

[56 & 57 VICT.]

*Pier and Harbour Orders
Confirmation (No. 3) Act, 1893.*

[Ch. cxxxix.]



CHAPTER cxxxix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bognor, Fowey, and Sheerness.

A.D. 1893.

[27th July 1893.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

24 & 25 Vict.
c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore 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, as follows:—

1. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Confirmation
of Orders in
schedule.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Special
provisions as
to houses of
labouring
class.

[Price 2s.]

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A.D. 1893. For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act, 1893.

THE SCHEDULE OF ORDERS.

1. BOGNOR.—Transfer of, and addition to, pier.
2. FOWEY.—Re-incorporation of harbour authority.
3. SHEERNESS.—Transfer of pier.

BOGNOR.

A.D. 1893.

*Bognor.**Order for transferring the Pier Undertaking of the Bognor Local Board to Mr. Frank Kirk and for the construction of additions to and for the maintenance and regulation of the Pier and Works at Bognor in the County of Sussex.*

1. Frank Kirk of No. 19, Abingdon Street in the city of Westminster, his heirs and assigns (in this Order called the Undertakers), shall be the Undertakers for the purposes of this Order, and shall have and may exercise the powers, privileges, and authorities conferred by this Order. Undertakers.

2. At the expiration of fourteen days from the passing of the Act confirming this Order, the Pier Undertaking of the Bognor Local Board (in this Order called the Local Board), including all works, lands, and hereditaments and appurtenances belonging thereto, as the same are vested in the Local Board immediately before the passing of the Act confirming this Order shall be transferred to, and vested in and shall thenceforth be maintained by the Undertakers, subject to the provisions of this Order. Pier undertaking of Bognor Local Board vested in Undertakers.

3. At the expiration of fourteen days from the passing of the Act confirming this Order all rights, powers, remedies, privileges, and authorities, of the Local Board in or over or in respect of the pier and works, shall be transferred to and vested in the Undertakers upon the terms and subject to the provisions of this Order and may be had, exercised, and enjoyed by the Undertakers and their officers and servants accordingly, and the Local Board shall, as from the expiration of such fourteen days, and thenceforth be freed and discharged from all liabilities, claims and demands on account of the pier and works (except any debts due by them before the passing of the Act confirming this Order, and except also the balance of the mortgage money raised for the purchase of the pier by the Local Board which is payable out of the rates levied in the district of the Local Board). Powers of Local Board vested in Undertakers.

4. Subject to the provisions of this Order and notwithstanding the last preceding section of this Order, all debts and liabilities of the Local Board in relation to their pier undertaking (except the said balance of mortgage money), whether existing before or after the passing of the Act confirming this Order, shall as between the Local Board and the Undertakers be respectively paid, borne, or discharged by the Undertakers, and the Undertakers shall be bound to exonerate the Local Board therefrom. Provision as to debts of Local Board.

5. Subject to the provisions of this Order, anything in this Order contained shall not prejudice or affect any right or cause of action or suit or any remedy with respect to the pier or works, which the Local Board have against any person or which any person has against the Local Board at the time of the vesting under this Order of the undertaking in the Undertakers, but all such rights, causes, and remedies may be enforced, or prosecuted by or against the Undertakers in like manner and within the same period of time as the same might have Saving rights of action.

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A.D. 1893. *Bognor.* been enforced or prosecuted by or against the Local Board if this Order had not been made and confirmed.

Regulations to continue until altered.

6. All regulations of the Local Board which at the time of the vesting under this Order of the undertaking in the Undertakers are legally in force, shall continue in force until repealed or altered by the Undertakers, and such regulations may be enforced, and all proceedings thereon may be continued or taken, and all penalties thereunder may be recovered accordingly.

Incorporation of Lands Clauses Acts.

7. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, shall be incorporated with this Order.

Special Act for purposes of Harbours, &c. Act, 1847, and Lands Clauses Acts.

8. For all the purposes of the Harbours, Docks, and Piers Clauses Act, 1847, and the Lands Clauses Acts respectively, this Order shall, so far as the provisions of those Acts respectively are incorporated with this Order, be deemed the special Act.

Power to take lands by agreement.

9. For the purposes of the works authorised by this Order, the Undertakers may from time to time, by agreement, enter on, take, and use all or any part of the lands and foreshore shown on the plans deposited with reference to the Order, and may acquire by agreement any easement and interest in and right of using the same respectively as they may think requisite for the purposes of this Order.

Construction of works.

10. Subject to the provisions of this Order, and subject also to such alterations (if any) as the Board of Trade may from time to time before the completion of the works require, in order to prevent injury to navigation, the Undertakers shall in the lines and situation, and according to the levels shown on the plans and sections deposited with reference to this Order (which plans and sections are in this Order after referred to respectively as the deposited plans and deposited sections), and within the limits of deviation shown on the deposited plans, and those in this Order after prescribed, make and maintain the pier and the works authorised by this Order.

Description of works.

11. The works authorised by this Order include an alteration or widening of the existing pier at Bognor or any part or parts thereof, and the making and maintaining in the parish of South Bersted and county of Sussex, and on the bed and shore of the sea adjacent thereto, an extension seawards of the existing pier commencing at the termination of that pier, and thence extending for a distance of two hundred feet or thereabouts, and there terminating. The widening and extension of the pier will be constructed as an open work.

Works to be part of existing pier.

12. Subject to the provisions of this Order the works by this Order authorised shall be deemed a part of the existing pier (which works and the existing pier are in this Order referred to as the pier), and when a certificate has been obtained from the Board of Trade, that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Undertakers may, subject and according to the provisions of this Order, demand and receive for the use of the pier in respect of the persons and things in the Schedule to this Order specified, any sums not exceeding the rates in that Schedule mentioned, provided that nothing in this Order shall prohibit the

Power to levy rates.

Undertakers from demanding, taking, and recovering any rates, rents, and charges legally leviable in respect of the use of the existing pier and works during the construction of the works by this Order authorised. A.D. 1893.
Bognor.

13. The Undertakers may construct and provide all proper landing-stages, landing-places, lamps, lamp-posts, roads, footpaths, sheds, toll-houses, toll-gates or bars, cranes, hydraulic lifts, buoys, moorings, sewers, drains, and other works and conveniences connected with the pier. Landing stages, &c.

14. The Undertakers may erect and construct upon the pier, pavilions or assembly rooms, concert rooms, reading and refreshment rooms, lavatories, and other conveniences, and may make such reasonable charges for the use thereof, or for admission thereto, as they may from time to time think fit, and they may furnish, stock, and equip such pavilions, rooms, and buildings. Power to provide pavilions, &c.

15. The Undertakers, in constructing the works authorised by this Order, may with the consent in writing of the Board of Trade, deviate laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan, and may, with the like consent, deviate vertically to any extent. Powers of deviation.

