisions of the Arbitration Acts 1889 to 1934 and any statutory modification thereof for the time being in force shall apply with respect to such arbitration.

For further protection of London and North Eastern Railway Company.

67. The following provisions for the further protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall apply and have effect except in so far as may be otherwise agreed in writing between the company and the Commissioners (that is to say):—

- (1) Nothing in this Act shall authorise the Commissioners to acquire compulsorily any of the lands of the company situate in the urban district of Eston and the borough of Redcar and shewn and coloured red on the plan signed for purposes of identification by Charles Mark Jenkin Jones on behalf of the company and by George West Byng on behalf of the Commissioners (which plan is in this section referred to as "the signed plan"):
- (2) If the Commissioners shall serve on the company notice to treat for the lands shewn and coloured blue on the signed plan or for any part thereof the Commissioners shall within six months thereafter and in any case within the period limited by

this Act for the compulsory purchase of lands for the purposes of this Act serve upon the company (and shall not withdraw) notice to treat for all the estate and interest of the company in so much (if any) of the said lands shewn and coloured blue on the signed plan as were not comprised in such first-mentioned notice to treat and also for all the estate and interest of the company in the lands shewn and coloured green on the signed plan:

- (3) If the Commissioners shall acquire the lands of the company referred to in subsection (2) of this section they shall at their own expense and to the satisfaction in all respects of the company's engineer construct and for ever after maintain a good and sufficient fence for separating the same from the lands referred to in subsection (1) of this section.

68. Sections 9 to 12 (inclusive) of the Railways Clauses Act 1863 shall apply to the junction of Work No. 4 by this Act authorised with the existing railway of the London and North Eastern Railway Company as if this Act were the special Act therein referred to and as if the Commissioners were the company authorised by the special Act to make the junction between the said Work No. 4 and the said existing railway of the London and North Eastern Railway Company.

As to junction of Work No. 4 with railway of company.

PART IV.

TRADING.

69.—(1) The Commissioners for the purpose of fulfilling the duties and obligations and exercising and performing the rights and powers imposed or conferred on them as the harbour authority for the river by the Tees Conservancy Acts and this Act may do all or any of the following things:—

General powers as harbour authority.

- (a) construct or provide on any lands for the time being belonging to them and equip maintain and manage work carry on and use any docks berths wharves quays accommodation or facilities for loading unloading or warehousing of goods and similar works and any staites stairs walls approaches roads entrances sewers drains culverts buildings apparatus and other works and conveniences in connection therewith or in connection with any docks jetties piers or other works which the Commissioners are by any Act or Order authorised to construct or maintain on those lands;

PART IV.
—cont.

- (b) acquire or take on lease by agreement and maintain manage work carry on and use any dock wharf quay pier jetty staithe warehouse shed or other work building or convenience or any trade or shipping facility situate within or adjoining the river and may subject to the terms and conditions and reservations on which any such work building convenience or facility has been so acquired or taken on lease alter improve enlarge or remove and discontinue the work building convenience or facility;
- (c) acquire by agreement and carry on any undertaking affording or intended to afford accommodation or facilities for the loading unloading or warehousing of goods;
- (d) lease let or otherwise dispose of any work building convenience facility or undertaking or part thereof constructed provided or acquired by them under the powers of this section.

(2) Any work building convenience facility or undertaking constructed provided acquired or taken on lease by the Commissioners under the powers of this section shall while belonging or leased to the Commissioners be deemed for the purposes of any rates tolls dues and charges leviable by the Commissioners and for all other purposes whatsoever to be part of the undertaking of the Commissioners authorised by the Tees Conservancy Acts and this Act.

(3) Nothing in this section shall exonerate the Commissioners from any action indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

Commissioners
may load &c.
vessels.

70. The Commissioners may load and discharge all vessels at any docks berths wharves quays or works for the time being belonging to the Commissioners and may perform all services in respect of shipping unshipping transshipping stowing unstowing landing relanding housing unhousing handling weighing coopering packing cording tying marking numbering labelling lettering sorting lotting tareing filling sewing bagging sampling piling unpling watching loading unloading protecting delivering and repairing cargo preparing and furnishing certificates of weights or contents and any other service with respect to cargo shipped or unshipped or warehoused or deposited at or removed to or from any docks berths wharves quays or works for the time being belonging to the Commissioners and the Commissioners may provide all such barges trucks planks gear machinery and appliances and labour as may be necessary to effect the purposes aforesaid:

Provided that notwithstanding anything hereinbefore contained the owner of any vessel may employ his own agents

servants and labourers with their ordinary gear to perform any service or labour for or in respect of any cargo in which ~~such~~ owner is interested.

PART IV.
—cont.

71. Nothing in this Part of this Act shall authorise the exercise of any powers thereby conferred so far as such exercise is inconsistent with or contrary to the provisions of any scheme made under the Dock Workers (Regulation of Employment) Act 1946.

Saving for
Dock Workers
(Regulation of
Employment)
Act 1946.
9 & 10 Geo. 6.
c. 22.

PART V.

RATES TOLLS DUES AND CHARGES.

72. Subject as in this section provided the Commissioners may demand and take in respect of every vessel lying alongside or using any dock berth wharf quay pier or other work of the Commissioners any sum not exceeding the rates stated in the Third Schedule to this Act and every such sum shall be payable by the master of the vessel:

Rates on
shipping.

Provided that until they are altered by any subsequent enactment the rates which the Commissioners may demand and take in pursuance of the power in that behalf contained in this section may exceed the rates stated in the said Third Schedule to an extent not exceeding twenty per centum of the amounts thereof respectively.

73.—(1) Subject as in this section provided the Commissioners may demand and take in respect of all goods discharged shipped or received within any dock of the Commissioners or upon or from any berth wharf quay pier or other work of the Commissioners rates not exceeding those specified in Parts I and II of the Fourth Schedule to this Act subject to the regulations set forth in Part III of that schedule.

Rates on
goods.

(2) If any goods remain on any wharf berth quay pier or other work of the Commissioners for more than forty-eight hours after the time when the goods are placed thereon the Commissioners may demand and take in respect of every successive period of twenty-four hours during which the goods remain thereon after the first twenty-four hours any sum not exceeding the amount of the rates for storing goods which may be levied by the Commissioners.

74. Subject to the provisions of the sections of this Act of which the marginal notes are "Rates on shipping" and "Rates on goods" the Commissioners may demand and take in respect of services rendered at (a) the wet dock (Work No. 1) the coal berth (Work No. 2) and the bunker oil berth (Work No. 3) by this Act authorised (b) the docks berths wharves quays accommodation or facilities for loading unloading or warehousing goods staites buildings apparatus

Power to
demand and
take rates &c.
in respect of
certain
services.

PART V.
—cont.

and other works and conveniences constructed or provided under paragraph (a) of subsection (1) of the section of this Act of which the marginal note is "General powers as harbour authority" and any dock wharf quay pier jetty staithe warehouse shed or other work building convenience or facility acquired and maintained by them under paragraph (b) of the said subsection and (c) services rendered in pursuance of the powers in that behalf contained in the section of this Act of which the marginal note is "Commissioners may load &c. vessels" such reasonable rates tolls dues and charges as the Commissioners shall from time to time appoint.

Power to vary rates &c.

75. Section 30 (Power to vary rates &c.) of the Act of 1912 shall apply to the rates tolls dues and charges which the Commissioners are authorised to demand and take by this Act as it applies to the rates and dues referred to in the said section.

Revision of rates tolls dues and charges.

76.—(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 the London and North Eastern Railway Company or any person who in the opinion of the Minister is a proper person for the purpose: or

(b) by the Commissioners;

that under the circumstances then existing the rates tolls dues and charges which the Commissioners may demand and take or any of them should be revised the Minister if he thinks fit may make an order revising the rates tolls dues or charges 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 rates tolls dues or charges an order has been made or the Minister has decided not to make an order no further application for a revision of the rates tolls dues or charges or rate toll due or charge 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 Act 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:

PART V.
—cont.

Provided that in cases where no objection has been made to the application or where any objection which has been made has either been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

77. 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 on him under this Act 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 Commissioners were a local authority.

Inquiries by
Minister.

23 & 24 Geo. 5.
c. 51.

PART VI.

EXTENSION OF TIME FOR CERTAIN WORKS.

