



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxi.

An Act for making further Provision for the Conservancy of the Port and Harbour of *Belfast*, for conferring additional Powers on the *Belfast* Harbour Commissioners, and for other Purposes. [30th *June* 1852.]

WHEREAS by "The *Belfast* Harbour Act, 1847," certain Persons therein named, and their Successors, were appointed One Body Corporate and Politic for carrying into execution the Purposes of the said Act, and as such to have perpetual Succession, to sue and be sued and called and known by the Name of "The *Belfast* Harbour Commissioners," and by that Name to hold Lands, Tenements, and Hereditaments, and have a Common Seal: And whereas the Improvements and new Works contemplated and referred to by the said "*Belfast* Harbour Act, 1847," or so much thereof as the said Commissioners considered necessary, have since the passing of the said Act been executed, and large Sums of Money have been expended in completing the same, and in otherwise improving the Port and Harbour of *Belfast*: And whereas it is expedient,

[*Local.*]

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for

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for the better Preservation of the said Port and Harbour, and of the Navigation thereof, and of the Works executed therein, to vest in the said Commissioners the Powers given by this Act: And whereas the Limits of the said Port and Harbour, so far as the Jurisdiction of the said Commissioners over the same is concerned, are defined by the said "*Belfast Harbour Act, 1847,*" as extending from the First Weir across the River *Lagan* near *Annadale* in the County of *Down* to *Carrickfergus* in the County of *Antrim* Side of the Lough of *Belfast*, and to the *Grey Point* on the Coast of the County of *Down*: And whereas it is expedient that the Commissioners should be empowered to contract and agree for the Purchase of or Extinguishment of Rights or Claims in, on, or to the Shore or Mud Banks of and in the said Port and Harbour, and that they should also be empowered to grant Leases and make Exchanges of Parts of their Corporate Estates, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, in manner following; (that is to say,)

Provisions of
8 & 9 Vict.
c. 18. and
10 & 11 Vict.
c. 27. ex-
tended to
this Act.

I. That so much of "*The Lands Clauses Consolidation Act, 1845,*" as relates to the "*Purchase of Lands by Agreement,*" and the Clauses in "*The Harbours, Docks, and Piers Clauses Act, 1847,*" with respect to Life Boats, shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or in the said "*Harbours, Docks, and Piers Clauses Act*" contained shall extend or be construed to extend to compel the Commissioners to provide or keep any Life Boat, Mortar, or Rockets, or any Tide or Weather Gauge, until they shall be required so to do by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in Writing under the Hand of the Secretary of the Admiralty; and upon any such Requisition being made the Clauses relating thereto contained in the said *Harbours, Docks, and Piers Clauses Act* shall, as regards this Act, be in full Force.

Interpreta-
tion of
Terms.

II. That in this Act the Expression "*Port and Harbour of Belfast*" shall be held to apply to and include all Rivers, Streams, Pools, Mud Banks, Inlets, Havens, Landing Places, Docks, Piers, and Quays lying within the Limits of the Commissioners Jurisdiction, as defined by "*The Belfast Harbour Act, 1847,*" and the Expression "*the Commissioners*" shall mean the *Belfast Harbour Commissioners*, unless there be something in the Subject or Context repugnant to such Construction.

III. That

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III. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression “The *Belfast* Port and Harbour Conservancy Act, 1852.” Short Title.

IV. That the Commissioners for carrying into execution the Provisions of this Act shall be the *Belfast* Harbour Commissioners, and their Proceedings under this Act shall be transacted and done at the Ordinary Meetings of the said Commissioners, and shall be regulated by the same Rules, Regulations, and Order of Proceedings as are prescribed by the “*Belfast* Harbour Act, 1847.” As to Proceedings of the Commissioners.