16.—(1.) One month at least before depositing at the Harbour Department of the Board of Trade the working drawings of the works authorised by this Order, the Undertakers shall deposit the plans, sections, elevations, and working drawings of the same at the office of the clerk to the Local Board for approval by the Local Board, but the power of the Board of Trade to deal as they think fit with such working drawings is not to be thereby altered or abridged, and any alteration or extension of such plans, sections, elevations, and working drawings, not made with the approval or by direction of the Board of Trade, shall also be submitted for the approval of the Local Board in like manner. For the protection of the Local Board.

(2.) If any work be commenced, constructed, altered, or extended, otherwise than in accordance with the plans, sections, elevations, or working drawings, or any alteration or extension of the same approved by the Board of Trade, the Local Board may, with the consent of the Board of Trade, at the expense of the Undertakers, abate and remove such work or any part thereof, and restore the site thereof to its former condition.

(3.) Provided that the plans, sections, and elevations of any buildings or erections to be erected on the pier shall be first submitted to and approved by the Local Board, and if approved the approval shall be signified in writing under the hand of the clerk to the Board, and buildings or erections shall not be erected otherwise than in accordance with the plans and elevations so approved.

17. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order, or who pulls up or removes any poles or stakes driven into the ground or the seashore for the purpose of setting out the lines of the works, or defaces or destroys the works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

18. The Undertakers may from time to time dredge, scour, deepen, widen, enlarge, alter, improve, and maintain the entrances and channels to the pier and works, and the approaches, works, and conveniences connected therewith. Power to dredge.

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Consent of
Board of Trade
to works.

Limits of
Order.

Power to sell
or lease under-
taking.

Board of Trade
may reduce
rates.

Annual
account to be
sent to the
Board of Trade
and the Local
Board.

Pass tickets
for use of
pier.

19. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade, and shall be executed only in manner approved by the Board of Trade, and no works shall be executed which are in any way prejudicial to the sea defences of the Local Board.

20. The limits within which the Undertakers shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the pier and works and the area below high-water mark within one hundred feet of any part of the pier.

21. The Undertakers may, with the consent of the Board of Trade in writing, sell their undertaking, or may lease the same, or all or any of the rates, duties, and other charges authorised to be taken by them, or let for hire or lease any pavilions, rooms, shops, bazaars, or buildings thereon separately from any other part of the pier and works, for any term not exceeding seven years to take effect on possession, to any company, body, or person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit, and the purchaser or the lessee, during the continuance of his lease and to the extent provided in such lease, as the case may be, shall have and may exercise all such powers (including powers of levying and recovering rates, dues, and charges) as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, or this Order, and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are made subject to under this Order.

22. If at any time and from time to time the clear annual income derived from the pier and works, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments for principal in respect of money borrowed, shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order, or any of them, to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.

23. The Undertakers within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and the Local Board, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision they shall, for every such refusal or neglect, be liable to a penalty not exceeding twenty pounds.

24. The Undertakers may grant to passengers, promenaders, and others pass tickets for the use of the pier and works at such rates, on such terms, and for such periods not exceeding one year as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor

be used by any person except the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847.

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25. The Undertakers may from time to time confer, vary, or extinguish exemptions from, and enter into compositions with, any person or persons with respect to the payment of rates authorised by this Order, for such periods and on such terms as they may think fit, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Powers to vary exemptions from rates and to enter into compositions, &c.

26. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat, or the apparatus for saving life, may either permanently or temporarily, and from time to time without payment, attach or cause to be attached to any part of the pier and works, spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier and works.

Life-saving apparatus may be attached to the pier.

27. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

28. Officers of the Board of Trade being in the execution of their duty, shall at all times have free ingress, passage, and egress to or along and from the pier and works by land and with their vessels and otherwise without payment.

Board of Trade officers exempt from rates.

29. All persons going to, or returning from, any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress passage and egress to or along and from the pier and works without payment.

Lifeboat crew exempt from tolls.

30. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

Part V. of 25 Vict. c. 47 to apply.

31. Sections sixteen to nineteen inclusive and twenty-one to twenty-three inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated in this Order, but the Undertakers shall at their own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade, a site near the pier, for a house and for other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such site, after having been required so to do by the Board of Trade.

Portions of Harbours Clauses Act excepted.

A.D. 1893.

*Bognor.*Meters and
weighers.Restriction
on use of pier.

32. The Undertakers shall have the appointment of meters and weighers on or in connection with the pier.

33. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order, any sheep, cattle, minerals, goods, and merchandise, or to ship or unship there anything which in the judgment of the Undertakers might in any manner interfere with the use of the pier for recreation or for the embarking or landing of passengers and their luggage and personal effects.

Power to
close pier
on special
occasions.

34. The Undertakers may on any special occasions with the written consent of the Local Board, but not exceeding twelve days in any one year, close the pier against the public, and may if they think fit on such occasions admit any persons to the pier on the payment of such special rates of admission not exceeding one shilling for each person as the Undertakers may from time to time think fit. Provided that on all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier, such reserved passage to be open for use by such persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

Power to make
byelaws.

35. The Undertakers may make bye-laws for the regulation and control of persons using the pier, and of the goods and traffic within the limits of this Order, but such bye-laws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, and the Undertakers shall ten days at least before submitting any bye-laws to the Board of Trade for their allowance and confirmation, send a copy thereof to the clerk to the Local Board.

Vessels not
to anchor
within one
hundred feet
of pier.

36. No vessel or boat shall, without the consent of the pier-master, anchor within a distance of one hundred feet measured in any direction from any part of the pier.

Temporary
lights on
works.

37. Before commencing the works authorised by this Order, the Undertakers shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any directions given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights
after comple-
tion of works.

38. After completion, or permanent discontinuance, or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the pier and works, or the completed portion thereof, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for direction as to lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any such direction.

39. In case of injury to or destruction or decay of the pier or works of the Undertakers, or any part thereof, the Undertakers shall lay down such buoys, exhibit such lights, or take such other means for preventing, as far as may be, danger to navigation, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any such direction.

A.D. 1893.

*Bognor.*Provision
against danger
to navigation.

40. The Undertakers shall not at any time remove or injure the fabric of the said pier or any portion thereof, or allow the same to fall into decay or to be destroyed, nor shall they permanently close the said pier or any portion thereof.

Pier not to be
closed or
removed.

41.—(1.) If within three months from the date of the passing of the Act confirming this Order, the works authorised by this Order shall not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

Power to cease
in certain
events.

(2.) If the works authorised by this Order, after having been substantially commenced, shall be virtually suspended for six consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for six consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

42. On the granting of any such certificate by the Board of Trade the pier undertaking shall become re-vested in the Local Board, and—

Power to
Local Board
to carry out
works.

