



Fishery Harbours Act 1915

1915 CHAPTER 48

An Act to make provision for facilitating the improvement, management, and maintenance of small harbours principally used by the fishing industry. [19th May 1915]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1 Application of Act.

This Act shall apply only to small harbours which in the opinion of the Board of Trade and the Board of Agriculture and Fisheries are principally used by the fishing industry.

2 Power of Board of Agriculture and Fisheries to make orders.

In relation to any harbour to which this Act applies the powers of the Board of Trade under the General Pier and Harbour Act, 1861, and the Acts amending that Act (except as hereinafter mentioned), shall as respects that harbour be exercisable by the Board of Agriculture and Fisheries, and in such case the said Acts shall apply accordingly, subject to the following modifications :—

- (1) For references to the Board of Trade there shall be substituted references to the Board of Agriculture and Fisheries, except in sections seven to sixteen of the General Pier and Harbour Act, 1861, Amendment Act, which shall apply without such substitution to an Order under this Act;
- (2) Sections three to five of the General Pier and Harbour Act, 1861, Amendment Act, and the schedule therein referred to shall not apply, but the applicants for an Order shall publish notice of the application and of any proposed works in such manner as the Board of Agriculture and Fisheries may prescribe, and shall also send notice in writing thereof to the Board of Trade :

Status: This is the original version (as it was originally enacted).

- (3) Section sixteen of the General Pier and Harbour Act, 1861, shall not apply, but in lieu thereof the following provisions shall have effect :—
- “(1) After a Provisional Order has been settled and made by the Board of Agriculture and Fisheries the Board shall publish in such manner as they think best adapted for informing persons affected notice that they have settled the Order and of the place where copies of the Order as settled may be obtained, together with a statement that the Order will become final and have effect as an Act of Parliament, unless within such period, not being less than thirty days, as may be stated in the notice, a memorial by—
- (a) any committee constituted under the Sea Fisheries Regulation Act, 1888, or board of conservators constituted under the Salmon and Freshwater Fisheries Acts, 1861 to 1907, having jurisdiction over the harbour or any part thereof ;
 - (b) the council of any borough, district or parish in which the harbour or any part thereof is situate ; or
 - (c) any twenty or more inhabitant householders of any such borough, district, or parish, is presented to the Board praying that the Order shall not become law without confirmation by Parliament;
- (2) If no memorial has been presented by any such body or persons within such period as aforesaid, or if every such memorial has been withdrawn, the Board shall confirm the Order and the Order shall thereupon have effect as if enacted in this Act, but if any such memorial has' been presented and has not been withdrawn, the Order shall have no effect, unless and until confirmed by Parliament, and in such case the Board may bring in a Bill to confirm the Order ;”
- (4) The expression "works "shall include slipways, capstans, and other works facilitating the landing, launching, or beaching of vessels in any harbour, and the expression "harbour " shall include any haven, cove, or other landing place ;
- (5) An Order may constitute one harbour authority for two or more harbours, and may abolish any existing harbour authority, with the consent of that authority, and may transfer to the harbour authority constituted by the Order the property, rights, powers, and liabilities of any existing harbour authority, but not so as to prejudice the rights of any creditor of the existing harbour authority without the consent of that creditor, and may for that purpose repeal any Order or enactment constituting or regulating the authority so abolished ;
- (6) The purposes for which byelaws may be made under the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated by an Order, shall extend to the prevention of obstruction or injury to the harbour under the control of the harbour authority, so, however, that no estate, interest, or right of a profitable or beneficial nature, in, over, or affecting the harbour shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any such bye-law without compensation being made or provided for the same by the authority making the byelaw, and such compensation shall, in case of difference, be determined by an arbitrator appointed, in default of agreement between the parties, by the Board of Trade ;
- (7) No Order shall be made except with the consent in writing of the Board of Trade ;

- (8) Any consent, appointment or other thing given, made or done by the Board of Trade may be signified under the hand of the President or a secretary or assistant secretary of the Board.

3 Powers of local authorities to contribute.

- (1) The council of a county or borough or urban or rural district or parish may, with the consent of and subject to regulations made by the Local Government Board, contribute or undertake to contribute to the expenses of a harbour authority constituted under this Act, and the expenses so incurred by a council shall be defrayed—
- (a) in the case of a county council, out of the county fund as general county expenses, or, if the consent of the Local Government Board so provides, as expenses for special county purposes charged on such part of the county as may be specified in such consent;
 - (b) in the case of a borough or district council as if the expenses were expenses under the Public Health Acts ; and
 - (c) in the case of a parish council under and according to the Local Government Act, 1894.
- (2) A council may borrow for the purpose of this Act in the case of a county council as for the purposes of the Local Government Act, 1888, in the case of a borough or district council as for the purpose of the Public Health Acts, and in the case of a parish council as for the purposes of the Local Government Act, 1894 : Provided that
- (a) money borrowed under this Act shall not be reckoned as part of the total debt of a county council for the purpose of section sixty-nine of the Local Government Act, 1888, or as part of the debt of the council of a borough or district or parish for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875, or under section twelve of the Local Government Act, 1894; and
 - (b) The power of borrowing so conferred shall, during the continuance of the war and for a period of one year thereafter, not be exercised without the consent of the Treasury.
- (3) A committee constituted under the Sea Fisheries Regulation Act, 1888, may contribute or undertake to contribute to the expenses of a harbour authority constituted under this Act for a harbour situate wholly or partly in the district of the committee.

4 Short title, extent, and duration.

- (1) This Act may be cited as the Fishery Harbours Act, 1915, and the General Pier and Harbour Act, 1861, the General Pier and Harbour Act, 1861, Amendment Act, and this Act may be cited together as the General Pier and Harbour Acts, 1861 to 1915.
- (2) This, Act shall not extend to Scotland or Ireland.
- (3) The power of making orders under this Act shall not be exercised after the expiration of two years from the passing of this Act except for the purpose of amending an existing Order made under this Act, but nothing in this subsection shall prejudice or affect any powers or provisions contained in any Order made before the expiration of that period.