V. That it shall be lawful for the Commissioners by Writing under their Corporate Seal, with the Consent and Approbation of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of their Secretary, for that Purpose first had and obtained, to appoint an acting Conservator for the Purposes of this Act, and from Time to Time, with the like Consent and Approbation as aforesaid, but not otherwise, to suspend or remove such acting Conservator, and to appoint another in his Room, and such acting Conservator shall once at the least in every Year, and at such other Time or Times as he shall be required by the Commissioners or by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, by Writing under the Hand of the Secretary of the Admiralty, survey and inspect the said Port and Harbour within the Limits aforesaid, and report to the Commissioners or the before-named Officers of the Crown upon the State of the Navigation thereof, specifying all the Impediments, Encroachments, Nuisances, and Annoyances in, upon, or affecting the same, and when and by whom or from what Cause such Impediments, Encroachments, Nuisances, and Annoyances have been created or have arisen: Provided always, that in the event of the Death or Resignation of such acting Conservator it shall be lawful for the said Commissioners, with the like Consent and Approbation of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, so obtained and testified as aforesaid, to appoint another in his Room; provided further, that the Commissioners shall and they are hereby required, at least Fourteen Days prior to any Application being made to the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for their Consent and Approval as aforesaid, to cause Notice of the Name and Residence and Description of the Person proposed to be nominated and appointed to be the acting Conservator to be inserted in Two Newspapers published in *Belfast*; provided nevertheless, that nothing herein, or in “The *Belfast* Harbour Act, 1847,” contained, shall be construed or taken to prevent the Commissioners, with such Consent and Approbation

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as aforesaid, from nominating their Secretary, Engineer, Harbour Master, or other Officer now or hereafter to be appointed by them under the Provisions of "The *Belfast Harbour Act, 1847*," to be such acting Conservator.

Commis-
sioners may
employ Per-
sons to assist
acting Con-
servator, &c.

VI. That it shall be lawful for the Commissioners from Time to Time if they shall see Occasion, and for such Length of Time as they shall think fit, to employ or authorize the Employment of any other Person or Persons to assist the said acting Conservator in the Execution of the aforesaid Duties of his Office, and that the chief Clerk or Secretary of the Commissioners shall keep the Minute Books and Records thereof.

Expense of
carrying Act
into execu-
tion, how to
be defrayed.

VII. That the Salary of the acting Conservator and of such other Officers as may be appointed under this Act, together with all other Expenses incurred in carrying this Act into execution, shall be defrayed and borne by the Commissioners out of the Funds accruing to them under and by virtue of the Provisions of the "*Belfast Harbour Act, 1847*," and that such Salary and Salaries may be fixed and determined by the Commissioners, or a Majority of them, at their Ordinary Meetings.

No Person
to construct
any Pier, &c.
without pre-
vious Notice.

VIII. That from and after the passing of this Act it shall not be lawful for any Person or Persons within the Limits aforesaid to make, construct, or erect any Pier, Quay, Wharf, Jetty, Breast, or Embankment in the said Port and Harbour of *Belfast*, or within the Limits thereof, whereby the tidal or other Waters of the said Port and Harbour, or any Portion thereof, may be excluded, diminished, interrupted, or diverted, or the Navigation of the same in any Manner impeded, unless such Person or Persons shall at least Two Calendar Months previously to commencing such Works send or deliver such Notice in Writing as hereafter is mentioned to the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, and also a like Notice to the Secretary of the Commissioners appointed under the "*Belfast Harbour Act, 1847*," respectively.

What the
Notice is to
contain.

IX. That every such Notice shall state the Name, Address, and Occupation of the Person, or Style of the Corporation or other public Body, proposing to make, construct, or erect such Work, and the Place where the same is intended to be made, and the Line, Situation, Nature, Extent, and Object of such Work, and the Materials of which the same is proposed to be constructed, and the Time at which it is intended to commence the same, and within what Time the same will be completed, and shall also show, as far as reasonably may be, the Extent, if any, to which the proposed

Work

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Work or any Part thereof may project into or exclude, impede, or interrupt the tidal or other Waters of the said Port and Harbour of *Belfast*; and if the said proposed Works be not completed within the Time specified in the said Notice, then a fresh Notice shall be served on the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, and on the said Secretary of the Commissioners as aforesaid, respectively, stating the Causes of such Noncompletion; and the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may, in his or their Discretion, permit or suffer or decline or refuse Permission for such Works to be executed.

