

# Pier and Harbour Order (Salcombe) Confirmation Act, 1954

2 & 3 ELIZ. 2 Ch. xxxiv

---

## ARRANGEMENT OF SECTIONS

### Section

1. Confirmation of Order in schedule.
2. Short title.

## SCHEDULE

### SALCOMBE HARBOUR

#### PRELIMINARY

1. Short title.
2. Commencement of Order.
3. Interpretation.

#### UNDERTAKERS AND INCORPORATION OF ACTS

4. Undertakers.
5. Incorporation of Lands Clauses Acts.
6. Application of Harbours Clauses Act 1847.

#### LANDS

7. Power to take lands by agreement.
8. Grant of easements by persons under disability.
9. Retention and disposal of lands.
10. Proceeds of sale of lands to be treated as capital.

#### LIMITS

11. Limits of the harbour.
12. Power to construct pier or jetty.
13. Power to deviate.

#### WORKS AND POWERS

14. Powers to cease in certain events.
15. Power to construct maintain and improve works.
16. Powers as to moorings.
17. Penalty for obstructing works.
18. Works to be part of harbour.
19. Power to close pier on special occasions.
20. Power to dredge and sell materials.
21. Power to purchase dredgers etc.

## RATES

## Section

22. Power to levy rates.
23. Rates on seaplanes.
24. Mooring rates.
25. Power to vary exemptions and compound for rates.
26. Rates for services and accommodation not otherwise provided for.
27. Harbour-master may prevent sailing of vessels.
28. Recovery of rates.
29. Exemption of lifeboat crew.
30. Revision of rates.

## FINANCIAL

31. Power to borrow.
32. Application of money borrowed.
33. Receipts and expenses.
34. Accounts of undertaking.
35. Application of revenue of undertaking.
36. Annual accounts to be sent to Minister.

## BYELAWS

37. Byelaws.
38. Appointment of officers to enforce byelaws and regulations.

## INQUIRIES

39. Inquiries by Minister.

## LIFE-SAVING APPARATUS

40. Provisions for life-saving apparatus.
41. Life-saving apparatus may be attached to harbour.
42. Lifebuoys to be kept.

## WRECKS

43. Removal of sunk stranded or abandoned vessels.
44. As to vessels in which the Crown have an interest.

## LIGHTS

45. Permanent lights on works.
46. Provision against danger to navigation.

## MISCELLANEOUS

47. Directions of harbour-master.
48. Power to advertise harbour.
49. Cables pipes or wires under or across tidal waters.
50. Meters and weighers.

2 & 3 ELIZ. 2

*Pier and Harbour Order  
(Salcombe) Confirmation Act, 1954*

Ch. xxxiv

Section

51. Recovery of penalties.
52. Officers exempt from rates.
53. Local lighthouse authority.
54. For protection of owners and lessee at East Portlemouth  
and South Pool.
55. Saving the rights of the Duchy of Cornwall.
56. Saving for town and country planning.
57. Saving for Sea Fish Industry Act 1951.
58. Costs of Order.

SCHEDULE.



## CHAPTER xxxiv

An Act to confirm a Provisional Order made by the Minister of Transport and Civil Aviation under the General Pier and Harbour Act 1861 relating to Salcombe. [30th July 1954.]

**W**HEREAS a Provisional Order made by the Minister of Transport and Civil Aviation under the General Pier and Harbour Act 1861 is not of any validity or force whatever until confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport and Civil Aviation under the said Act as set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the 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 Order as set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order (Salcombe) Confirmation Act 1954. Short title.