(1.) The Local Board may, with the consent in writing of the Board of Trade, transfer to and vest in any other Company, person or persons, the pier undertaking, together with all the rights and powers of the Undertakers under this Order, and for the purpose of this Order such Company, person, or persons, their or his heirs, assigns, or successors in title, shall be the Undertakers, with all the rights, powers, and privileges of the Undertakers under this Order; or,

(2.) The Local Board may themselves become and be the Undertakers for the purposes of this Order, with all the rights, powers, and privileges of the Undertakers under this Order, and such purposes shall be deemed purposes of the Public Health Act, 1875, and for such purposes the Local Board may, with the sanction of the Local Government Board, and subject to the provisions of that Act, borrow such sum or sums of money as may from time to time be required for the purposes of this Order: Provided that the powers of borrowing conferred by this section shall not be restricted by the provisions of section two hundred and thirty-four (2) of that Act, and in

- A.D. 1893. calculating the sum which the Local Board may borrow under that Act any sums they may borrow under this section shall not be reckoned.
- Bognor.*
Recovery of penalties. 43. All penalties for breach of any of the provisions of this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, and for all the purposes of that Act this Order shall be deemed the special Act.
- Saving rights under Crown Lands Act, 1866. 44. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.
- Saving rights of Crown. 45. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown, which are under the management of the Commissioners of Woods, or either of them.
- Costs of Order. 46. All the costs, charges, and expenses of or incidental to the preparing and obtaining of this Order, or otherwise incurred in relation thereto, such costs to be taxed by the proper officer, shall be paid by the Local Board.
- Short title. 47. This Order may be cited as the Bognor Pier Order, 1893.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

	£	s.	d.
For every vessel not exceeding the burden of 15 tons per ton register	0	0	4
For every vessel exceeding the burden of 15 tons and under 50 tons per ton register	0	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton register	0	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton register	0	0	10
For every vessel of the burden of 150 tons and upwards per ton register	0	1	0
All lighters for each trip	0	0	6
All boats of steamers or yachts using the pier for taking in stores and provisions	0	0	6

II.—RATES FOR USE OF PIER.

For every passenger or other person who shall land on or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	0	4
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	£	s.	d.	A.D. 1893.
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except of embarking or disembarking, for each and every time, any sum not exceeding - - - - -	0	0	3	<u>Bognor.</u>
For every bath or sedan chair (including the person in charge or carriers) taken on the pier, for each and every time, any sum not exceeding - - - - -	0	0	6	
For every perambulator including the person in charge, for each and every time, any sum not exceeding - - - - -	0	0	3	
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	1	0	0	

III.—RATES ON PASSENGERS' LUGGAGE LANDED, SHIPPED OR TRANSHIPPED
AT THE PIER.

For every trunk, portmanteau, box, parcel, or package, within the description of luggage, and not borne by the passenger not exceeding 28 lbs. - - - - -	0	0	2
Over 28 lbs. and not exceeding 56 lbs. - - - - -	0	0	3
Over 56 lbs. and not exceeding 84 lbs. - - - - -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	0	8
And for every cwt. beyond - - - - -	0	0	4
And for every 20 lbs. weight in addition - - - - -	0	0	1
For every four-wheeled carriage - - - - -	0	4	0
For every two-wheeled carriage - - - - -	0	2	6
For every bicycle or tricycle, for each and every time - - - - -	0	0	3

FOWEY.

Fowey.

*Order for the management and improvement of the Harbour of
Fowey in the County of Cornwall.*

1.—(1.) For carrying this Order into effect there shall be and there is by this Order constituted a body of Commissioners not exceeding fourteen in number who are in this Order called the Commissioners (except where otherwise expressly in this Order directed). The Commissioners constituted and incorporated.

(2.) The Commissioners and their successors shall be and they are hereby for the purposes of this Order incorporated by the name of the Fowey Harbour Commissioners, and by that name shall be a body corporate with perpetual succession, and a common seal, with power to purchase, take, hold, and dispose of land and other property for the purposes, but subject to the restrictions of this Order.

A.D. 1893.

*Fowey.*Repeal of the
Order of 1869
and transfer of
property.

2. At the expiration of two calendar months from the date of the passing of the Act confirming this Order, the following provisions shall have effect :

- (1.) The Fowey Harbour Order, 1869, confirmed by the Pier and Harbour Orders Confirmation Act, 1869 (in this Order called "the Order of 1869"), shall be and the same is hereby repealed subject and without prejudice to anything which may have been done or any proceedings pending under that Order at the date of such repeal.
- (2.) All the estates, rights, and property belonging to or vested in the Commissioners under the Order of 1869 shall become vested in and belong to the Commissioners, but subject to all charges and incumbrances (if any) upon or affecting the same.
- (3.) In and under all contracts, actions, and other proceedings to which the Commissioners under the Order of 1869 are parties, the Commissioners shall become and be substituted in place of the Commissioners under the Order of 1869, and such contracts, actions, and other proceedings shall continue in full force and have effect accordingly.

As to election
or appointment
of Commis-
sioners.

3. The appointment of the Commissioners shall be regulated as follows (that is to say) :—

- (1.) The Cornwall Minerals Railway Company, acting by their directors, shall, as soon as may be, appoint three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of such three Commissioners, the directors shall appoint another person to fill the vacancy.
- (2.) The lord or lords for the time being of the Manor of Fowey, otherwise Foy, and Langurthowe (Charles Ebenezer Treffry claiming to be the present lord of such manor), shall, as soon as may be, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of such two Commissioners, then such lord or lords for the time being shall appoint another person to fill the vacancy.
- (3.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused by death, resignation, or otherwise in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy.
- (4.) The Council of His Royal Highness the Prince of Wales or the Crown, as the case may be, in right of the Duchy of Cornwall, may at any time if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused by death, resignation, or otherwise in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy.
- (5.) Persons residing within twelve miles of any part of the Harbour of Fowey who have within twelve calendar months next preceding the month in which an election is held become liable to and have paid dues at the harbour of Fowey (in this Order called the electors), may, subject to and in accordance with the provisions of this Order, elect four persons to be Commissioners.

(6.) The owners of property rateable to the relief of the poor and persons rated to the relief of the poor for the parish of Fowey, in the county of Cornwall, shall, within two calendar months after the passing of the Act confirming this Order, and during the same month in every third year following, elect two persons to be commissioners, which commissioners shall hold office for three years from the date of such election, and retiring members shall be eligible for re-election. The place and time of such elections shall in each third year be determined by the commissioners, and shall be advertised by the clerk of the commissioners fourteen days at least before the day appointed for such election. Whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of such two commissioners, such owners of property and persons rated as aforesaid shall elect another person to fill the vacancy in the manner hereinafter provided, but each commissioner so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

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—
Fowey.

(7.) The owners of property rateable to the relief of the poor and persons rated to the relief of the poor for the parish of Lanteglos-by-Fowey, in the county of Cornwall, shall within two calendar months after the passing of the Act confirming this Order, and during the same month in every third year following, elect one person to be a commissioner, which commissioner shall hold office for three years from the date of such election, and retiring members shall be eligible for re-election. The place and time of such elections shall in each third year be determined by the commissioners, and shall be advertised by the clerk of the commissioners fourteen days at least before the day appointed for such election. Whenever a vacancy is caused by death, resignation, or otherwise, in the office of such commissioner, such owners of property and persons rated as aforesaid shall elect another person to fill the vacancy in the manner hereinafter provided, but such commissioner so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

4.—(1.) For the purpose of the election of four Commissioners by the electors the following provisions shall have effect :—

Mode of
election of
Commis-
sioners..