X. That it shall be lawful for the Commissioners for carrying into execution the Provisions of this Act to order and direct the Person or Persons who has or have given any such Notice to transmit to the acting Conservator, for the Use and Information of the Commissioners, a Plan descriptive and explanatory of the intended Work, on such Scale as for the Time being may be usually required by the Admiralty in reference to Works of a like Nature, or in case no such Scale shall be then defined by the Admiralty, then on a Scale as follows; (that is to say,) if the Work do not exceed Two hundred Yards in Length or Breadth, on a Scale of not less than Five Inches to every One hundred Feet, and if the Work do exceed Two hundred Yards and not One thousand Yards in Length or Breadth, on a Scale of not less than Two Inches to every One hundred Feet, together with a Section drawn to the same horizontal Scale as the Plan, and to a vertical Scale the same as the horizontal Scale of such Plan; and if the Work do exceed One thousand Yards in front to the said River, on a Scale of not less than One Inch to every One hundred Feet, together with a Section drawn to the same horizontal Scale as the Plan, with a vertical Scale of not less than Three Inches to every One hundred Feet, which Section shall show the Surface of the Ground mentioned on the Plan, with the Level of the Bank where such Work is intended to be made, and the intended Level of the proposed Work, with a datum horizontal Line which shall be the same throughout the whole Length of the Work, being the Sill of Number Two Graving Dock in the Harbour of *Belfast*.

Commissioners may require Plan and Section of the Work mentioned in the Notice to be furnished them.

XI. That if any such Pier, Quay, Wharf, Jetty, Breast, or Embankment as aforesaid shall hereafter be made, constructed, or erected, or be begun to be made, constructed, or erected, without such Notice thereof having been given as aforesaid, or without such Plan and Section thereof as aforesaid having been transmitted to the Commissioners or their Conservator within One Month after the same shall have been required (in case the same shall have been required by the Commissioners), or if such Work shall be made, constructed, or

Power to Commissioners to prevent Works not authorized by the Admiralty.

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erected in any other Manner than in accordance with the said Notice and any Plan and Section which may have been so transmitted, and which shall have been approved of by the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, the Commissioners shall have full Power and Authority to prevent or stop the Construction or Erection of every such Work, or may order the same to be removed, by and at the Expense of the Party or Parties about to erect or having erected the said Works; and in case such Party or Parties shall refuse or neglect to remove the same within such reasonable Period as shall be prescribed by the Commissioners for that Purpose, it shall be lawful for the Commissioners to remove or cause the same to be removed, and to recover the Expense thereof from such Party or Parties in the Manner provided by the "Railways Clauses Consolidation Act, 1845," for the Recovery of Damages or Penalties.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XII. That it shall not be lawful for the Commissioners for carrying into execution the Provisions of this Act, or any Person whomsoever, to construct or to commence to construct below High-water Mark at ordinary Spring Tides any Work without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been commenced or constructed, it shall not be lawful for the Commissioners for carrying into execution the Provisions of this Act, or any other Person, at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners or Person commencing or constructing the same, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Lords of Admiralty may order local Survey, &c. at Expense of

XIII. That if the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, shall deem it expedient to order a local Survey and Examination of any Works, or of the intended Site thereof, the

Commis-

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Commissioners for carrying into execution the Provisions of this Act, or the Person desirous of constructing any Work, shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the same Commissioners or such Person, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs, as a Penalty is or may be recoverable from the same Commissioners or such Person as aforesaid.

Commis-
sioners.

XIV. That if any Work be commenced or constructed in or across any tidal Water or navigable River, or if any Portion of such Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, in case such Work shall be commenced or constructed by them, or otherwise at the Cost and Charge of the Person commencing or constructing such Work, and the Amount thereof shall be a Debt due from them or him (as the Case may be) to the Crown, and be recoverable accordingly, with Costs of Suit.

Works aban-
doned across
tidal Waters
may be re-
moved by
Admiralty,
at Expense
of Commis-
sioners.

XV. That no Commissioner, acting Conservator, or other Person acting in performance of the Duties and carrying out the Provisions of this Act shall be personally liable in any Suit, Action, or Proceeding whatever by reason or in consequence of any Act, Deed, Matter, or Thing hereby authorized to be done by him.