78.—(1) The period now limited by section 34 (Period for completion of works) of the Act of 1920 for the completion of Works Nos. 1 2 3 4 and 5 described in and authorised by section 4 (Power to execute works) of that Act as extended by the Tees Conservancy Act 1920 (Extension of Time) Order 1945 (hereinafter in this section called "the Order of 1945") so far as the same have not already been constructed is hereby further extended until the second day of July nineteen hundred and sixty.

Extension of
time for
completion
of works.

(2) The Order of 1945 is hereby repealed.

PART VII.

FINANCE.

79.—(1) The Commissioners may from time to time by virtue of this Act and independently of any other borrowing power borrow at interest on the security of the revenues of the Commissioners such sums of money as they may think necessary not exceeding in the whole five million pounds and may raise such money or any part thereof either by the creation and issue of additional debenture stock under this Act or by mortgage or partly by one and partly by the other of the said methods.

Power to
borrow.

(2) All money borrowed by the Commissioners under this or any other Act shall be applied for purposes to which capital is properly applicable.

PART VII.

—cont.

Power to
create addi-
tional debenture
stock.

80. Subject to the provisions of this Act the Commissioners may from time to time for the purposes of—

- (i) raising any money which they are for the time being authorised to raise under this Act; or
- (ii) paying off any money for the time being due under any mortgage granted under any of the Tees Conservancy Acts 1852 to 1946;

by resolution create and issue at such prices and times and on such terms and subject to such conditions as they may think fit (not being inconsistent with the provisions of this Act) redeemable debenture stock to the amount required for the aforesaid purposes or any of them.

Security for
and redemp-
tion of debenture
stock.

81. The debenture stock created and issued under this Act (in this Act referred to as "additional debenture stock") shall together with the interest thereon be a charge on the revenues of the Commissioners subject to the outstanding Tees Conservancy redeemable debenture stock the outstanding Tees Conservancy new redeemable debenture stock and all other charges existing thereon respectively at the passing of this Act.

The additional debenture stock shall be redeemable by the Commissioners at such time and in such manner as the Commissioners by the resolution creating such stock or any portion thereof may determine with respect to such stock or portion or at such time and in such manner as may be agreed between the Commissioners and the holder of such stock or any portion thereof and the Commissioners shall distinguish the classes of additional debenture stock subject to different conditions of redemption.

Notice of such conditions shall be endorsed on all certificates of additional debenture stock.

Application of
provisions of
Act of 1887 to
borrowing by
debenture
stock.

82. The following provisions of the Act of 1887 are incorporated into this Act and shall extend and apply to the additional debenture stock by this Act authorised as if the same were herein set out and made applicable thereto (namely):—

- | | |
|------------|--|
| Section 7 | (Nature and incidents of stock); |
| Section 8 | (No preference among holders); |
| Section 9 | (Appointment of registrar); |
| Section 10 | (Register of stock); |
| Section 11 | (Certificates of proprietorship of stock); |
| Section 12 | (Power for stockholders to sell and transfer); |
| Section 13 | (Mode of transfer of stock); |

- Section 14 (Closing of registers of transfers);
 Section 15 (Transmission of debenture stock on death
 bankruptcy &c.);
 Section 16 (Notice of trust not receivable);
 Section 17 (Evidence of title to interest);
 Section 18 (Interest to joint holders);
 Section 19 (Interest where one joint holder is an infant
 &c.);
 Section 20 (Protection of holders of debenture stock).

PART VII.
 —cont.

83.—(1) The Commissioners shall from time to time at Sinking fund. yearly half-yearly or other intervals appropriate out of income to a sinking fund such sums as (with any accumulations thereof) will be sufficient to pay off within sixty years from the date of borrowing all money borrowed by them on mortgage or by the creation and issue of additional debenture stock under this Part of this Act.

(2) The Commissioners shall apply from time to time all money so appropriated (with any accumulations thereof) in paying off from time to time by annual instalments or otherwise money borrowed by them as aforesaid so that all money so borrowed shall be paid off within the said period of sixty years:

Provided that it shall not be obligatory on them to make any appropriation under this section until after the expiration of ten years from the date of borrowing.

(3) The Commissioners shall not re-borrow any money paid off by means of appropriations under this section but subject thereto may from time to time as occasion requires re-borrow on mortgage or by the creation and issue of debenture stock any money borrowed by them under this Part of this Act and paid off.

84.—(1) The Commissioners shall send to the Minister Return to Minister with respect to sinking fund. within three months after the expiration of each financial year a return showing the sums appropriated by the Commissioners in pursuance of the immediately preceding section of this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister shall prescribe and shall if so required by him be verified by statutory declaration of the clerk to the Commissioners. If the Commissioners fail to make such return they shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such

PART VII.
—cont.

penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Commissioners have failed to make any such appropriation as is required by the immediately preceding section of this Act the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which the default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Commissioners shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Power for
councils to
lend money
to Commis-
sioners.

85.—(1) The Middlesbrough Council the Stockton Council the four councils or any one of the said councils may with the consent of the Minister of Health lend to the Commissioners any sum or sums which the Commissioners are empowered to borrow on such terms and conditions and in such form as may be agreed between the Commissioners and the council concerned.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this section shall extend and apply to money borrowed by the said councils for the purposes of this section.

8 & 9 Geo. 6.
c. 18.

(3) It shall not be lawful to exercise the powers of borrowing conferred by this section upon the said councils otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Commissioners
may incur
temporary
loans.

86.—(1) The Commissioners may borrow or raise moneys for the purposes of meeting their obligations and carrying out their duties under the Tees Conservancy Acts 1852 to 1946 on temporary loans by means of overdrafts from bankers or otherwise Provided that the aggregate amount outstanding at any time of the moneys so borrowed or raised shall not exceed one million pounds.

(2) The power conferred by this section shall be in addition to any power for the time being of the Commissioners to borrow on mortgage or to raise moneys by the creation and issue of debenture stock.

Saving for
existing
securities.

87. Nothing in or done under this Act shall affect the security priority or rights of any holder of Tees Conservancy redeemable debenture stock or Tees Conservancy new redeemable debenture stock granted by the Commissioners before the passing of this Act:

Provided always that the interest payable in respect of moneys borrowed and raised under this Act shall rank *pari passu* with the interest payable in respect of moneys borrowed and raised before the passing of this Act.

PART VII.
—cont.

88.—(1) The Commissioners shall subject to and in accordance with the provisions of the Tees Conservancy Acts and this Act cause proper accounts and records in relation thereto to be kept and shall as soon as practicable after the end of each year prepare a statement of accounts made up to the end of that year being in a form which will shew separately so far as practicable such items of receipts and expenditure on capital and revenue account as are wholly or mainly attributable to the dock undertaking of the Commissioners. Accounts and
audit.

(2) The accounts for each year shall be audited by a properly qualified auditor or firm of auditors to be appointed for that year by the Commissioners after consultation with and with the approval of the Minister.

(3) The Commissioners shall give to the auditors appointed for any year access to all books vouchers and documents which are necessary for the audit of the accounts for that year and all information which they may properly require for that purpose and shall afford to such auditors all reasonable facilities for the proper execution of their duties under this section.

(4) As soon as reasonably practicable after the accounts for any year have been audited the Commissioners shall cause a copy of the statement of accounts prepared pursuant to subsection (1) of this section and a copy of any report of the auditors thereon to be sent to the Minister and shall also supply to any person requiring the same a copy of the statement of accounts and report at a reasonable price to be determined by the Commissioners.

(5) This section shall come into operation on the day next following the day on which the auditors appointed pursuant to Section CI (Appointment of auditors) of the Act of 1852 make their report on or confirm the accounts of the Commissioners in respect of the year ended the thirty-first day of October nineteen hundred and forty-five.

(6) As from the coming into operation of this section Section C (Number of auditors) Section CI (Appointment of auditors) and Section CII (Powers of auditors) of the Act of 1852 are hereby repealed.

PART VIII.

MISCELLANEOUS.

89. 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 Crown rights.

PART VIII.
—cont.

or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister respectively without the consent in writing of the Commissioners of Crown Lands or the Minister as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown
minerals.13 & 14 Geo. 5.
c. 20.

90. Notwithstanding the provisions contained in the section of this Act of which the marginal note is " Crown rights " or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Commissioners authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Act and as if the Commissioners were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Commissioners to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Commissioners by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Amendment of
section 24 of
Act of 1912.