## SCHEDULE

## SALCOMBE HARBOUR

*Provisional Order to confer powers on the urban district council of Salcombe with reference to Salcombe Harbour and Kingsbridge Estuary to authorise the Council to construct works to maintain manage and improve the said harbour and estuary and to levy tolls rates and charges and for other purposes.*

## PRELIMINARY

- Short title. 1. This Order may be cited as the Salcombe Harbour Order 1954.
- Commencement of Order. 2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.
- Interpretation. 3. In this Order unless the context otherwise requires words and expressions to which by any enactments incorporated therewith or applied thereto meanings are assigned have the same respective meanings and—
- “authorised rates” means the rates which the Council are for the time being authorised to levy demand and recover in pursuance of this Order or any order made under section 30 (Revision of rates) of this Order;
- “the Council” means the urban district council of Salcombe;
- “fishing vessel” means a bona fide fishing vessel owned by a person partnership or company who or which derives at least seventy-five per centum of his their or its income from fishing;
- “the general rate fund” means the general rate fund of the urban district of Salcombe;
- “the harbour” means that part of Salcombe Harbour and Kingsbridge Estuary within the area defined in section 11 (Limits of the harbour) of this Order as “the limits of the harbour” and the land buildings works plant property and conveniences connected with the said harbour and estuary or any part thereof as the case may be;
- “the Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;
- “the deed of grant” means the grant mentioned in section (Undertakers) of this Order or as the case may be a grant in substitution or continuance thereof;
- “the Minister” means the Minister of Transport and Civil Aviation;
- “the pier” means the pier or jetty described in section (Power to construct pier or jetty) of this Order;
- “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or securities of the Council :

“the undertaking” means and includes the harbour and the right to levy rates and tolls and all other rights conferred on or vested in the Council by this Order and the entire undertaking of the Council in connection with the harbour :

“vessel” includes a seaplane on the surface of the water :

“the works” means the works authorised by this Order or as the case may require any part thereof.

#### UNDERTAKERS AND INCORPORATION OF ACTS

4. Subject to the terms and conditions and during the continu-  
ance of a grant of the bailiwick and conservancy of the western  
portion of the Water of Dartmouth which includes Salcombe Har-  
bour and Kingsbridge Estuary for a term of thirty-one years from  
the twenty-ninth day of September one thousand nine hundred and  
fifty-two made on the twentieth day of December one thousand nine  
hundred and fifty-two between His Royal Highness Charles Philip  
Arthur George Duke of Cornwall and Rothesay Earl of Carrick  
Baron of Renfrew Lord of the Isles and Great Steward of Scotland  
of the one part and the Council of the other part or of any grant  
in substitution or continuance of the said grant the Council shall be  
the undertakers for carrying this Order into execution and the  
undertaking may be maintained by the Council and the Council may  
exercise all the powers rights and authorities conferred by this Order.

Undertakers.

5.—(1) 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  
and except sections 127 to 131 of the Lands Clauses Consolidation  
Act 1845 are hereby incorporated with this Order.

Incorporation  
of Lands  
Clauses Acts.

(2) For the purposes of the incorporation of the said Acts the  
expression “the special Act” in those Acts shall mean this Order.

6.—(1) In the application to this Order of the Harbours Clauses  
Act 1847 the expression “the special Act” shall mean this Order  
the word “rates” shall include mooring charges and the word  
“vessel” shall include a seaplane on the surface of the water :

Application of  
Harbours  
Clauses Act  
1847.

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

(2) Sections 6 8 11 to 13 16 to 19 25 26 60 84 to 90 and 101  
of the Harbours Clauses Act 1847 shall not be incorporated with  
this Order.

## LANDS

Power to take  
lands by  
agreement.

7. Subject to the provisions of this Order the Council may by agreement purchase and hold for the purposes of this Order any lands in addition to those vested in or leased to the Council at the commencement of this Order not exceeding in the whole twenty acres but with respect to such additional lands nothing in this Order or in the Acts incorporated therewith shall exempt the Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon.

Grant of  
easements by  
persons under  
disability.

8.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Council any easement or right required for the purposes of this Order in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Retention and  
disposal of  
lands.