Persons
acting in
execution of
Act not to
be personally
liable.

XVI. That it shall be lawful for the Commissioners from Time to Time to remove or authorize the Removal of all Impediments and Obstructions which have arisen or may hereafter arise within the Limits aforesaid from extraordinary Floods or other natural or accidental Causes, so far as the same may interfere with the free Flow of the Waters of the said Port and Harbour, or otherwise impede the Navigation of the same, or tend to the Injury of the Navigation, or affect the Depth of Water in the said Port and Harbour.

Commis-
sioners may
remove Ob-
structions
arising from
natural or
accidental
Causes, and
dredge, &c.
Channel of
Bay, &c

XVII. That when and so often as any Vessel shall be sunk or stranded in the said Port and Harbour within the Limits aforesaid it shall be lawful for the Commissioners, if they shall so think fit, in case the Master or Owner of such Vessel shall refuse or neglect to weigh and raise the same, to cause any such Vessel to be weighed and raised, or if it shall be found impracticable to weigh and raise the

Ships sunk
or stranded
to be raised
and sold to
defray the
Expenses.

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the same (of which Impracticability the Commissioners shall be the sole Judges), to cause such Vessel to be blown up or otherwise destroyed, so as to clear the Port and Harbour therefrom, and to cause the same, and the Furniture, Tackle, and Apparel thereof or of any Part thereof respectively, and also all or any Part of any Goods, Wares, Merchandises, Chattels, and Effects which may be found on board the same, to be sold by Public Auction or otherwise, and by and out of the Proceeds of such Sale to pay the Charges and Expenses of weighing and raising such Vessel, or the blowing up or otherwise destroying the same, and clearing the said Port and Harbour therefrom, and also the Charges and Expenses of such Sale, rendering the Overplus, if any, to the Owner or other Person who by Law shall be entitled to the same; and if there be any Deficiency, then the Amount thereof shall be a Debt due by such Master or Owner to the Commissioners, and be recoverable as herein-before mentioned.

Power for Commissioners to grant Leases of their superfluous Corporate Property.

XVIII. That it shall be lawful for the Commissioners, if they shall think fit, from Time to Time, by Indenture under the Common Seal of the Commissioners, to demise or lease, for such Time and under such Conditions as may be agreed on, or to make Grants in Fee Farm of any Lands, Tenements, Hereditaments, or Premises of which the Commissioners are now seised or entitled, or which they may obtain in exchange under this Act, and which shall not in the Judgment of the Commissioners be required for any of the Purposes of "The *Belfast Harbour Act, 1847*," or any Part thereof respectively, so as there be reserved in every such Demise or Lease or Grant the best yearly Rent that can be reasonably obtained for the same, and so as there be contained in every such Indenture a Covenant binding the Tenant or Grantee, his Heirs, Executors, Administrators, and Assigns, for the Payment of the Rent thereby reserved, and a Proviso for Re-entry in case of Nonpayment of the Rent or in failure in the Performance of the Covenants in the said Indenture on his or their Part, or any of them.

Land to be let by Tender or Public Auction.

XIX. That the Commissioners shall, Twenty-one Days at the least before making any such Demise, Lease, or Grant, advertise in at least Two Newspapers published in the Town of *Belfast* for Tenders from Persons who may be willing to become Tenants or Grantees of the Premises so proposed to be let or granted as aforesaid, or that such Premises will be put up to Public Auction at a Time and Place to be specified in such Advertisement; and the Commissioners shall make such Demise, Lease, or Grant to the Person who by Tender or at Auction shall make the highest Offer for the said Premises, by way of Rent, if such Offer shall exceed the minimum Rent fixed by the Commissioners: Provided always, that in any Assignment or Conveyance of any such Demise, Lease, or Grant, or upon any Sale

of

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of the Rent thereby reserved, the Purchaser shall not be bound to inquire whether before the said Demise, Lease, or Grant was executed or made the Provisions herein-before made as to such Advertisements and Tenders or Auctions were duly complied with.