(2.) The word Commissioners when used in this section with reference to proceedings for the election of first Commissioners means the Commissioners under the Order of 1869.

(3.) As to the election of the first Commissioners—

(i.) The meeting for their election is to be held at the Town Hall in the town of Fowey within two calendar months next after the passing of the Act confirming this Order.

(ii.) The persons elected are to take office at the expiration of such two calendar months, and are to go out of office at the end of the day on the Saturday next preceding the third Monday in the month of September in the year one thousand eight hundred and ninety-four.

(4.) As to the election of Commissioners subsequent to the first—

(i.) The meeting for their election is to be held in the month of August, and not later than the third Monday in August in the year one thousand eight

A.D. 1893.

Fowey.

hundred and ninety-four, and in every third subsequent year, at a convenient place to be appointed by the Commissioners.

(ii.) The persons elected are to take office on the third Monday in the month of September next following their election, and are to go out of office at the end of the day on the Saturday next preceding the Monday on which their successors are to take office.

(5.) As to all elections of Commissioners—

(i.) The clerk to the Commissioners is to give notice of the day and place of meeting by affixing the same on the door of the office of the Commissioners, and also by advertisement in some newspaper published and circulating in the county of Cornwall, and in any other convenient manner, fourteen days at least before the day of meeting.

(ii.) Any elector may attend the meeting and vote.

(iii.) The books of the Commissioners shall be evidence as to what persons are duly qualified electors.

(iv.) The election is to be by show of hands.

(v.) Any two electors may at the meeting propose any person as a candidate; and if not more than four persons are proposed the chairman is to declare them elected without taking a show of hands.

(vi.) The clerk to the Commissioners or a Commissioner shall act as chairman of the meeting, and shall declare the number of votes given to each candidate, and in case his decision is challenged is to cause the number of electors voting for each candidate to be ascertained by taking a division, or in some other convenient manner.

(vii.) The decision of the chairman (who in case of equality of votes is to have a casting vote) as to the number of persons voting and the result of the election shall be final and conclusive.

(viii.) The four candidates having the greatest number of votes are to be the Commissioners elected.

(ix.) The chairman of the meeting is, within seven days after the meeting, to report to the clerk to the Commissioners the names of the persons elected.

5. With respect to the election of commissioners by the ratepayers of Fowey and Lanteglos-by-Fowey the following provisions shall have effect:

(1.) The commissioners shall cause alphabetical lists to be made of the names of the persons entitled to vote at such elections as they appear in the rate books of the parishes of Fowey and Lanteglos-by-Fowey, respectively, in force on the first day of the month next preceding the month in which an election is held, and they may defray the expense of making such lists and copies out of the rates authorised by this Order:

(2.) The election of such commissioners shall be made by the majority of ratepayers entitled to vote and present at each meeting held for the purposes of such election, and in case of equality of voting the chairman of such meeting shall have a casting vote:

(3.) All the provisions of the last preceding section of this Order with reference to the election of commissioners by the electors shall apply and have effect so far as they can be made applicable and as the circumstances of the case admit with respect to an election of the first and subsequently elected commissioners by the ratepayers.

As to rate-
payers com-
missioners:

6. All expenses of or incidental to an election of Commissioners under this Order are to be paid by the Commissioners out of the dues or other income of the Commissioners.

A.D. 1893.

Fowey.

Expenses of election.

Body appointing may determine office of their Commissioner.

7. The appointment of a Commissioner under this Order (not being an elected Commissioner) may at any time be determined by the authority, body, or person in whom, in the event of his death or resignation, the appointment of another Commissioner in his place would be vested.

8. The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed or elected Commissioners.

Proceedings not to be invalidated by vacancies among Commissioners.

Proceedings of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of, or any informality in the appointment or election of, a Commissioner.

9. The Commissioners' Clauses Act, 1847, so far as not inconsistent with this Order, shall be, and the same is hereby incorporated with this Order, and shall so far as the nature and circumstances of the case will admit apply to the Commissioners collectively and severally subject to the following provisions:—

Incorporation of Commissioners' Clauses Act.

(1.) Sections six, seven, seventeen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, fifty-four, eighty-four, eighty-nine, ninety, ninety-one, ninety-two, and ninety-five of the said Act shall not be incorporated with this Order.

(2.) With reference to Sections thirty-six and forty of the said Act the first meeting of the Commissioners shall be held at the office of the Commissioners under the Order of 1869, situate in Fore Street Fowey, within three calendar months next after the passing of the Act confirming this Order at three o'clock in the afternoon. An annual meeting of the Commissioners shall be held on the first Wednesday in the month of September in every year thereafter at the place and hour above-mentioned or at such other time and such other place as the Commissioners may from time to time appoint.

(3.) With reference to Section thirty-nine of the said Act the prescribed number to constitute a quorum of the Commissioners shall be three.

(4.) The Board of Trade may from time to time appoint an auditor of the accounts of the Commissioners and fix the salary to be paid to him, and such salary shall be paid to him accordingly out of the rates to be levied under this Order.

10. Notwithstanding the repeal of the Order of 1869, all the estate, right, and interest of the Corporation of Lostwithiel in or over the harbour of Fowey, or in respect of the rights and privileges connected therewith vested in the Commissioners by the Order of 1869, shall be and continue vested in the Commissioners, and the harbour and works shall thereafter be maintained and repaired regulated extended and improved by the Commissioners only under the authority and subject to the provisions of this Order.

Saving certain provisions of the repealed Order.

11. The Commissioners shall on taking office become and be the undertakers for carrying this Order into execution.

Undertakers.

12. The limits within which the Commissioners shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend

Limits of Order.

[Ch. cxxxix.] *Pier and Harbour Orders* [56 & 57 VICT.]
Confirmation (No. 3) Act, 1893.