9.—(1) The Council may—

- (a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Order;
- (b) sell lease exchange or otherwise dispose of any such land or interest no longer required for the purpose of the undertaking in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form);
- (c) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest;
- (d) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition;
- (e) on any such exchange pay or receive money for equality of exchange:

Provided that the Council shall not without the consent of the Minister of Housing and Local Government sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of that Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any

conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

10. Capital money received by the Council in respect of a transaction under the last preceding section of this Order shall be applied in such manner as the Minister of Housing and Local Government may approve in or towards the extinguishing of any loan raised by the Council for the purposes of this Order or otherwise for any purpose for which capital money may properly be applied.

Proceeds of sale of lands to be treated as capital.

#### LIMITS

11.—(1) The limits within which the Council shall have authority and within which the powers of the harbour-master may be exercised and within which the power to levy rates may be exercised shall comprise that part of Salcombe Harbour and Kingsbridge Estuary including the creeks adjoining situate below high-water mark medium tides which lies to the north of an imaginary straight line drawn from the Great Eelstone at the foot of Sharp Tor in the urban district of Salcombe in the county of Devon twenty-eight degrees north of east to high-water mark medium tides at a point in the parish of East Portlemouth in the rural district of Kingsbridge which limits are shown by the thick black line marked on the map or plan certified on behalf of the Minister and deposited in accordance with the provisions of subsection (2) of this section and those limits are in this Order termed "the limits of the harbour".

Limits of the harbour.

(2) A map or plan showing the limits of the harbour having been signed in triplicate by an assistant secretary of the Ministry of Transport and Civil Aviation and one copy thereof having been deposited at the office of the Ministry of Transport and Civil Aviation another copy thereof shall be deposited at the office of the clerk of the Devon County Council and another copy thereof shall be deposited at the office of the Council.

#### WORKS AND POWERS

12. Subject to the provisions of this Order to the provisions of the Deed of Grant and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Minister may require before completion of the works the Council may on the portion of the foreshore and fundus referred to in paragraph (b) of clause 1 of the deed of grant and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section make and maintain—

Power to construct pier or jetty.

A pier or jetty of openwork construction situate in the urban district of Salcombe commencing at a point in the eastern wall of Whitestrand quay immediately to the south of Whitestrand slipway and extending in an easterly direction for a distance of 180 feet or thereabouts.

13. Subject to the provisions of this Order in constructing the pier the Council may deviate laterally from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of

Power to deviate.



deviation shown on that plan and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding six feet:

Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Minister.

Powers to cease in certain events.

14.—(1) If the pier is not substantially commenced within six years from the commencement of this Order or such extended time as the Minister may in the circumstances by order direct the said powers shall cease.

(2) If the construction of the pier after having been substantially commenced is virtually suspended for twelve consecutive months the said powers shall cease except as to so much of the pier as is then completed unless the Minister by order directs that the said powers continue and remain in force but subject to the foregoing provision as to completion the said powers shall cease in any event within ten years from the commencement of this Order.

(3) A certificate of the Minister to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this section be conclusive evidence of the facts stated in such certificate.

Power to construct maintain and improve works.

15.—(1) Subject to the provisions of this Order the Council may—

- (a) upon any lands belonging to them or acquired under this Order; and
- (b) subject also to the deed of grant upon any foreshore or fundus in respect of which rights are granted to the Council under the deed of grant and situate within the limits of the harbour:

maintain alter and improve the harbour and in connection with the harbour construct maintain alter improve enlarge and extend embankments walls footways approaches steps landing places piers quays jetties slips wharves groynes sea defences buoys navigation marks cranes lights beacons roads sewers drains watercourses gas and water pipes apparatus for electric light and power warehouses offices sheds and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and for the protection of the harbour and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the piers quays and other harbour works of the Council.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same have been inspected and certified by the Minister to be fit for such traffic.

(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

16.—(1) Subject to the provisions of this Order the Council may provide place lay down maintain use and have moorings buoys and like apparatus and conveniences for vessels on so much of the foreshore and fundus in the harbour as is vested in or leased to the Council or in respect of which rights are granted to the Council under the deed of grant. Powers as to moorings.