91. Section 24 (Consolidation of existing provisions as to byelaws) of the Act of 1912 shall be read and have effect as if—

For the purposes of paragraph (xii) of subsection (1) of that section tolls rates and dues authorised to be received or paid under the authority of any of the Tees Conservancy Acts (as defined in the Act of 1912) included rates tolls dues and charges authorised to be received or paid under this Act;

The wharves quays and landing places referred to in paragraph (xiv) of the same subsection included docks berths wharves quays piers jetties staithes warehouses sheds landing places roads railways and other works and facilities provided under this Act.

Land disposed
of to be freed
from charges.

92. Where the Commissioners sell lease or otherwise dispose of to any person any lands or property the revenues of which are charged under the provisions of this Act as security for

any additional debenture stock or mortgage such lands and property shall in the hands of such person be absolutely freed from every such charge and such person shall not be bound to see to or inquire into the application of the money arising from such sale lease or other disposition or be in any way responsible for the non-application or misapplication thereof.

PART VIII.
—cont.

93. For the protection of the Tees Valley Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Commissioners and the board apply and have effect:—

For protection
of Tees Valley
Water Board.

(1) In this section—

"Apparatus" means mains pipes valves hydrants plugs syphons and other works and apparatus;

"Street" includes any highway including a highway over any bridge and any roadway lane footpath square court alley or passage whether a thoroughfare or not:

(2) Before commencing any of the works by this Act authorised in any land or in any street in or under which any apparatus of the board is situate whereby any such apparatus will be affected the Commissioners shall deliver to the board plans sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the board at least twenty-eight days before the commencement of any such works. Provided that if within twenty-eight days from the receipt of any such plans sections and descriptions the board do not intimate in writing to the Commissioners their objection thereto or make any requirement in respect thereto to which the Commissioners shall have failed to agree the board shall be deemed to have approved thereof:

(3) If it should appear to the board that such works will interfere with or endanger any of their apparatus or impede the supply of water by means of such apparatus the board may give notice to the Commissioners to lower or alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing of cement concrete or other like substance (in this section referred to as "protective works")

PART VIII.

—cont.

- shall be settled as hereinafter provided. Such works of the Commissioners shall be constructed so that not less than three feet shall anywhere be left between the crown of the said works and the surface of the ground:
- (4) The Commissioners shall not construct any such works as aforesaid except in accordance with the plans sections and descriptions as approved by the board or settled by arbitration in accordance with the provisions of this section:
 - (5) No apparatus of the board shall be diverted removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of water into or through any apparatus or interfere with access thereto unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing the supply of water shall have been first provided laid down and made ready for use:
 - (6) All works to be executed or provided under this section or under any other provision of this Act in connection with any apparatus of the board shall except as herein otherwise provided be so executed or provided by and at the expense of the Commissioners but under the superintendence and to the reasonable satisfaction of the engineer of the board:
 - (7) If within twenty-one days after the receipt of any such plans sections and descriptions as aforesaid the board shall give notice to the Commissioners of their desire to lay down any substituted apparatus or to execute any protective works or any other alteration of their apparatus which may be agreed or settled by arbitration pursuant to this section it shall be lawful for the board instead of the Commissioners to lay down such apparatus or execute such works or alteration and the cost reasonably incurred by the board in so doing shall on demand be repaid to the board by the Commissioners. Provided that the Board shall not begin any such work or alteration until they have given to the Commissioners at least seven days' notice of their intention to do so and shall not in executing such work or alteration unreasonably interfere with the carrying out of any of the works by this Act authorised:
 - (8) If in the exercise by the Commissioners of any of the powers of this Act any damage to any apparatus or property of the board or any interruption in the supply of water shall be caused by the Commissioners

their contractors agents workmen or servants or any person in the employ of them or any of them the Commissioners shall bear and pay the cost reasonably incurred by the board in making good such damage and shall make full compensation to the board for any loss sustained by them by reason of such damage or interruption of supply and shall indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board by reason or in consequence of any such damage or interruption:

(9) The Commissioners shall bear and pay the cost reasonably incurred by the board in the reasonable employment of watchmen and inspectors with reference to and during the execution under the powers of this Act of any works affecting or likely to affect any apparatus of the board:

(10) The Commissioners shall bear and pay to the board the amount of any expenses reasonably incurred by the board in or in connection with—

(a) the cutting off of any apparatus of the board from any other apparatus and the connecting of any substituted apparatus with any existing apparatus of the board rendered necessary by reason or in consequence of the execution of the powers of this Act; or

(b) the removal or any alteration of any communication pipes or supply pipes rendered necessary by reason or in consequence of such execution;

and shall indemnify the board against all claims and demands by the owner of any such communication pipe or supply pipe or by the owners or occupiers of premises supplied by means thereof:

(11) Wherever under the powers of this Act any rights of way along any street or part of a street in which any apparatus of the board shall be situate shall be extinguished the Commissioners shall (except in cases to which the next following subsection applies) if required by the board remove such apparatus to and relay the same in such position as may be reasonably required by the board or shall provide and lay in such position as aforesaid similar apparatus equally suitable in lieu thereof and the relaying of the existing apparatus or laying of the substituted apparatus shall (save as hereinafter provided) be executed under the superintendence and to the reasonable satisfaction of the engineer of the board:

PART VIII.
—cont.

- (12) Whenever by reason of the exercise by the Commissioners of the powers of this Act any apparatus of the board shall be rendered derelict useless or unnecessary the Commissioners shall pay to the board such a sum as may be agreed between the Commissioners and the board to the value of such apparatus and the apparatus shall thereupon become the property of the Commissioners and the Commissioners shall also pay to the board any expense reasonably incurred by them in consequence of any such apparatus being so rendered derelict useless or unnecessary:
- (13) The board shall at all reasonable times have free and uninterrupted access to through and over the property of the Commissioners for the purpose of inspecting maintaining and cleansing repairing altering or renewing any apparatus of the board laid or placed in or under such property and the Commissioners shall grant to the board all necessary facilities for any such access:
- (14) The board shall be entitled to retain and use and from time to time to inspect maintain cleanse repair and renew or to remove all apparatus of the board laid or placed in or under the property of the Commissioners Provided that except in case of emergency the board shall give to the Commissioners at least seven days' notice of their intention to do so and shall agree with them suitable times for the execution of this work:
- (15) Any difference which shall arise between the Commissioners and the board under this section (other than a difference as to the construction or meaning of this section) shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification thereof from time to time in force shall apply to any such reference and determination.

For further
protection of
Tees Valley
Water Board.

94. For the further protection of the Tees Valley Water Board (in this section referred to as "the board") the following provision shall unless otherwise agreed in writing between the Commissioners and the board apply and have effect—

Nothing in this Act shall be deemed to authorise the Commissioners to supply water for their own profit or to supply or use water for any purposes other than such purposes as are necessarily incidental to the business of the Commissioners as carried on at their docks.

95. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are for the time being in force in respect of land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

PART VIII.

—cont.

Saving for town and country planning.

22 & 23 Geo. 5. c. 48.

6 & 7 Geo. 6. c. 29.

7 & 8 Geo. 6. c. 47.

96. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an Order made under any Act of the present session to provide for the regulation of the borrowing and raising of money the issue of securities and the circulation of offers of securities for subscription sale or exchange to enable the Treasury to guarantee loans in certain circumstances and for purposes connected with the matters aforesaid it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act") without such consent.

Saving for powers of Treasury.

2 & 3 Geo. 6.

c. 62.

9 Geo. 6. c. 10.

97. The costs charges and expenses preliminary to and of and incidental to the preparing of applying for and the obtaining and passing of this Act shall be paid by the Commissioners.

Costs of Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

Enactments relating to the appointment and election of Commissioners repealed by this Act.

The Act of 1852—

Sections XVI XVII XVIII XIX XX XXI XXII XXIII XXIV XXV XXVI XXVII XXVIII and XXIX.

The Act of 1875—

Sections 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 and 63.

PART 2.

Enactments relating to the Stockton Dock Committee repealed by this Act.

The Act of 1852—

Sections XXXII XXXIII XXXIV XXXV XXXVI XXXVII XXXVIII XXXIX LXXXII (so far as it relates to Schedule C) LXXXVI and Schedule C.

THE SECOND SCHEDULE.

FORM OF PROXY PAPER.

THE TEES CONSERVANCY ACT 1946.

I A.B. of being entitled to vote at the election of a Commissioner to represent the [shipowners of the ports of the Tees Or (as the case may be) the payers of Tees dues] at the election to be held on the day of 19 do by this writing appoint C.D. of to be my proxy to vote on my behalf at that election.