- A.D. 1893. shall comprise the harbour of Fowey and the river Fowey between a line drawn from Punches Cross to St. Catherine's Point and Lostwithiel Bridge, which limits are in this Order termed the limits of this Order.
- Fowey.*
- Works authorised. 13. The works by this Order authorised and which may be executed and maintained by the Commissioners comprise the dredging of the harbour, and the dredging, scouring, cleansing, and removing the banks of sand and mud within or adjoining the harbour, the deepening of the harbour and the entrance thereto, and the improvement of the harbour in other respects.
- Power to construct embankments, &c. 14. The Commissioners may construct and maintain all necessary embankments, walls, stairs, landing-places, approaches, roads, jetties, piers, wharves, warehouses, sheds, cranes, buoys, lights, lighthouses, and other works and conveniences in connexion with the harbour or the approaches thereto, and may supply water to vessels.
- Consent to works. 15. Works below high-water mark authorised by this Order shall not be commenced without the consent in writing of the Board of Trade having been first obtained, and shall be executed in manner approved by that Board.
- Power to levy dues. 16. The Commissioners may demand and receive in respect of vessels anchoring or mooring within the limits of this Order or otherwise using the harbour, dues or rates not exceeding those specified in the Schedule to this Order.
- Lifeboat crew to be exempt from dues. 17. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or the apparatus for saving life, also all persons brought ashore from any vessel in distress, shall at all times have free ingress passage, and egress to, or along, and from any pier, quay, or works of the Commissioners without payment.
- Certain fishing vessels under stress of weather exempt from dues. 18. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and also all yachts, pleasure boats, and open boats shall, be exempt from rates leviable under this Order.
- Board of Trade officers exempt from dues. 19. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, from, over, along, through, and out of any works of the Commissioners by land, and with their vessels, and otherwise without payment.
- Power to lease dues. 20. The Commissioners may from time to time lease the dues authorised by this Order for any period not exceeding seven years from the date of the lease to take effect in possession at the best rent to be reasonably obtained without fine, and on such other terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same power of levying and recovering dues as the Commissioners have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Commissioners are made subject by this Order.
- Power to borrow money. 21. The Commissioners may from time to time borrow and re-borrow on mortgage at interest on the security of the dues authorised by this Order such

sums of money as they may from time to time think requisite, not exceeding in the whole at any one time twenty thousand pounds. A.D. 1893.

22. Every part of the money borrowed under this Order shall be applied only in payment of the cost of works authorised by this Order, or for any other purposes of this Order to which capital is properly applicable. *Fowey.*
Application of money borrowed.

23. The Commissioners shall apply all money received by them from the dues authorised by this Order for the purposes and in the order following, and not otherwise:— Application of dues and income.

(1.) In paying the costs, charges, and expenses of, or incidental to preparing and obtaining this Order:

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour and the works connected therewith:

(3.) In paying year by year the interest accruing on money borrowed under this Order:

(4.) In creating a sinking fund for the repayment of the principal moneys borrowed by the Commissioners, or in executing any of the works by this Order authorised, which the Commissioners may determine to pay for out of the revenue instead of money borrowed.

24. The Commissioners may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of dues authorised by this Order, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order. Powers to vary exemptions from dues and to enter into compositions.

25. The Commissioners may from time to time purchase, lease, provide, or hire such dredgers, engines, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same, and the money thereby realised shall be applied for carrying into effect the purposes of this Order, or some of them. Commissioners may provide dredgers, engines, &c.

26. The Commissioners may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steam tugs, hoppers, barges, or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs, hoppers, barges, or other power belonging to any person for such period and on such terms and conditions as the Commissioners may think fit. Commissioners may provide and license steam tugs, &c.

27. The Commissioners may from time to time fix such rates and charges as appear to the Commissioners reasonable for or in respect of the use of such steam tugs, hoppers, barges, or other power maintained, used, and let or licensed by the Commissioners, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug, hopper, barge, or other power to the Commissioners, or to the person with whom the Commissioners contract, or to the owner of such steam tug, hopper, barge, or other power, if licensed by the Commissioners, as the case may be, and such rates and charges shall be due and payable whether such steam tug, hopper, barge, or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall in consequence of a requisition have been tendered by the Commissioners, or by the master or other person having command of such steam tug, hopper, barge, or other power. Charges for use of steam tugs, &c.

A.D. 1893.

Fowey.Power to make
byelaws.

28. The Commissioners may make byelaws to take effect within the limits of this Order for the regulation, licensing, and control of vessels and boats, and also for the regulation, licensing, and control of persons embarking, disembarking, plying for hire, frequenting, or resorting to or employed within the limits of this Order, and for regulating and fixing the fares to be charged by such licensed persons, and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes: Provided that if and when an Urban Authority for Fowey is constituted under the Public Health Act, 1875, the Commissioners shall cease to have power to make or enforce byelaws for any purpose for which such Urban Authority would have power under the said Act to make byelaws.

Dues to be
revised.

29. The Commissioners shall from time to time revise the dues received by them, so that the income of the Commissioners derived therefrom may always be, so far as practicable, sufficient, and not more than sufficient for the purposes of the harbour, and if at any time and from time to time the clear annual income derived from the harbour on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of the harbour, the Board of Trade may, if in their discretion they think fit, reduce the dues leviable under this Order to such extent as will be sufficient to provide the amount aforesaid, and the dues shall thereupon be reduced accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by this Order.

Pilots to be
within certain
limits subject
to Harbour
Master.

30. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the Pilotage Authority of the Port of Fowey.

Incorporation
of Lands
Clauses Acts.

31. The Lands Clauses Acts, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and to the entry on lands by the promoters of the undertaking, shall be incorporated with this Order.

Incorporation
of Harbours,
Docks and
Piers Clauses
Act.

32. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, that is to say, sections six to eleven inclusive, and sixteen to nineteen inclusive, and twenty-five, twenty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, and forty-five, shall not be incorporated with this Order.

Notwithstanding anything in the said Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Commissioners
to provide life-
boat house,
&c., when

33. The Commissioners shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade, a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to

a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

A.D. 1893.

Fowey.
required by
Board of
Trade.

34. The Commissioners, within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Commissioners refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual
account to be
sent to Board
of Trade.

35. The Commissioners shall in such place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or to observe any such directions.

As to lights.

36. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Saving rights
under Crown
Lands Act,
1866.

37. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect any property, interest, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Woods or either of them.

Saving rights
of the Crown.

38. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall, signified to this Order shall not be taken as a consent to the surrender of, and nothing in this Order contained shall prejudice or affect any property, rights, powers, authorities, or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Saving rights
of the Duchy
of Cornwall.

39. All costs, charges, and expenses of or incidental to preparing and obtaining this Order, or otherwise incurred in reference thereto, shall be paid by the Commissioners.

Costs of Order.

40. This Order may be cited as the Fowey Harbour Order, 1893.

Short title.

A.D. 1893.

SCHEDULE to which the foregoing Order refers.

Fowey.

TONNAGE DUES.

£ s. d.

For every steam vessel trading coastwise, namely, entering the port from any port or place in the United Kingdom, or between Brest and the Elbe (including the Channel Islands), either in ballast, or having merchandise or cargo on board, the whole of which has been shipped at a port or place, or ports or places in the United Kingdom, or between Brest and the Elbe (including the Channel Islands), and not proceeding thence to a port out of the United Kingdom, per register ton	-	-	-	-	0	0	2
For all other steam vessels entering the port, per register ton	-	-	-	-	0	0	3
For every sailing vessel trading coastwise as above defined, per register ton	-	-	-	-	0	0	2
For all other sailing vessels entering the port, per register ton	-	-	-	-	0	0	2½
If any such steam vessel shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months, a further sum not exceeding, per register ton	-	-	-	-	0	0	1
If any such sailing vessel shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months, a further sum not exceeding, per register ton	-	-	-	-	0	0	0½
In the case of steam vessels (other than steam tugs), the net register tonnage upon which the dues are to be levied shall in no case be less than forty per cent of the gross register tonnage of such steam vessels.							
In all cases, a fraction of a ton shall be charged as a ton.							