(2) (a) The Council may from time to time on such terms and conditions as they shall think fit grant licences to any person to place lay down maintain use and have existing and future moorings on so much of the foreshore and fundus in the harbour as is mentioned in the last preceding subsection and may contribute to the cost of the same and the Council may also grant licences to any person to exercise the privilege of preferential right of user of moorings laid down by the Council in consideration of a contribution or periodical payment by such person to the Council.

(b) Any licence granted under paragraph (a) of this subsection shall be valid only for a period of twelve months commencing with its date.

17. Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

18. Subject to the provisions of this Order the works shall for the purposes of the levying and recovery by the Council of rates and for all other purposes be and be deemed to be part of the harbour. Works to be part of harbour.

19.—(1) The Council may on any special occasions but not on more than twelve days in any one year or for more than three days consecutively close the pier against the public and may on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Council may determine. Power to close pier on special occasions.

(2) On all such occasions the Council shall reserve a sufficient passage along the pier between the landing steps and the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those 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.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in section G of the schedule to this Order and any person paying the special rate shall not be liable to pay any further rate or sum for admission to the pier on the special day for which the rate is charged.

(4) During at least two days before the day on which the pier is to be closed the Council shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

Power to dredge  
and sell  
materials.

20.—(1) The Council may deepen dredge scour and excavate any portion of the harbour to the extent necessary to secure a sufficient waterway for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue from the harbour is to be applied.

(4) The powers of the Council under this section shall be exercisable subject to the provisions of section 55 (Saving the rights of the Duchy of Cornwall) of this Order and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Duchy of Cornwall on behalf of Her Majesty or the Duke of Cornwall for the time being may be given subject to such restrictions and conditions including the payment by the Council to the Duchy of Cornwall of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Council under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Duchy of Cornwall.

(5) (a) In the exercise of the powers conferred by this section the Council shall not interfere with damage or injuriously affect any submarine cable placed and maintained by the Postmaster-General in or across the harbour or the approaches thereto.

(b) Before exercising the said powers within a distance of fifty yards of any such submarine cable the Council shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice in respect of their intention to exercise such powers.

(c) Any sand mud shingle and other materials dredged up and removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or impede any work of or connected with the inspection or repair of such cable.

(6) No materials raised under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such a position and under such restriction and regulations as may be fixed by the Minister.

Power to  
purchase  
dredgers etc.

21. The Council may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell and dispose of the same. A sums received in respect of any such letting on hire shall be deemed to form part of the revenue of the undertaking and all money realised by any such sale shall be applied towards carrying in effect any of the purposes of this Order to which capital is proper applicable.

RATES

22. The Council may within the limits of the harbour subject and Power to levy according to the provisions of this Order levy and demand for the rates. use of the harbour and the conveniences connected therewith in respect of all vessels persons and goods of every description any rates not exceeding those specified in the schedule to this Order and may receive and recover payment accordingly.

23.—(1) Subject to the provisions of the Civil Aviation Act 1949 Rates on the Council may demand receive and recover on and in respect seaplanes. of seaplanes entering or using or leaving the harbour such reasonable rates as may from time to time be approved by the Minister.

(2) The rates authorised by this section in respect of seaplanes shall be paid by or be recoverable from either the owner or other person in charge of such seaplane as the Council may determine.

24.—(1) The Council may demand receive and recover in respect Mooring rates. of any vessel other than a seaplane using any of the moorings buoys or like apparatus or conveniences provided by the Council under subsection (1) of section 16 (Powers as to moorings) of this Order or moored to the pier or any other pier belonging to the Council or to the banks of the harbour vested in the Council such reasonable charges as may from time to time be prescribed by the Council and approved by the Minister.

(2) The Council may demand receive and recover in respect of each mooring chain or connection placed laid down maintained or used in pursuance of a licence granted by the Council under subsection (2) of section 16 (Powers as to moorings) of this Order a rate or charge not exceeding two pounds per annum.