(Signed) A. B.

Witness X. Y. of

THE THIRD SCHEDULE.

PART I.

TONNAGE RATES.

Outward charges.

	Rates per N.R.T. s. d.
For every ship clearing for any port or place in the United Kingdom or in Eire or in the Isle of Man or in the White Sea or between the White Sea and Gibraltar including the Baltic Sea or in Iceland or for the British Possessions on the East Coast of North America	0 3¼
For every ship clearing for any port or place within the Straits of Gibraltar including the Black Sea or in the United States on the East Coast of America or in the West Indies or for the Gulf Ports	0 6½
For every ship clearing for any other port or place ...	0 9½

INWARD CHARGES.

	Rates per N.R.T.
For every ship with a cargo from any port or place in the United Kingdom or in Eire or in the Isle of Man or in the islands of Jersey and Guernsey	0 3¼
For every ship with a cargo from any port or place in Europe between Ushant and the Naze in Norway except ports in the Baltic Sea but including ports in the Skagerack and Cattegat outside Elsinore	0 6½
For every ship with a cargo from any port or place in the Baltic Sea or in Iceland or between Ushant and the Straits of Gibraltar or within the Straits of Gibraltar or between the Naze and the North Cape or to the east of the North Cape or in Madeira or the Azores or the British Possessions and the United States on the east coast of America north of Florida	0 9½
For every ship with a cargo from any other port or place ...	1 7¼

For every ship entering and leaving any dock berth wharf quay pier &c. without discharging or loading any cargo or coals 0 3¼

If any ship shall clear or leave a dock berth wharf quay pier &c. destined for more than one port or place with solid or liquid fuel for use on board such ship or with cargo intended to be carried partly to one port or place and partly to another port or place the Commissioners may charge demand and receive rates or dues on the ship as if she had cleared or left the dock for such one of those ports or places as the Commissioners may select.

3RD SCH.
—cont.

For the above rates any ship may remain in or at a dock berth wharf quay pier &c. for any time not exceeding four weeks from the date of the ship entering a dock berth wharf quay pier &c. and after the expiration of that time a further sum of $1\frac{1}{2}d.$ per ton per week or part of a week shall be payable in respect of such ship.

For keels lighters or other river craft entering and leaving a dock berth wharf quay pier &c. for the purpose of loading or discharging minerals or merchandise $1/7\frac{1}{4}d.$ each way when carrying fifty tons or less and when carrying more in addition thereto $1\frac{1}{2}d.$ per ton for every ton beyond fifty tons.

Tonnage rates on tug boats not belonging to the port $3\frac{1}{4}d.$ on net register tonnage with a minimum of 4/- per tug boat.

Trawlers with small or no net register tonnage shall be charged as river craft.

Launches not paying by agreement a yearly rental shall be charged dues at the rate of $1/7\frac{1}{4}d.$ per trip.

Wharfage may be charged on all cargo shipped or landed.

PART II.

DUES RATES OR TOLLS ON GOODS AND CATTLE.

	Rates	
	s.	d.
*For every ton of coals put on board any vessel	0	2
*For every ton of coke culm or cinders put on board any vessel	0	3
†For every load of timber of whatever description each load containing fifty cubic feet received or delivered from any vessel	0	$4\frac{3}{4}$
†And in case such timber shall continue in the dock for a longer period than fourteen days then for each week or part of a week beyond such fourteen days per load ...	0	$4\frac{3}{4}$
†For every ton weight of goods or merchandise of every other description received or delivered from any vessel	0	$6\frac{1}{2}$
†Or at the option of the Commissioners for every ton measurement of such goods and merchandise each such ton measurement containing forty cubic feet	0	$9\frac{1}{2}$
†And for every package or parcel of goods less than a ton either of weight or measurement the same sum as is payable in respect of a ton.		
†Horses per head	2	$4\frac{3}{4}$
†Oxen cows and bulls per head	1	$7\frac{1}{4}$
†Ponies mules and asses per head	0	$9\frac{1}{2}$
†Calves and deer per head	0	$3\frac{1}{4}$
†Lambs sheep goats and pigs per head	0	$1\frac{1}{2}$
†And for all goods animals articles matters or things not specified above a rate equal to that payable in respect of goods animals articles matters or things of a similar nature package and quality.		

* Levied on all coal coke culm and cinders shipped.

† Levied only on traffic received or delivered overside.

PART III.

3RD SCH.
—cont.

SPECIAL DOCK TONNAGE ARRANGEMENTS.

1. Vessels discharging one cargo and taking another shall be charged tonnage rates only one way inward or outward whichever are higher.

2. Vessels proceeding to a port to which the tonnage rate is $3\frac{1}{4}d.$ per net register ton shall be charged the tonnage rate of $3\frac{1}{4}d.$ although on the way to a foreign port when the cargo exclusive of the bunker coal does not exceed the net register tonnage.

3. Vessels discharging part cargo less than the net register tonnage shall be charged full inward tonnage rates on the weight actually discharged provided they pay the appropriate outward tonnage rates on the net register tonnage.

4. Vessels discharging part cargo and taking only bunker coal for their own use shall be charged full inward tonnage rates on the weight actually discharged plus half the outward tonnage rates on the net register tonnage if the weight of coal does not exceed to a $3\frac{1}{4}d.$ port one-half the net register tonnage or to a $6\frac{1}{2}d.$ or $9\frac{1}{2}d.$ port two-thirds the net register tonnage.

5. Vessels taking only a small cargo which together with the bunker coal does not exceed to a $3\frac{1}{4}d.$ port one-half the net register tonnage or to a $6\frac{1}{2}d.$ or $9\frac{1}{2}d.$ port two-thirds the net register tonnage shall be charged half rate plus the full outward tonnage rate on the actual weight of the cargo shipped.

6. Vessels which take only bunker coal for their own use shall be charged $1\frac{1}{2}d.$ per net register ton regardless of the port of destination and the weight of bunker coal taken.

Vessels under this arrangement may remain in or at a dock berth wharf quay pier &c. not more than fourteen days.

7. Vessels with deck cargoes of timber stores or other goods shall be charged tonnage rates on the measurement in addition to the net register tonnage of the vessels except in the case of vessels coming for refuge or for bunker coal only.

8. Jigger barges entering or using a dock berth wharf quay pier &c. for work at vessels shall be charged 8/- for each vessel at which work is carried out the payment covering only the time the barge is actually engaged loading or discharging at the vessels.

9. Lighters carrying bowl chairs and other railway materials from works on the river Tees for shipment in or at a dock berth wharf quay pier &c. shall be charged overside dues at $4\frac{3}{4}d.$ per ton if not less than 10,000 tons are shipped by one person or firm in the six months ending on the 30th June or 31st December in each year.

3RD SCH.
—cont.

PART IV.

OTHER DOCK CHARGES.

The following charges may be made as specified against every vessel entering or leaving a dock berth wharf quay pier &c.:—

POLICE.

(whether the services are rendered or not.)

	s.	d.
Vessels under 100 register tons	0	11
„ 100 and under 200 register tons	1	9
„ 200 and under 300 register tons	2	8
„ 300 register tons or upwards	3	6

WATER.

For drinking.

	Per vessel.		
	£	s.	d.
Vessels under 100 register tons	0	1	9
„ 100 and under 150 register tons	0	2	7½
„ 150 „ 200 „ „	0	3	6
„ 200 „ 250 „ „	0	4	4½
„ 250 „ 300 „ „	0	5	3
„ 300 „ 350 „ „	0	7	0
„ 350 „ 400 „ „	0	8	9
„ 400 „ 450 „ „	0	11	4½
„ 450 „ 500 „ „	0	14	0
„ 500 „ 550 „ „	0	16	7½
„ 550 „ 600 „ „	0	19	3
„ 600 „ 650 „ „	1	1	10½
„ 650 „ 700 „ „	1	4	6
„ 700 „ 750 „ „	1	7	1½
„ 750 „ 800 „ „	1	9	9
„ 800 „ 850 „ „	1	12	4½
„ 850 „ 900 „ „	1	15	0
„ 900 „ 950 „ „	1	17	7½
„ 950 „ 1,000 „ „	2	0	3

And 2/7½*d.* for every additional 50 register tons.

Fractions of 1*d.* are charged as 1*d.*

For boilers.