SHEERNESS.

Sheerness.

Order for vesting the Undertaking of the Commissioners of Sheerness Pier in the Sheerness Local Board of Health, and for other purposes.

Undertakers.

1. The Local Board of Health for the District of Sheerness, in the county of Kent (in this Order referred to as the Local Board), shall be the Undertakers

for the purposes of this Order, and shall have and may exercise the powers, privileges, and authorities conferred by this Order with the powers and indemnities, and according to the provisions, of the Public Health Act, 1875, and any Acts amending the same.

A.D. 1893.

Sheerness.

2.—(1.) At the expiration of fourteen days after the passing of the Act confirming this Order the following provisions shall have effect; that is to say,—

Property,
liabilities, and
rights of Com-
missioners of
Sheerness Pier
transferred to
Local Board.

(2.) The undertaking including the pier, works, lands, hereditaments, and all other real and all personal estate, which at the expiration of such fourteen days are vested in the Commissioners of Sheerness Pier (in this Order called the Commissioners), constituted under the Act 10 Geo. IV. cap. 120 (in this Order called the Act of 1829), and all the rights and remedies of the Commissioners in respect thereof shall be, and the same are by this Order vested in and may be maintained and exercised by the Local Board, but subject to the securities made thereon for money borrowed under the Act of 41 Geo. III. cap. 54, or the Act 49 Geo. III. cap. 10, and to the payment of the principal money and interest due or to become due under such securities, and also subject to all rights, liabilities, claims, demands, actions, suits, or other proceedings present or future affecting the Commissioners or their undertaking.

(3.) All rights, powers, privileges, and authorities of the Commissioners in or over the Sheerness Pier, including all the powers of the Commissioners to recover, and receive, tolls, dues, and charges shall be, and the same are, by this Order transferred to and vested in the Local Board upon the terms and subject to the provisions of this Order, and may be put in force, exercised, and enjoyed by the Local Board and their officers and servants accordingly.

(4.) The Commissioners constituted by the Act of 1829, shall be and they are by this Order dissolved and shall cease to act as Commissioners, and shall be discharged from all liabilities, claims, demands, actions, suits, or other proceedings, present or future, affecting the Commissioners or their undertaking.

(5.) All debts and liabilities affecting the Commissioners or their undertaking, subject to the provisions of this Order, shall be paid, borne, and discharged by the Local Board, and all actions and proceedings to which the Commissioners are parties shall be continued by or against the Local Board, and the Local Board shall in reference to all the matters aforesaid become and be substituted in place of the Commissioners.

(6.) Subject to the provisions of this Order, no action, suit, prosecution, or other proceeding shall abate or be discontinued or prejudicially affected by any repeal or amendment of the Act of 1829 effected by this Order, and all penalties incurred under that Act or under any byelaws of the Commissioners or otherwise may be recovered and all offences punishable under such act and byelaws may be prosecuted by the Local Board in like manner as by the Commissioners under such Act and byelaws in case this Order had not been made.

3. Subject to the provisions of this Order nothing in this Order contained shall be held to prejudice or affect any right or cause of action or suit, or any remedy which the Commissioners have against any person, or which any person has against the Commissioners, but all such rights, causes, and remedies may be enforced or prosecuted by or against the Local Board in like manner and within

Saving rights
of action.

A.D. 1893.

*Sheerness.*Bye-laws to
continue until
altered.Documents, &c.
to be evidence.Debts owing
to Commis-
sioners to be
paid to Local
Board.Repeal of
sections of Act
of 1829.Power to con-
struct offices
and other
buildings and
to maintain
and improve
pier.Consent of
Board of Trade
and Admiralty
to works.Power to place
buoys, &c.Limits of
Order.

the same periods of time as the same might have been enforced or prosecuted by or against the Commissioners if this Order had not been made.

4. All byelaws of the Commissioners legally in force at the time of the passing of the Act confirming this Order shall continue in force until repealed or altered by the Local Board, and may be enforced by the Local Board accordingly.

5. All documents, books, maps, plans, writings, papers, and effects belonging to or vested in the Commissioners, shall be transferred to, and belong to, the Local Board.

6. All companies and persons who, immediately before the passing of the Act confirming this Order, owe any money to the Commissioners or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing in respect of the same to the Local Board.

7. From and after the passing of the Act confirming this Order, sections one, two, five, six, eight to twenty-seven (inclusive), fifty-four to seventy-eight (inclusive), eighty and eighty-five to ninety-eight (inclusive), of the Act of 1829 shall be, and the same are hereby repealed. All offences, penalties, forfeitures, costs, and expenses which are by the Act of 1829, so far as not repealed by this Order, or which are by this Order authorised or directed to be prosecuted or recovered summarily or in a summary way, or before any justices or justice may be prosecuted and recovered before the stipendiary magistrate for Chatham and Sheerness.

8. Subject to the provisions of this Order the Local Board may construct and maintain all offices and other works, buildings, and conveniences which may be found necessary in connexion with the pier, for the accommodation of passengers or goods landed at or embarked from the same, and they may also from time to time dredge, scour, deepen, and maintain, any channels forming an approach to the pier, and may from time to time renew, strengthen, repair, alter, improve, and maintain the pier and its supports and the causeway leading or running from thence into or over the bed of the River Medway to low-water mark, or any part or parts thereof respectively, and any of the works and conveniences connected therewith.

9. The works authorised by this Order below high-water mark shall not be commenced without the assent of the Board of Trade and the Admiralty having been first obtained in writing.

10. The Local Board may place and affix such buoys, beacons, and mooring chains or moorings in the River Medway contiguous to the said pier as the Local Board shall deem necessary or proper for facilitating the access and departure of ships, vessels, boats, and other craft to and from the said pier, and may from time to time renew and replace the same, or alter the positions thereof, or substitute others in their stead. Provided that no such buoys, beacons, mooring chains, or moorings shall be placed or affixed, renewed, replaced, or altered, without the consent in writing of the Admiralty and the Conservators of the River Medway having been first obtained.

11. The limits of the pier for the purposes of this Order, and within which the Local Board shall be the pier authority, and to which the provisions of this Order and the power to levy rates, tolls, dues, and charges extend (in this Order called the pier) shall be the district as defined by the Act of 1829.

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12. All the tolls, dues, and charges authorised by the Act of 1829 shall, so far as possible, be levied upon and by means of weights and measures in accordance with the provisions of the Weights and Measures Act, 1878, and shall be charged equally to all persons with respect to the same description of vessels and the same description of goods.

Sheerness.
Rates to be in accordance with Weights and Measures Act.