25. The Council may confer vary or extinguish exemptions from Power to vary and compound with any person with respect to the payment of exemptions and rates or charges authorised by this Order but so that no preference compound for be in any case given to any person over any other person using rates. the harbour under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

26. The Council may (so far as the rates specified in the schedule Rates for to this Order do not extend) demand and recover such reasonable services and rates or other consideration as they may determine for the use accommodation of the works and any slipways warehouses sheds buildings yards not otherwise weighing-machines posts cranes buoys works and conveniences provided for. belonging to or provided by the Council or in respect of any services rendered by them in connection with the harbour.

27. The harbour-master may prevent the removal or sailing from Harbour master within the limits of the harbour of any vessel in respect of which may prevent or of the goods imported or exported therein any rates are payable sailing of vessel until evidence has been produced to him of the payment of those rates to the collector.

on  
ny  
ral  
ifty  
ting  
any  
heir  
and  
e or  
work  
shall  
pring  
itions  
and  
other  
y for  
hire  
itions  
All  
emed  
oneys  
into  
operly

Recovery of  
rates.

28. In addition to the remedy given by section 44 of the Harbours Clauses Act 1847 and whether the demand which may be made under that section has been made or not the Council may recover any rates rents and charges which by this Order they are authorised to demand and take as a debt in any court of competent jurisdiction.

Exemption of  
lifeboat crew.

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 all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the harbour.

Revision of  
rates.

30.—(1) If it is represented by application in writing to the Minister—

- (a) by any chamber of commerce or shipping or any representative body of yacht owners or yachtsmen or traders or shipowners; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the harbour and is a proper person to make an application; or
- (c) by the Council;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for an increase or decrease (as the case may be) of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Council where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Council or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Council being insufficient or more than sufficient to enable the Council with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including the rents and other sums of money payable under the deed of grant interest on loan capital (regard being had by him to any capital which the Council may reasonably be expected to expend) making good depreciation providing for any contributions which the Council may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses (if any) properly chargeable to revenue:

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

(6) The provisions of section 39 (Inquiries by Minister) of this Order shall apply to inquiries which the Minister may cause to be held under this section.

(7) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

#### FINANCIAL

31.—(1) Subject to the provisions of this section the Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 to borrow—

Power to borrow.

(a) without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of and incidental to this Order subject as provided in the deed of grant; and

(b) with the consent of the sanctioning authority such further sum or sums as may from time to time be required for any of the purposes of the undertaking;

and they shall repay all moneys so borrowed within such periods as the Council may determine not exceeding those mentioned in the next succeeding subsection.

(2) All moneys borrowed by the Council under this section shall be repaid within the respective periods following (that is to say):—

(a) As to the money borrowed for the purpose (a) mentioned in the preceding subsection within five years from the commencement of this Order; and

(b) As to money borrowed for the purposes (b) mentioned in the same subsection within such periods from the date or dates of borrowing the same as the sanctioning authority shall prescribe.

(3) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order shall extend and apply to the borrowing of money under this section as if it were borrowed under the said Part IX and the periods fixed by the Council under this section for the repayment of any moneys borrowed under this section shall as respects those moneys be the fixed periods for the purposes of the said Part IX.

(4) In the application of the provisions of Part IX of the Local Government Act 1933 to the borrowing of moneys for the purposes of this Order the Minister shall be the sanctioning authority.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of and incidental to this Order) otherwise than in accordance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Application of  
money  
borrowed.

32. The money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

Receipts and  
expenses.

33.—(1) Notwithstanding anything contained in any Act or Order all moneys received by the Council in connection with the undertaking whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all money received on account of the revenue of the undertaking; and

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs contingency or other similar fund in connection with the undertaking including any interest payable to any such fund in pursuance of section 8 of the Local Authorities Loans Act 1945;

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of the undertaking or in carrying into execution the powers and provisions of this Order (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

34.—(1) The Council shall keep separate accounts of the under- Accounts of taking so as to distinguish capital from revenue and as regards undertaking. revenue to show under a separate heading or division on the one side all receipts in respect of the undertaking (including the interest on any reserve fund which the Council may from time to time be authorised to set up when that fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show the amounts representing—

- (a) the rent and other sums of money payable under the deed of grant;
- (b) the working and establishment expenses and cost of maintenance of the undertaking;
- (c) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for those purposes under any enactment;
- (d) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (e) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (f) the amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (g) any money expended on any of the purposes mentioned in section 35 (Application of revenue of undertaking) of this Order.