	Per vessel.		
	£	s.	d.
Vessels under 1,000 register tons	0	17	6
„ 1,000 and under 1,500 register tons	1	6	3
„ 1,500 „ 2,000 „ „	1	15	0
„ 2,000 „ 2,500 „ „	2	3	9
„ 2,500 „ 3,000 „ „	2	12	6
„ 3,000 „ 3,500 „ „	3	1	3
„ 3,500 „ 4,000 „ „	3	10	0
„ 4,000 „ 4,500 „ „	3	18	9
„ 4,500 „ 5,000 „ „	4	7	6

And 8*s.* 9*d.* for every additional 500 register tons.

CHARGES FOR THE HIRE OF CRANES ETC.

3RD SCH.
—cont.

	£	s.	d.	
Crane (steam) for lifting general cargo	1	12	0	per day
„ (electric) „ „ „ „ „ „ „ „ „ „	2	8	0	„
„ (steam or electric) for lifting timber	1	4	0	„

The above rates apply to first shift working For second shift working 10s. per shift may be added to the charges for steam and electric cranes engaged on general cargo and 50 per cent. to the charges for steam and electric cranes engaged on timber.

The charges may be levied in grades of $\frac{1}{4}$ shifts and no less charge is made than for $\frac{1}{4}$ shift.

	s.	d.	
Crane for lifting cargo from one part of vessel to another (minimum 2s. 6d.)	10	7	per hour

CHARGES FOR HIRE OF GEAR ETC.

	s.	d.	
Boards	0	2	each per day
Chains sling large	4	0	„
„ „ small	1	7	„
Trays	1	7	„
Tubs	1	7	„

HAULAGE.

(a) Goods in private owners' wagons delivered by private owners' locomotives.

	Per ton.
	s. d.
Goods in classes 1 to 6 of the general railway classification of merchandise	0 3
Goods in classes 7 to 10 of the general railway classification of merchandise	0 5
Goods in classes 11 to 21 of the general railway classification of merchandise	0 6

(In addition to the wharfage and shipping charges)

(b) General goods and timber in Commissioners' wagons.

Class of traffic.	Haulage service.	Rate	Minimum
		per ton.	charge.
		s. d.	s. d.
General goods	Vessel to stockyard	1 7	2 6
General goods	Stockyard to vessel	1 7	2 6
General goods	Vessel to vessel	10	2 6
Timber	Vessel to stockyard	5	1 7
Timber	Stockyard to vessel	1 ⁰⁰ 7	1 7

The haulage charges shall not include the provision of wagons of special construction or of greater carrying capacity than 10 tons nor shall they be applicable to consignments of traffic of exceptional bulk which cannot be safely loaded in an ordinary wagon.

Charges for the time being in force for the hire or detention of wagons shall be paid in addition when wagons are not loaded or liberated within the periods specified.

THE FOURTH SCHEDULE.

RATES AND CHARGES ON GOODS.

PART I.

Description of goods						Wharfage
						s. d.
Acetic acid	...	...	...	...	Per ton	1 1
Acetylene	...	...	...	...	"	1 1
Air receivers	...	...	...	...	"	Machinery rates apply.
Alcohol	...	...	...	...	"	0 10
„ methyl	...	...	...	...	"	0 10
Alkali...	...	...	...	...	"	0 6
Alum	...	...	...	...	"	0 6
Amicifos (bags)	...	...	...	...	"	0 6
Ammonia sulphate of (bags)	...	...	...	...	"	0 6
„ „ (bulk)	...	...	...	...	"	Subject to special arrangement.
Ammonium bicarbonate (bags)	...	...	...	...	"	0 6
„ nitrate (bags)	...	...	...	...	"	0 6
Anhydrous ammonia (cylinders)	...	...	...	...	"	0 6
Animals—						
Dogs goats lambs pigs sheep	...	...	...	...	each	0 2
Calves deer	...	...	...	...	"	0 5
Asses ponies mules	...	...	...	...	"	1 2
Bulls cows oxen	...	...	...	...	"	1 7
Horses	...	...	...	...	"	3 2
Anti-friction metal	...	...	...	...	ton	0 6
Antimony	...	...	...	...	"	0 6
Asbestos	...	...	...	...	"	0 10
Asphalt	...	...	...	...	"	0 6
Bacon and hams	...	...	...	...	"	0 10
Bags empty	...	...	...	...	"	0 10
Balance weights	...	...	...	...	"	0 6
Ballast	...	...	...	...	"	Subject to special arrangement.
Bamboos	...	...	...	...	"	0 10
Barium carbonate	...	...	...	...	"	0 6
Bark tanners'	...	...	...	...	"	1 1
Barytes	...	...	...	...	"	0 6
Basic slag (bags)	...	...	...	...	"	0 10
Bath bricks	...	...	...	...	"	0 10
Baths...	...	...	...	...	"	0 10
Bauxite (bulk)	...	...	...	...	"	0 6
Beads...	...	...	...	...	"	0 10
Beaver boards	...	...	...	...	"	0 10
Bedsteads	...	...	...	...	"	0 10
Beer (casks)	...	...	...	...	"	0 10
„ (bottles in cases)	...	...	...	...	"	0 10
Belting	...	...	...	...	"	0 10
Bins dust	...	...	...	...	"	0 10
Bitumastic solution	...	...	...	...	"	0 6
Bitumen solution	...	...	...	...	"	0 6
Bleaching powder	...	...	...	...	"	0 6
Blocks ships'	...	...	...	...	"	1 2
Boat gear	...	...	...	...	"	Machinery rates apply.
Boats	...	...	...	...	each	1 7

Description of goods						Wharfage
						s. d.
Boilers	...	...	...	...	Per ton	Machinery rates apply.
Bones...	...	...	...	...	"	0 10
Bottles	...	...	...	...	"	0 10
Brass bars	...	...	...	...	"	0 10
„ borings (scrap)	...	...	...	...	"	0 6
„ fittings	...	...	...	...	"	0 10
„ rods	...	...	...	...	"	0 10
„ tubes	...	...	...	...	"	0 10
Brazing hearths	...	...	...	...	"	Machinery rates apply.
Bricks	...	...	...	...	"	0 6
„ bath	...	...	...	...	"	0 10
„ scoriae	...	...	...	...	"	0 6
Brushes	...	...	...	...	"	0 10
Buckets	...	...	...	...	"	0 10
„ dredger	...	...	...	...	"	Machinery rates apply.
Bungs...	...	...	...	...	"	0 10
Buoys cork	...	...	...	...	"	0 10
„ iron or steel	...	...	...	...	"	Machinery rates apply.
Cable electric	...	...	...	...	"	Machinery rates apply unless shipped by hand when charges are subject to special arrangement.
Cake feeding...	...	...	...	...	"	0 10
Candles	...	...	...	...	"	0 10
Canvas	...	...	...	...	"	0 10
Carbide of calcium	...	...	...	...	"	1 1
Carpetings	...	...	...	...	"	0 10
Carriagework—						also
To 5 tons each piece	...	...	...	...	"	0 10
Over 5 to 7 tons each piece	...	...	...	...	"	0 10
„ 7 to 10	„	„	...	...	"	0 10
„ 10 to 15	„	„	...	...	"	0 10
„ 15 to 20	„	„	...	...	"	0 10
„ 20 to 30	„	„	...	...	"	0 10
Cartridges	...	...	...	...	"	0 10
Cartridge cases	...	...	...	...	"	0 6
Casks empty...	...	...	...	...	"	0 6
Cattle...	...	...	...	...	"	See "Animals".
Caustic soda	...	...	...	...	"	0 6
Cement (bags casks or drums)	...	...	...	...	"	0 6
Charcoal	...	...	...	...	"	1 1
Cheese	...	...	...	...	"	0 10
Chemicals (unless otherwise provided for)	...	...	...	...	"	0 6
Chlorine liquid	...	...	...	...	"	0 6
Chop	...	...	...	...	"	0 10
Cigarettes	...	...	...	...	"	0 10
Cisterns	...	...	...	...	"	0 10
Clamps	...	...	...	...	"	0 10
Clay (bags or casks)...	...	...	...	...	"	0 6
Coal (bags or bulk)	...	...	...	...	"	See Part II of this schedule.
Cocoa	...	...	...	...	"	0 10
Coffee	...	...	...	...	"	0 10
Coke (bags or bulk)...	...	...	...	...	"	See Part II of this schedule.