XX. That the Commissioners shall within Ten Years from the passing of this Act let or demise, lease or grant as aforesaid, all such superfluous Lands, Tenements, Hereditaments, or Premises as aforesaid, or otherwise shall sell and dispose of the same, or so much thereof as shall not have been so leased, demised, or granted, and that they shall, within the Term of Five Years from the making of such Leases or Grants respectively, sell and dispose of the Rents to be reserved to them by any such Demise or Lease, and the Reversion incident thereto, and the Fee-farm Rents which may be so reserved to them, and all Remedies for Recovery thereof, and shall apply the Produce of such Sales in or towards Liquidation of the Money already raised or borrowed by them for the Purposes of their Works.

Limit of
Time for
selling or
leasing.

XXI. That the Receipt of the Chairman and Secretary of the Commissioners for any Purchase Money, Fine, Rent, Profit, or other Sum of Money payable unto the Commissioners by virtue of this Act or of the said recited Acts, shall be a sufficient and effectual Discharge for the Money in such Receipt expressed or acknowledged to have been received, and the Person or Persons to whom the same shall be given shall not afterwards be answerable or accountable for the Misapplication or Nonapplication of the Money in such Receipt expressed or acknowledged to have been received.

Receipt of
Secretary to
Commis-
sioners for
Monies
payable to
Commis-
sioners to be
a sufficient
Discharge.

XXII. That all Covenants, whether expressed or implied, which shall be entered into on the Occasion of any Sale, Purchase, Grant, Demise, or Assurance which shall be made by virtue of this Act, or which shall be mutually agreed on, as well those by or on behalf of the Commissioners as those by or on behalf of the Persons to, by, or with whom such Sale, Purchase, Grant, Demise, or Assurance respectively shall be made, shall, if it shall be so declared in the Deed in or from which the same Covenants shall be contained or implied respectively, run with the Lands and with the Reversion to which such Covenants respectively shall in any way relate, so as to bind the Covenantees, their Successors, Heirs, Appointees, Executors, Administrators, and Assigns, according to their respective Estates and Interests in the Lands intended to be subject to the Burden of such Covenants, and so as to be enjoyed by the Covenantees and by all Persons taking either under the Covenantees or under any Act of the Covenantees, according to the respective Estates and Interests of such Persons in the Lands or in the Reversion to which the Benefit

Covenants to
run with the
Land.

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of such Covenants shall be intended to be annexed, and whether the Titles of such Persons respectively shall arise by way of Transfers of Seisin, or by way of Use, or under the Exercise of any Power, or otherwise howsoever.

Power for Commissioners to make Exchanges of Land.

XXIII. That it shall be lawful for the Commissioners, by Indenture under their Common Seal, to grant and convey to any Person or Corporation, and to his or their Heirs, Assigns, or Successors, or otherwise, any Lands, Slobs, Strands, Hereditaments, or Premises of which they are now or hereafter shall be seised and possessed, in exchange for any other Lands, Slobs, Strands, Hereditaments, or Premises, such Lands, Tenements, and Hereditaments so received in exchange by the Commissioners to be applied by them for the Purposes and to the Uses contained in "The *Belfast Harbour Act, 1847.*"

Power for Commissioners to contract for Purchase or Extinguishment of Rights or Claims in Shore, Mud Banks, &c.

XXIV. That it shall be lawful for the Commissioners, by Indenture under their Common Seal, to agree with any Person or Corporation or other public Body for the Purchase or Extinguishment of any Rights or Interests which such Person or Corporation or other public Body may have, claim, or possess in, to, or over the Shores, Mud Banks, Slobs, or other Property within the Limits of the said Port and Harbour of *Belfast.*

Saving the Rights of the Belfast Water Commissioners.

XXV. That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Rights, Privileges, or Authorities of the *Belfast Water Commissioners* granted by an Act of Parliament passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for better supplying with Water the Town and Borough of Belfast.*

Saving the Rights of the Crown.

XXVI. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the Commissioners to purchase, take, use, or otherwise interfere with any Slobs, Shore, Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, having the Management and Direction of the Land Revenues of the Crown in *Ireland*, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the

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the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XXVII. That the Costs and Charges of preparing, obtaining, and passing this Act shall be paid and discharged by the Commissioners. Expenses of Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.