(2) The Council shall show in their accounts relating to the undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

35.—(1) If in respect of any financial year the moneys received by the Council on account of the revenue of the undertaking (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of section 33 (Receipts and expenses) of this Order provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the last preceding section the Council may in Application of revenue of undertaking.



respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the Council.

(2) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking; or
- (c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Annual accounts  
to be sent to  
Minister.

36. The Council shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the undertaking.

#### BYELAWS

Byelaws.

37.—(1) The Council may from time to time make such byelaws as to them seem meet for all or any of the following purposes (namely):—

- (a) for the regulation of the mooring or anchoring and keeping of vessels and houseboats in the harbour;
- (b) for the regulation of the placing laying down maintaining using and having existing and future moorings in the harbour and for the prescription of patterns of moorings in the harbour;

- (c) for securing the good and orderly conduct of persons in charge of or using vessels in the harbour ;
- (d) for the prevention of nuisances and offences against decency in the harbour ;
- (e) for the regulation and control in the harbour of the navigation and speed of vessels mechanically propelled and the prevention of obstruction to vessels using the harbour.

(2) The byelaws which may from time to time be made by the Council in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 and by subsection (1) of this section may provide for the imposition of a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws.

(3) Notwithstanding the provisions of the Harbours Clauses Act 1847 relating to the procedure for the making and confirmation of byelaws by the Council the provisions of subsections (3) to (6) of section 250 of the Local Government Act 1933 shall apply to all byelaws to be made by the Council in respect of the undertaking and in the application of such last-mentioned provisions the Minister shall be the confirming authority.

38. The Council may appoint officers for securing the observance of the byelaws and regulations made by the Council under this Order in respect of the harbour.

Appointment of officers to enforce byelaws and regulations.

#### INQUIRIES

39. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Order and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiries as if they were an inquiry held in pursuance of subsection (1) of that section.

Inquiries by Minister.

#### LIFE-SAVING APPARATUS

40.—(1) The Council shall whenever required by the Minister provide at their own expense within the period specified by and to the satisfaction of the Minister a site in or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

Provisions for life-saving apparatus.

(2) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

41. 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 without payment attach or cause to be attached to any part of the harbour 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 harbour.

Life-saving apparatus may be attached to harbour.

Lifebuoys to  
be kept.

42. The Council shall at all times keep at convenient places in the harbour and in obedience to any requirements which may be made by the Minister lifebuoys and lifelines in good order and fit and ready for use.

#### WRECKS

Removal of  
sunk stranded  
or abandoned  
vessels.

43.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the harbour or in or near any approach thereto the Council may if they think fit cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Council may cause any such vessel and the furniture and tackle and apparel thereof or any part thereof respectively which shall be raised or salvaged and also all or any part of the cargo goods chattels and effects which may be raised or salvaged from any such vessel to be sold in any such manner as they may think fit and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of the sale in trust for the persons entitled thereto:

Provided that the Council shall before selling any such cargo goods chattels or effects as aforesaid pay all duties and purchase tax payable to Her Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties and purchase tax so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the aforesaid expenses and duties and purchase tax the Council may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the owner of any such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

(4) If on demand being made under this section for payment of any deficiency the owner of the vessel is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Minister who shall appoint an arbitrator to determine and award whether any and (if so) what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Minister that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The Council shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention

so to do and if within twelve hours after the expiration of such notice the owner gives to the Council notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Council:

Provided that if the owner gives any such notice as last aforesaid—

- (a) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Council for the purpose of preventing interference with navigation; and
- (b) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Council shall be at liberty to cause the vessel to be raised removed blown up or destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(6) The Council shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel or any part thereof or any part of the cargo goods chattels and effects thereof under the provisions of this section give to the owner seven days' notice of their intention so to do.