4TH SCH.
—cont.

Description of goods						Wharfage	
						s.	d.
Cokernut (desiccated)	...	...	...	...	Per ton	0	10
Cokernuts	...	...	...	...	..	0	6
Confectionery	...	...	...	...	..	0	10
Copper ingots or plates	...	...	...	...	..	0	6
„ tubes tuyers or castings	...	...	...	...	..	0	10
Cork blocks	...	...	...	...	..	0	10
„ slabs	...	...	...	...	..	0	10
Cottons	...	...	...	...	..	0	10
Cottonseed	...	...	...	...	..	0	10
Creosote	...	...	...	...	..	0	10
„ oil	...	...	...	...	..	0	10
Cresolution	...	...	...	...	..	0	10
Cresylic acid	...	...	...	...	..	0	10
Crysolite	...	...	...	...	..	0	6
Cyanide of potassium	...	...	...	...	..	0	6
Cylinders empty	...	...	...	...	..	0	6
Davits	...	...	...	...	..	Machinery rates apply.	
Derricks	...	...	...	...	..	Machinery rates apply.	
Dolomite (bags or casks)	...	...	...	...	..	0	6
Dredger buckets	...	...	...	...	..	Machinery rates apply.	
Drugs...	...	...	...	...	..	0	10
Drums empty	...	...	...	...	..	0	6
Dust bins	...	...	...	...	..	0	10
Earthenware—							
Pipes	...	...	...	...	..	0	10
Sinks	...	...	...	...	..	0	10
Slabs	...	...	...	...	..	0	10
In crates	...	...	...	...	..	0	10
Electric cable	...	...	...	...	..	Machinery rates apply unless shipped by hand when charges are subject to special arrangement.	
Electrodes	...	...	...	...	..	0	10
Emery stone	...	...	...	...	..	0	6
Empties—							
Bags	...	...	...	...	..	0	10
Cases	...	...	...	...	..	0	6
Casks	...	...	...	...	..	0	6
Cylinders	...	...	...	...	..	0	6
Drums	...	...	...	...	..	0	6
Enamel	...	...	...	...	..	0	10
Enamelware	...	...	...	...	..	0	10
Essence	...	...	...	...	..	0	10
Feeding cake	...	...	...	...	..	0	10
Felt roofing	...	...	...	...	..	0	10
Fibre	...	...	...	...	..	0	10
Files	...	...	...	...	..	0	10
Firebricks	...	...	...	...	..	0	6
Fireclay	...	...	...	...	..	0	6
Fish paste	...	...	...	...	..	0	10
„ preserved	...	...	...	...	..	0	10
Flax	...	...	...	...	..	0	10
Fleshings	...	...	...	...	..	0	10

Description of goods						Wharfage
						s. d.
Flour ... ..	...	...	...	...	Per ton	0 10
Fluor spar (bags or casks) ... ..	...	...	...	...	"	0 6
" (bulk) ... ..	...	...	...	...	"	0 6
Fowls ... ..	...	...	...	...	doz.	0 2
Fuel oil in O.T.W. ... ..	...	...	...	...	ton	0 10
Furniture ... ..	...	...	...	...	"	0 10
Fur skins ... ..	...	...	...	...	"	1 7
Ganister (raw) ... ..	...	...	...	...	"	0 6
Gear wheels ... ..	...	...	...	...	"	Machinery rates apply.
Gelatine ... ..	...	...	...	...	"	0 10
Glass ... ..	...	...	...	...	"	0 10
Glue ... ..	...	...	...	...	"	0 10
Glycerine ... ..	...	...	...	...	"	0 10
Granite (broken) ... ..	...	...	...	...	"	0 6
" (kerbs and setts) ... ..	...	...	...	...	"	0 6
" (polished) ... ..	...	...	...	...	"	0 10
Grease ... ..	...	...	...	...	"	0 10
Grindstones ... ..	...	...	...	...	"	0 10
Grit diamond ... ..	...	...	...	...	"	0 10
Guano ... ..	...	...	...	...	"	0 6
Gum ... ..	...	...	...	...	"	0 10
Gunnies ... ..	...	...	...	...	"	0 10
Gypsum (bags or casks) ... ..	...	...	...	...	"	0 6
Hair belting ... ..	...	...	...	...	"	0 10
Hams and bacon ... ..	...	...	...	...	"	0 10
Hardware ... ..	...	...	...	...	"	0 6
Hay (bales) ... ..	...	...	...	...	"	0 10
Hearths brazing ... ..	...	...	...	...	"	Machinery rates apply.
Hemp ... ..	...	...	...	...	"	0 10
" rope ... ..	...	...	...	...	"	0 10
" sisal ... ..	...	...	...	...	"	0 10
Hides ... ..	...	...	...	...	"	0 10
Hydrochloric acid ... ..	...	...	...	...	"	0 6
Iron and Steel						
Anchors—						
To 1½ tons each ... ..	...	...	...	...	"	0 10
Over 1½ to 7 tons each ... ..	...	...	...	...	"	0 10
Anchor joints ... ..	...	...	...	...	"	0 6
Angles—						
To 1½ tons each ... ..	...	...	...	...	"	0 6
Over 1½ to 5 tons each ... ..	...	...	...	...	"	0 6
Axles (loose) ... ..	...	...	...	...	"	0 10
" (cases) ... ..	...	...	...	...	"	0 10
Axle boxes ... ..	...	...	...	...	"	0 6
Bargework ... ..	...	...	...	...	"	0 10
Bars—						
To 1½ tons each ... ..	...	...	...	...	"	0 6
1½ to 5 tons each ... ..	...	...	...	...	"	0 6
Bars sheet ... ..	...	...	...	...	"	Subject to special arrangement.
Bases ... ..	...	...	...	...	"	0 10
Billets ... ..	...	...	...	...	"	0 6

4TH SCH.
—cont.

Description of goods	Wharfage
<i>Iron and Steel—continued.</i>	
Blooms—	s. d.
To 1½ tons each Per ton	0 6
1½ to 5 tons each "	0 6
5 to 7 tons each "	0 6
7 to 10 tons each "	0 10
Bollards "	0 6
Bolts "	0 10
Brake blocks "	0 10
Bridgework—	
To 5 tons each piece "	0 10
Over 5 to 7 tons each piece "	0 10
„ 7 to 10 „ „ "	0 10
„ 10 to 15 „ „ "	0 10
„ 15 to 20 „ „ "	0 10
„ 20 to 30 „ „ "	0 10
Buckets for dredgers "	Machinery rates apply.
Buffers "	0 10
Buttresses "	0 6
Castings finished "	Machinery rates apply.
„ rough—	
To 1½ tons each "	0 6
1½ to 5 tons each "	0 6
Chains—	
To 1½ tons each "	0 10
1½ to 7 tons "	0 10
Chairs bowl "	0 6
„ railway "	0 6
Channels to 1½ tons each "	0 6
Clips "	0 10
Constructional work "	Joist rates apply.
Cotters "	0 10
Couplings "	0 10
Coupling pins "	0 6
Crossings "	0 6
Distance pieces "	0 10
Drawbars "	0 10
Dredger buckets "	Machinery rates apply.
Expanded metal "	0 10
Fencing "	0 10
Ferro chrome (casks) "	0 6
„ manganese (casks) "	0 6
„ „ (bulk) "	0 6
„ silicon (bulk) "	0 6
„ „ (bags or casks) "	0 6
Fishplates (bundles) "	0 6
„ (cases) "	0 10
Forgings finished "	Machinery rates apply.
„ rough—	
„ to 1½ tons each "	0 6
„ 1½ to 3 tons each "	0 6
„ 3 to 5 „ „ "	0 6
„ 5 to 7 „ „ "	0 10
„ 7 to 10 „ „ "	0 10
„ 10 to 15 „ „ "	0 10

Description of goods	Wharfage
Iron and Steel— <i>continued.</i>	s. d.
Galvanised sheets Per ton	0 10
Girders—	
To 5 tons each	0 10
Over 5 to 7 tons each	0 10
„ 7 to 10 „	0 10
„ 10 to 15 „	0 10
„ 15 to 20 „	0 10
„ 20 to 30 „	0 10
Girder brackets	0 6
Hoops	0 10
Ingots—	
To 1½ tons each	0 6
Over 1½ to 5 tons each	0 6
Joists—	
To 1½ tons each	0 6
Over 1½ to 5 tons each	0 6
„ 5 to 7 „	0 10
„ 7 to 10 „	0 10
Kentledge—	
To 1½ tons each	0 6
Over 1½ to 5 tons each	0 6
„ 5 to 7 „	0 10
„ 7 to 10 „	0 10
„ 10 to 15 „	0 10
Keys rail	0 10
Lamp posts	0 6
Lever boxes	0 6
Liners... ..	0 10
Manhole covers	0 6
Mesh for reinforcement	0 10
Mortar boxes	0 6
Moulds ingot—	
To 1½ tons each	0 6
Over 1½ to 5 tons each	0 6
Nails	0 10
Nuts	0 10
Pig iron (including spiegel) (bulk)	0 6
„ „ „ (casks)	0 6
Pileshoes	0 6
Pipes—	
To 3½ tons each	0 6
Over 3½ to 7½ tons each	0 6
„ 7½ to 10 „	0 10
Plates—	
To 1½ tons each	0 6
Over 1½ to 5 tons each	0 6
„ 5 to 7 „	0 10
„ 7 to 10 „	0 10
Points	0 6

4TH SCH.
—cont.