13. The Local Board may from time to time lease the tolls, dues, and charges authorised by the Act of 1829 or this Order upon such terms and conditions, and for such periods not exceeding seven years, as they think fit, and every lessee shall have and may exercise during the continuance and subject to the provisions of his lease, the same powers of demanding, levying, and recovering such tolls, dues, and charges as the Local Board for the time being have or might exercise, and shall be subject to all the same provisions as to accounts and otherwise to which the Local Board are made subject by this Order.

Power to lease tolls, &c.

14. The Local Board may from time to time confer, vary, and extinguish exemptions from or may enter into a composition with any person with respect to the payment of the tolls, dues, or charges authorised by the Act of 1829 or this Order, but so that no preference be in any case given, and that anything done under this section shall not prejudice the other provisions of this Order.

Power to compound for tolls, &c.

15. The Local Board, within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Local Board refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual accounts to be sent to Board of Trade.

16. The Local Board shall from time to time revise the tolls, dues, and charges received by them under the Act of 1829 and this Order, so that the income of the Local Board under that Act and this Order may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of that Act and this Order, and if at any time and from time to time the clear annual income derived from such tolls, dues, and charges on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of that Act and this Order, the Board of Trade may, if in their discretion they think fit, reduce such tolls, dues, and charges, or any of them, to such sums as will be sufficient to provide the amount aforesaid, and the same shall be thereupon reduced accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums authorised by that Act and this Order.

Revision of rates.

17. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

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*Sheerness.*Board of Trade
officers exempt
from rates.Lifeboat crew
exempt from
rates.Life saving
apparatus may
be attached to
pier.Power to
Medway
Conservators
to examine
and require
repairs.

18. Officers of the Board of Trade, being in the execution of their duty, shall at all times have free ingress passage and egress to or along and from the pier and works by land and with their vessels and otherwise, without payment.

19. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress passage and egress to or along and from the pier and works without payment.

20. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier or works spars and other apparatus for saving life, and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier and works.

21.—(1.) The Conservators of the River Medway or their duly appointed agent may, at all reasonable times in the day (after giving twenty-four hours notice in writing to the Local Board served at the offices of the Local Board) with, or without workmen or servants from time to time to enter upon, view and examine the condition of repair of the pier.

(2.) The Local Board shall give all proper facilities and assistance to the Conservators or their agent, for viewing and examining the structure of the pier and works, and the condition of repair thereof.

(3.) If it should at any time appear to the Conservators that the pier is in bad or insufficient repair, or is likely to become a danger, nuisance, or inconvenience to the navigation of the River Medway, they may represent the matter in writing to the Board of Trade; and if it should appear to the Board of Trade that any works of repair or amendment ought to be executed, they shall require the Local Board to forthwith execute the same to the reasonable satisfaction of the Conservators subject to the approval of the Board of Trade.

(4.) The Local Board shall not extend, alter, or enlarge the pier in any way, so as to encroach upon or interfere with the soil or bed of the River Medway, or the banks or shores thereof, without the consent in writing of the Conservators having been first obtained.

(5.) Whenever it is necessary for the purpose of repairing the pier, temporarily to embank, encroach upon, or interfere with any part of the bed of the River Medway, or the banks or shores thereof, the Local Board shall, seven clear days before commencing the works, give notice in writing thereof to the Conservators at their offices, accompanied by a plan showing the extent of the temporary encroachment or interference.

(6.) This Order or anything herein contained shall not prejudice or affect the rights, interests, privileges, franchises, or authorities of the Conservators of the River Medway, or prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which, at the time of the passing of the Act confirming this Order, the Conservators do or may lawfully claim, use, or exercise; nor authorise or empower the Local Board, their officers, workmen, or servants, or any of them,

to embank, encroach on or interfere with any part of the bed of the River Medway or the banks or shores thereof (except so far as may be necessary for repairing the pier), without the consent in writing of the Conservators having been first obtained.

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Sheerness.

22. The Local Board may from time to time borrow at interest—

Power to
borrow money.

First.—Such sum or sums not exceeding in the whole the sum of five thousand pounds, as may be required for paying the costs, charges, and expenses of or incidental to preparing and obtaining this Order, or for carrying into effect the purposes of the Act of 1829 and this Order, or for the discharge of the liabilities in respect of the pier undertaken by the Local Board before the passing of the Act confirming this Order, or transferred to the Local Board by this Order, or—

Secondly.—Such further sum as they may deem necessary, and the Local Government Board approve, for the purpose of improvements of the pier, and for other purposes of this Order :

and for securing the repayment of money borrowed under this Order the Local Board may from time to time mortgage the tolls, dues, charges, and revenue receivable by them under this Order, and also the general district rate of their district.

23.—Sections two hundred and thirty-six, two hundred and thirty-seven, two hundred and thirty-eight and two hundred and thirty-nine of the Public Health Act, 1875, shall extend and apply to all mortgages made under this Order, and the Local Government Board are to fix the period within which each loan in excess of the sum of five thousand pounds above mentioned is to be paid off.

Provisions as
to mortgages.

24. A person lending money to the Local Board shall not be concerned to inquire as to the observance by them of any provisions of this Order, or be bound to see to the application, or be answerable for any loss or non-application, of the money lent or of any part thereof.

Protection of
lenders from
inquiry.

25. The Local Board shall within twenty years from the date of the passing of the Act confirming this Order pay off all liabilities in respect of the pier whether undertaken by them before the passing of the Act confirming this Order or transferred to them by this Order.

Local Board to
repay liabilities.

26. The Local Board shall pay off the sum of five thousand pounds firstly by this Order authorised to be borrowed within the respective periods following, (that is to say) :—

Period for pay-
ment of money
borrowed.

(1.) As regards a loan for payment of costs, charges, and expenses, within five years from the date of the passing of the Act confirming this Order.

(2.) As regards a loan for the discharge of liabilities in respect of the pier, within twenty years from the date of the passing of the Act confirming this Order.

(3.) As regards any other loan, within fifty years from the date of borrowing.

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*Sheerness.*Mode of pay-
ment of money
borrowed.

27. The Local Board shall pay off all moneys borrowed by them on mortgage under the powers of this Order, either by equal yearly or half-yearly instalments of principal or of principal and interest, or by means of sinking funds, or partly by such instalments and partly by sinking funds, and in regard to any sinking funds formed under this Order the provisions of section fifteen of the Local Loans Act, 1875, shall apply accordingly, and such section is hereby incorporated with this Act, but the Local Board shall not invest any of their sinking funds in their own securities.

Annual return
to Local
Government
Board with
respect to
sinking funds.

28. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be paid under this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration of the clerk, if so required by them, showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the money invested for the sinking fund, and the interest thereof, have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in a summary manner. If it appears to the Local Government Board by such return, or otherwise, that the Local Board have failed to pay any instalment or to set apart the sum required for the sinking fund under this Order, or have applied any portion of the moneys set apart for that fund, or any interest thereof, to any purposes other than those authorised by this Order, the Local Government Board may, by Order, direct that a sum, not exceeding double the amount in respect of which such default shall have been made, shall be set apart and invested as part of the sinking fund; and such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court, and the provisions of this section shall apply, mutatis mutandis, to appropriations and annual payments.