(7) Any notice given by the Council pursuant to subsection (5) or subsection (6) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Council then by exhibiting such notice at the office of the Council for twenty-four hours in the case of a notice given under the said subsection (5) or for seven days in the case of a notice given under the said subsection (6).

(8) In this and the following section the expression—

“owner” in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time of the sinking stranding or abandonment thereof;

“vessel” includes a seaplane and other aircraft.

(9) The Council shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying under the provisions of this section any vessel situate within one hundred and fifty yards of any submarine cable placed and maintained by the Postmaster-General in or across the harbour or the approaches thereof give to the Postmaster-General in writing as long notice as is practicable of their intention so to do.

(10) The powers conferred on the Council by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(11) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Council to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the Merchant Shipping Act 1894 and if the Council shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

(12) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Council except where such consent is given as is provided for in the next succeeding section of this Order and the vessel was not such a vessel as aforesaid at any such time as is mentioned in subsection (8) of this section.

As to vessels  
in which the  
Crown have an  
interest.

44.—(1) The Council shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Order or by any other enactment give to the Admiralty and to the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives to the Council—

- (a) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Council should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed; or
- (b) a notice that the exercise by the Council of the rights of recovery conferred by subsection (2) of the last preceding section of this Order would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expense incurred by the Council;

the Council shall not without the consent in writing of the authority by whom the certificate was issued or the notice given take possession of raise remove blow up or destroy such vessel:

Provided that in any case which in their opinion is a case of emergency the Council may take possession of raise remove blow up or destroy any vessel without giving notice of their intention

he  
ve  
ng  
ct  
of  
cil  
ck  
on  
ise  
of  
ice  
id

so to do to the Admiralty or to the Minister and in that event the Council shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Council shall mark light watch buoy control or give warning to shipping of the presence of any vessel in respect of which the Admiralty or the Minister have refused their consent under subsection (1) of this section the Council shall not be entitled to recover the expenses of so doing from the owner of the vessel.

LIGHTS

at  
fer  
fit  
on  
le  
rer  
in-  
is  
is

45.—(1) After the completion or the permanent discontinuance or abandonment of the pier the Council shall at or near the eastern extremity of the pier exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent lights on works.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

ing  
or  
der  
the  
hin  
or

46.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Council shall lay down such buoys exhibit such lights or take such other means for preventing so 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.

Provision against danger to navigation.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

ned  
rise  
rse  
nal  
the  
own

MISCELLANEOUS

of  
ling  
able  
or  
for  
by

47. Section 52 of the Harbours Clauses Act 1847 in its application to the Council and the harbour master shall extend to empower the harbour-master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour.

Directions of harbour-master.

riority  
sion

48. The Council may from time to time pay or contribute towards the cost of advertising by means of handbooks leaflets posters advertisements in newspapers or otherwise the harbour the tides tolls depth of harbour and boat and other services connected with the undertaking and the facilities provided or available in or in connection with the harbour.

Power to advertise harbour.

of  
slow  
tion

Cables pipes or wires under or across tidal waters.

49. Notwithstanding anything in this Order any cables pipes or wires to be laid or placed under the powers of this Order by the Council on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Minister may require.

Meters and weighers.

50. The Council shall have the appointment of meters and weighers within the limits of the harbour.

Recovery of penalties.

51.—(1) All penalties and forfeitures recoverable under this Order or under any byelaw made in pursuance of section 37 (Byelaws) of this Order or of section 83 of the Harbours Clauses Act 1847 may be recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

Officers exempt from rates.

52. Officers of the Ministry of Transport and Civil Aviation British Sea-Fishery Officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

Local lighthouse authority.

53. The Council shall within the limits of the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

For protection of owners and lessee at East Portlemouth and South Pool.