Description of goods						Wharfage
Iron and Steel— <i>continued.</i>						s. d.
Pontoonwork	...	...	...	...	Per ton	Bridgework rates apply.
Posts	...	...	...	...	..	0 6
Rail anchors	...	...	...	...	..	0 6
Rails railway	...	...	...	...	..	0 6
„ scrap	...	...	...	...	..	0 10
„ (setts)	...	...	...	...	..	0 6
„ tramway	...	...	...	...	..	0 6
Ramps	...	...	...	...	..	0 6
Ranges complete	...	...	...	...	..	1 2
„ in parts	...	...	...	...	..	0 6
Reels winding	...	...	...	...	..	Machinery rates apply.
Retorts	...	...	...	...	..	Machinery rates apply.
Rivets	...	...	...	...	..	0 10
Sashweights	...	...	...	...	..	0 10
Scrap—						
To 5 tons each piece	...	...	...	...	..	0 10
Over 5 to 7 tons each piece	...	...	...	...	..	0 10
„ 7 to 10	„	„	...	...	..	0 10
„ 10 to 15	„	„	...	...	..	0 10
„ 15 to 20	„	„	...	...	..	0 10
„ 20 to 30	„	„	...	...	..	0 10
Screws for couplings	...	...	...	...	..	0 10
„ joiners	...	...	...	...	..	0 10
Segments—						
To 5 tons each	...	...	...	...	..	0 10
Over 5 to 7 tons each	...	...	...	...	..	0 10
„ 7 to 10	„	„	...	...	..	0 10
Shackles	...	...	...	...	..	0 10
Sheaves	...	...	...	...	..	Machinery rates apply.
Sheets bars	...	...	...	...	..	Subject to special arrangement.
Sheets galvanised or black	...	...	...	...	..	0 10
Shells	...	...	...	...	..	Machinery rates apply.
Shot heavy	...	...	...	...	..	Machinery rates apply.
Shovels	...	...	...	...	..	0 10
Sidelights ships' (cases)	...	...	...	...	..	0 10
Skips for mines	...	...	...	...	..	Machinery rates apply.
Slabs solid iron	...	...	...	...	..	Kentledge rates apply.
Sleepers	...	...	...	...	..	0 6
Soleplates (bundles)	...	...	...	...	..	0 6
„ (cases)	...	...	...	...	..	0 10
Spiegel (loose)	...	...	...	...	..	0 6
„ (casks)	...	...	...	...	..	0 6
Spikes	...	...	...	...	..	0 10
Springs (bundles)	...	...	...	...	..	0 10
„ (cases)	...	...	...	...	..	0 10
Stampings	...	...	...	...	..	0 10
Stoves complete	...	...	...	...	..	1 2
„ in parts	...	...	...	...	..	0 6
Strips	...	...	...	...	..	0 10
Switches	...	...	...	...	..	0 6

Description of goods					Wharfage
Iron and Steel— <i>continued.</i>					s. d.
Tail lamp irons	...	...	...	Per ton	0 10
Tankwork—					
To 1½ tons each piece	...	...	...	..	0 6
Over 1½ to 5 tons each piece	...	...	...	..	0 6
„ 5 to 7	..	..	...	..	0 10
„ 7 to 10	..	..	...	..	0 10
Test pieces	...	...	...	..	0 10
Tip wagons	...	...	...	..	Wagon work rates apply.
Trellis metal	...	...	...	..	0 10
Tubes	...	...	...	..	0 10
Tubs (small steel wagons)	...	...	...	..	0 6
Type metal	...	...	...	..	0 6
Tyres	...	...	...	..	0 10
Wheels and axles	...	...	...	..	0 10
„ (cases)	...	...	...	..	0 10
Yokes	...	...	...	..	0 6
Joinery	...	...	...	..	0 10
Jute	...	...	...	..	0 10
Kernels of nuts	...	...	...	..	0 6
Lamps	...	...	...	..	0 10
Lead	...	...	...	..	0 6
„ pig	...	...	...	..	0 6
„ pipe	...	...	...	..	0 10
„ sheet	...	...	...	..	0 10
Leather (bales)	...	...	...	..	0 10
Lemons	...	...	...	..	1 1
Lime (bags or casks)	...	...	...	..	0 10
„ hydrated	...	...	...	..	0 10
Limestone (bags or casks)	...	...	...	..	0 10
Linens	...	...	...	..	0 10
Linoleum	...	...	...	..	0 10
Litharge	...	...	...	..	0 6
Live stock	...	...	...	..	See "Animals."
Machinery—					
Not over 1½ tons each piece	...	...	...	..	1 2
Over 1½ tons to 3 tons	...	...	...	..	1 7
„ 3 to 5 tons	...	...	...	..	1 7
„ 5 to 7	..	..	...	..	1 7
„ 7 to 10	..	..	...	..	1 7
„ 10 tons and upwards	...	...	...	..	1 7
Magnesia	...	...	...	..	0 10
Magnesite	...	...	...	..	0 6
Malt (bags)	...	...	...	..	0 6
Manganese peroxide of	...	...	...	..	0 6
Manure (bags)	...	...	...	..	0 6
Matches	...	...	...	..	1 7
Meat	...	...	...	..	0 10
Menthol	...	...	...	..	1 1
Mesh metal	...	...	...	..	10 10

4TH SCH.
—cont.

Description of goods					Wharfage
					s. d.
Metal anti-friction	...	...	...	Per ton	0 6
„ expanded	...	...	...	„	0 10
„ polish	...	...	...	„	0 6
„ yellow	...	...	...	„	0 6
Metallic sodium	...	...	...	„	0 6
Methanol	...	...	...	„	0 10
Methyl alcohol	...	...	...	„	0 10
„ spirit	...	...	...	„	0 10
Milk condensed	...	...	...	„	0 10
Mineral waters	...	...	...	„	Subject to special arrangement.
Monamphos	...	...	...	„	0 6
Moss litter	...	...	...	„	0 10
Mouldings wood	...	...	...	„	0 10
Myrobolams	...	...	...	„	1 1
Naphthalene	...	...	...	„	0 6
Naphtha solvent	...	...	...	„	1 1
Nets	...	...	...	„	0 10
Netting wire	...	...	...	„	0 10
Niciphos	...	...	...	„	0 6
Nitric acid	...	...	...	„	1 1
Nitro chalk	...	...	...	„	0 6
Nuts kernels of	...	...	...	„	0 6
N.P.K.	...	...	...	„	0 6
Oatmeal	...	...	...	„	0 6
Oils	...	...	...	„	0 10
Ointment	...	...	...	„	0 10
Onions	...	...	...	„	1 1
Oranges	...	...	...	„	1 1
Ore chrome	...	...	...	„	0 6
„ iron	...	...	...	„	0 6
„ „	...	...	...	„	0 10
„ manganese	...	...	...	„	0 6
„ „ (bags)	...	...	...	„	0 6
„ zinc	...	...	...	„	0 6
Organwork	...	...	...	„	0 10
Oxygen (cylinders)	...	...	...	„	1 1
Paint	...	...	...	„	0 6
Paper	...	...	...	„	0 10
Paraffin wax	...	...	...	„	0 10
Paving setts	...	...	...	„	0 6
Peroxide of manganese	...	...	...	„	0 6
Phosphate	...	...	...	„	1 1
Pianos	...	...	...	„	0 10
Pickelette	...	...	...	„	0 10
Pickers	...	...	...	„	0 10
Pigeon food	...	...	...	„	0 10
Piles concrete	...	...	...	„	0 6
Pineapples	...	...	...	„	0 10
Pipes earthenware	...	...	...	„	0 10
Pitch (casks)	...	...	...	„	0 6
Plaster	...	...	...	„	0 6
„ boards	...	...	...	„	0 10
Plywood	...	...	...	„	0 5