Power to
re-borrow.

29. If the Local Board pay off any part of any money borrowed by them under the powers of this Order otherwise than by means of instalments, or appropriations, or annual repayments, or a sinking fund, or out of the proceeds of the sale, exchange, or disposition of lands, or out of fines, or premiums on leases, or other moneys received on capital account, not being borrowed moneys, they may re-borrow the same, and so from time to time: Provided that all moneys so re-borrowed shall be repaid within the prescribed period for the repayment of the moneys in lieu of which such re-borrowing shall have been made, and that any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made, and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Application
of money
borrowed.

30. All moneys from time to time borrowed under this Order shall be applied by the Local Board only for the purposes for which the same are respectively by this Order authorised to be borrowed and to which capital is properly applicable.

31. All mortgages granted by the Local Board prior to the passing of the Act confirming this Order and which shall then be in force shall, during the continuance thereof, and as to the rates and property comprised therein, have priority over all mortgages to be granted under this Order.

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Sheerness.

Existing mortgages to have priority.

Separate pier account.

32. The Local Board shall keep a separate account, to be called the "pier account," of all receipts, payments, credits, and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of this Order as relates to the pier undertaking, and such account shall be subject to the same provisions as to audit, and otherwise as other accounts of the Local Board.

33. The Local Board shall apply all the tolls, dues, charges, and other moneys received by them by way of revenue in respect of their pier undertaking for the purposes and in the order following, and not otherwise (that is to say) :—

Application of tolls and income.

(1.) In payment of the establishment charges, that is to say, in payment of the expenses properly chargeable to revenue of conducting, managing, and maintaining the pier and works connected therewith respectively ;

(2.) In payment of interest and principal money due or to become due under securities existing at the time of the passing of the Act confirming this Order according to the terms of such securities ;

(3.) In paying year by year the interest as it accrues due on money borrowed under this Order, or otherwise forming a charge on the tolls, dues, charges, and other revenue under this Order ;

(4.) In paying the instalments as they become due in respect of principal money borrowed under this Order, or in providing in accordance with the terms of this Order a sinking fund for the discharge of such principal money ;

(5.) In the general improvement of the pier and works.

34. In case the revenue of the Local Board from their pier undertaking shall in any year be insufficient for the purpose of defraying the costs, charges, and expenses of the Local Board with respect thereto under this Order, the Local Board may include the amount of such insufficiency in their estimate for that or the following year, and defray the same out of the general district rate.

Making up of deficiency in revenue from pier undertaking.

35. Sections sixteen to nineteen, inclusive, and twenty-one to twenty-three, inclusive, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order ; but the Local Board shall, whenever required by the Board of Trade, provide at their own expense and to the satisfaction of the Board of Trade, a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they may omit to provide such accommodation after having been required so to do by the Board of Trade.

Parts of Harbours, Docks, and Piers Clauses Act, 1847 excepted.

36. No vessel or boat shall be moored alongside the pier without the consent of the Local Board or their pier-master.

Vessels not to moor alongside pier without consent.

37. No vessel or boat shall anchor within twenty-five yards of any part of the pier or works without the consent of the Local Board or their pier-master.

Restriction on vessels anchoring.

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*Sheerness.*Power to make
new bye-laws.

38. The Local Board may from time to time make, vary, and rescind byelaws for all or any of the following matters (that is to say) :

For regulating the collection and levying of the tolls, dues, and charges authorised by this Order or the Act of 1829 ;

For regulating the vessels, boats, goods, and traffic near to or on the pier ;

For regulating the conditions of the user of any portion of the pier or of any of the buildings erected thereon ;

For preventing injury to and protecting the buildings and property thereon or attached thereto.

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein ; and

For regulating the sale of refreshments on the pier and in the buildings.

But byelaws under the Act of 1829 or this Order, shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, and shall not require any other confirmation or allowance, any provision in the Act of 1829 to the contrary notwithstanding.

As to lights.

39. The Local Board shall, at the outer extremity of the pier and works, whether the same be in use or abandoned, or in such other place or places as may be required, exhibit for all or any part of the time, from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Local Board shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any such direction.

Provision
against danger
to navigation.

40. In case of injury to or destruction or decay of the pier or works of the Local Board, or any parts thereof, the Local Board shall lay down such buoys, exhibit such lights, or take such other means for preventing, as far as may be, danger to navigation, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Local Board shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey any such direction.

Saving of
Crown rights.

41. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect any property, interest, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown, which are under the management of the Commissioners of Her Majesty's Woods, or either of them.

Saving rights
of the City of
Rochester.

42. Save as in this Order otherwise expressly provided, nothing in this Order contained shall extend, or be construed to extend, to prejudice or derogate from the rights, interests, privileges, franchises, or authorities of the Mayor and Citizens of the City of Rochester, in the County of Kent, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of the Act confirming this Order, the said Mayor or Citizens do or may lawfully claim, use, or exercise.

Saving rights
of Wenman
Aubrey Wyke-
ham Musgrave,
Esquire.

43. This Order shall not operate to take away or abridge such right, title, or interest (if any) as Wenman Aubrey Wykeham Musgrave, or other the lord

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for the time being of the manor of Milton next Sittingbourne, may have in, to, or over any lands or foreshore, bed, soil, sole and several fishery, oyster grounds or rights within the river or any parts thereof: Provided that nothing in this section contained shall be held to recognise or confirm any right, title, or claim of the said Wenman Aubrey Wykeham Musgrave, or other the lord for the time being of the said manor to any foreshore, bed, soil, sole and several fishery, oyster grounds or rights as aforesaid; but the right and title to such foreshore, bed, soil, sole and several fishery, oyster grounds and rights shall remain in the same state as if this Order had not been made.

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—
Sheerness.

44. Nothing in this Order contained shall extend to, or be construed to extend to, or take away, alter, abridge, infringe, lessen, or interfere with any of the estates, rights, interests, powers, privileges, or authorities, or jurisdiction of the Local Board.

Saving rights
of Local Board.

45. This Order or anything herein contained shall not in any way limit, control, or prejudice the operation of section one hundred and sixty-nine of the Medway Conservancy Act, 1881.

Saving for
s. 169 of
Medway Act.

46. Nothing in this Order contained shall alter, prejudice, or otherwise affect the rights, privileges, or powers conferred on the Sheppy Gas Company by the Sheppy Gas Act, 1871.

Saving rights
of Sheppy Gas
Company.

47. All costs, charges, and expenses of or incidental to the preparing and obtaining of this Order, or otherwise incurred in relation thereto, the same to be taxed by the proper officer, shall be paid by the Local Board.

Costs of Order.

48. This Order may be cited as the Sheerness Pier Order, 1893.

Short title.

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