54. For the protection of the owners and subject as hereinafter provided the lessee respectively of the lands situate at East Portlemouth and South Pool in the rural district of Kingsbridge hereinafter described the following provisions notwithstanding anything in this Order or in any Act incorporated therewith shall unless in any case it is otherwise agreed between an owner and the Council apply and have effect (that is to say):—

(1) In this section—

“the East Portlemouth foreshore” means so much of the foreshore on the eastern side of the harbour in the parish of East Portlemouth as is shown coloured pink on the signed plan;

“owner” means and includes any freeholder joint tenant lessee or tenant for the time being of any part of the East Portlemouth foreshore and during the protected period any lessee or tenant for the time being of the South Pool foreshore;

“the protected period” means the period up to the twenty-fifth day of March one thousand nine hundred and fifty-nine and during any extension or renewal of the existing lease of the South Pool foreshore up to but not beyond the twenty-fifth day of March one thousand nine hundred and eighty;

“the signed plan” means the plan signed in duplicate by Kenneth Smith Hunt on behalf of the Council and by Messrs. Markby Stewart and Wadesons on behalf of the

. 2

or  
the  
ow  
at  
dal

and

nder  
s) of  
may

be  
rable

iation  
ution  
egress

local  
pping

inafter  
t East  
bridge  
g any-  
h shall  
and the

he fore-  
arish of  
e signed

nt lessee  
the East  
d period  
uth Pool

venty-fifth  
-nine and  
; lease of  
e twenty-  
d eighty ;  
uplicate by  
il and by  
alf of the

owners one copy of which has been deposited at the Council Offices Salcombe and the other copy has been deposited at the offices of Messrs. Markby Stewart and Wadesons No. 5 Bishopsgate in the City of London ;

" the South Pool foreshore " means so much of the foreshore on the northern side of Waterhead Creek and on the southern side of South Pool Creek as is shown coloured green on the signed plan.

(2) Subject as hereinafter provided the Council shall not construct any work building or structure or lay or place moorings buoys or like apparatus or conveniences or vessels on or do any act or thing so as to obstruct access by water to the East Portsmouth foreshore and during the protected period on or to the South Pool foreshore :

Provided that nothing contained in this subsection shall prejudice or affect the powers of the Council under section 43 (Removal of sunk stranded or abandoned vessels) of this Order on the East Portsmouth foreshore and the South Pool foreshore.

(3) Nothing contained in this Order or in any byelaw made thereunder or in any Act incorporated therewith shall prevent an owner for his own purposes or (so long as no charge is made therefor) for those of any other person with his permission from anchoring vessels or laying placing or retaining mooring tackle and buoys or mooring vessels thereto on his part of the East Portsmouth foreshore or in the case of the South Pool foreshore during the protected period on any part of that foreshore so long as in either case such vessels and moorings do not interfere with rights of navigation :

Provided that nothing contained in this subsection shall relieve an owner from any obligation to conform with any direction of the harbour-master or to comply with any byelaw made under this Order or under any Act incorporated therewith so far as such direction or byelaw (as the case may be) is not inconsistent with the exemption afforded by this section.

(4) If any difference shall arise between an owner and the Council under this section such difference shall be referred to and determined by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Royal Institution of Chartered Surveyors and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such reference.

(5) Nothing in this section shall be held to recognise or confirm any right title or claim of an owner or of any other body or person to any foreshore but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

55. Except as provided in the deed of grant nothing contained in this Order shall extend to authorise the Council to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke

Saving the rights of the Duchy of Cornwall.



of Cornwall for the time being without (in the case of land soil water property rights privileges or authorities belonging to or enjoyed by Her Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or (in the case of land soil water property rights privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Saving for town  
and country  
planning.

56. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for Sea  
Fish Industry  
Act 1951.

57. This Order shall be deemed to be an enactment passed before the passing of the Sea Fish Industry Act 1951 for the purposes of section 21 (Fishery harbours) of that Act.

Costs of Order.

58. All costs charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto as taxed by the proper officer shall without prejudice to the provisions of the deed of grant as to the ultimate liability for such costs charges and expenses be paid by the Council.