Description of goods					Wharfage
					s. d.
Polish metal	...	...	...	Per ton	0 6
Potash	...	...	...	"	1 1
Potassium cyanide	...	...	...	"	0 6
Poultry	...	...	...	doz.	0 2
Powder bleaching	...	...	...	ton	0 6
Provisions	...	...	...	"	0 10
Pulley blocks	...	...	...	"	Machinery rates apply.
Putty	...	...	...	"	0 6
Radiators	...	...	...	"	Machinery rates apply.
Rags	...	...	...	"	0 6
Raisins	...	...	...	"	0 10
Reels winding	...	...	...	"	Machinery rates apply.
Roofing felt	...	...	...	"	0 10
Rope hemp	...	...	...	"	0 10
" wire	...	...	...	"	See "Wire."
Rubber	...	...	...	"	0 10
Sailcloth	...	...	...	"	0 10
Salt	...	...	...	"	0 6
Sand (bulk)	...	...	...	"	0 6
" silicate of	...	...	...	"	0 10
Shooks	...	...	...	"	0 5
Shot small	...	...	...	"	0 10
Silica ware	...	...	...	"	0 10
Sinks earthenware	...	...	...	"	0 10
Sisal hemp	...	...	...	"	0 10
Skins	...	...	...	"	0 10
" fur	...	...	...	"	1 7
Slag (bulk)	...	...	...	"	0 10
" basic (bags)	...	...	...	"	0 10
" wool	...	...	...	"	0 10
Soap	...	...	...	"	1 1
Soda	...	...	...	"	0 6
" ash	...	...	...	"	0 6
Sodium metallic	...	...	...	"	0 6
" nitrate	...	...	...	"	0 6
" nitrite	...	...	...	"	0 6
" cyanide	...	...	...	"	0 6
Solignum	...	...	...	"	0 10
Solvent naphtha	...	...	...	"	1 1
Spar fluor (bags or casks)	...	...	...	"	0 6
" (bulk)	...	...	...	"	0 6
Spelter	...	...	...	"	0 6
Stearine	...	...	...	"	0 10
Steel and iron	...	...	...	"	See "Iron and steel."
Stone paving blocks	...	...	...	"	0 6
Stoves	...	...	...	"	1 2
" (parts)	...	...	...	"	0 6
Straw (bales)	...	...	...	"	0 10
String	...	...	...	"	0 10
Suet	...	...	...	"	0 10
Sulphate of ammonia (bags)	...	...	...	"	0 6
" " (bulk)	...	...	...	"	Subject to special arrangement.
Sulphuric acid	...	...	...	"	0 6

4TH SCH.
—cont.

Description of goods					Wharfage
					s. d.
Tanners' bark	...	...	...	Per ton	1 1
Tannery extract	...	...	...	"	0 6
Tar (casks or drums)	...	...	...	"	0 6
Tartaric acid...	...	...	...	"	0 6
Tea	...	...	...	"	0 10
Thread	...	...	...	"	0 6
Timber	...	...	...	"	0 5
Tinware	...	...	...	"	0 6
Tobacco	...	...	...	"	0 10
Toluol	...	...	...	"	1 1
Tools	...	...	...	"	0 10
Trellis metal	...	...	...	"	0 10
„ wood	...	...	...	"	0 5
Tubes brass or copper	...	...	...	"	0 10
Turpentine	...	...	...	"	0 10
Twine	...	...	...	"	0 10
Twist	...	...	...	"	0 6
Varnish	...	...	...	"	0 10
Ventilators	...	...	...	"	0 10
Vinegar	...	...	...	"	0 10
Wagonwork—					
To 5 tons each piece	...	...	...	"	0 10
Over 5 to 7 tons each piece	...	...	...	"	0 10
„ 7 to 10	„	„	...	"	0 10
„ 10 to 15	„	„	...	"	0 10
„ 15 to 20	„	„	...	"	0 10
„ 20 to 30	„	„	...	"	0 10
Waste	...	...	...	"	0 10
Waters mineral	...	...	...	"	Subject to special arrangement.
Water cooling plant	...	...	...	"	0 6
Wax paraffin	...	...	...	"	0 10
Weights balance	...	...	...	"	0 6
Wheels gear	...	...	...	"	Machinery rates apply.
Whisky	...	...	...	"	0 10
Whiting	...	...	...	"	0 6
Window frames metal	...	...	...	"	0 10
„ „ wood	...	...	...	"	0 10
Wire fencing	...	...	...	"	0 10
„ netting	...	...	...	"	0 10
„ ropes—					s. d.
To 1½ tons each	...	...	...	"	0 10
Over 1½ to 5 tons each	...	...	...	"	0 10
„ 5 to 7	„	„	...	"	0 10
„ 7 to 10	„	„	...	"	0 10
„ 10 to 15	„	„	...	"	0 10
„ 15 to 20	„	„	...	"	0 10
„ 20 to 25	„	„	...	"	0 10
„ 25 to 30	„	„	...	"	0 10
Witherite (bags)	...	...	...	"	0 6
Wood pulp	...	...	...	"	0 10
Wool	...	...	...	"	1 1
„ slag	...	...	...	"	0 10
Woollens	...	...	...	"	0 10

Description of goods						Wharfage
Xylol	...	...	...	...	Per ton	s. d. 0 10
Yarn	...	...	...	...	„	0 10
Yellow metal	...	...	...	...	„	0 6
Zinc dross	...	...	...	...	„	0 6
„ dust	...	...	...	...	„	0 6
„ ore	...	...	...	...	„	0 6
„ plates	...	...	...	...	„	0 6
„ residue	...	...	...	...	„	0 10

All goods not particularly enumerated in the above list shall be liable to the like rate or rates on the goods therein specified which in the judgment of the Commissioners may be nearest in description and value to such unenumerated goods.

PART II.

COAL AND COKE.

The charges in respect of coal and coke shall comprise—

Dock dues

Charges for shipment

and be at the standard of 20 cwts. to the ton.

[For dock dues see Third Schedule.]

Charges for shipment from railway wagons—

	s.	d.
Coal	0	4½ per ton
Coke	0	6 „

CHARGES FOR SHIPPING COAL OR COKE IN BULK OR BAGS BY CRANES
AT QUAYS.

(a) When crane and labour supplied by Commissioners—

	s.	d.
Coal—shipping by ordinary crane in bulk or bags ...	2	8 per ton
Coke— „ „ in bulk	4	0 „
„ „ in bags	2	8 „

(b) When crane supplied by Commissioners and labour for filling into tubs by private firms—

10d. per ton.

Provided that where the charges do not cover the cost the Commissioners charge the cost plus a percentage for supervision and profit.

4TH SCH.
—cont.

(a) Charges for bagging and shipping coal and coke—

Coal—

Filling into bags stitching up loading to trucks and hauling alongside ship	6 0 per ton
Shipping	2 8 „

Coke—

Filling into bags stitching up loading to trucks and hauling alongside ship	11 11 „
Shipping	2 8 „

(d) Haulage from mineral sidings to cargo quays—

A charge of 2d. per ton for haulage from one point to the other.

PART III.

REGULATIONS.

1. All weights and measures mentioned in Parts I and II of this schedule save where specially excepted are imperial weights and measures.

2. Where goods are charged at per ton or at per cwt. or by other measures there shall be payable for any fraction of a ton a cwt. or other measure as the case may be the rate payable in respect of a whole ton or cwt. or other measure if the fraction exceeds one-half and half that rate if the fraction does not exceed one-half.

3. In weighing and measuring goods for ascertaining the rates payable in respect thereof the weight and measurement of the packing and packages (if any) shall be included.

4. Goods imported and transhipped direct into another vessel for export seawards shall be allowed a remission or drawback of the whole of the rate in respect of import and shall be liable to such rate (if any) in respect of export as the Commissioners may determine not exceeding the rate specified in Part I of this schedule.

5. Any fraction of a penny in the total amount of rates payable at one time by any person may be charged as one penny.

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