

*For Circulation amongst Harbour Authorities and other Persons interested in Works situate on Tidal Lands.*

MEMORANDUM.

"General Pier and Harbour Act, 1861."

"General Pier and Harbour Act, 1861, Amendment Act."

"Harbours Transfer Act, 1862."

"Railways Clauses Act, 1863."

THE attention of Promoters of Harbour Works, as well as of Parties objecting to such Works, is especially directed to the Enactments and Regulations relating to PROVISIONAL ORDERS. (See Part III.)

I.—NOTICES OF WORKS TO BE CONSTRUCTED IN TIDAL WATERS.

46 Geo. III., c. 153, s. 1. *By an Act for the Preservation of the Public Harbours of the United Kingdom, 1806, it is provided as follows, viz. :—*

'From and after the passing of this Act, it shall not be lawful for any Person or Persons to make, construct, or erect any Pier, Quay, Wharf, Jetty, Breast, or Embankment in or adjoining to any public Harbour in the United Kingdom, or any River immediately communicating therewith, so far as the Tide flows up the same, without giving at least One Month's previous Notice of his, her, or their Intention so to do to the Secretary of the Admiralty, who is to lay the same before the Lord High Admiral or Lords Commissioners of the Admiralty for the Time being.'

25 & 26 Vict. c. 69, s. 15. *By the Harbours Transfer Act, 1862, it is provided as follows, viz. :—*

'From and after the thirty-first day of December, one thousand eight hundred and sixty-two, the Act of the forty-sixth year of King George the Third (Chapter one hundred and fifty-three) 'For the Preservation of the Public Harbours of the United Kingdom' shall be read as if the Board of Trade were therein named instead of the Admiralty.'

All Notices therefore which have hitherto been deposited at the Admiralty under 46 Geo. III., c. 153, must after the 31st December 1862 be deposited at the Board of Trade.

II.—BILLS IN PARLIAMENT AFFECTING HARBOURS, TIDAL WATERS, OR NAVIGATION.

*The Standing Orders of the House of Commons, No. 32, and the Standing Orders of the House of Lords, No. 182, Clause Three, contain the following Requirements, viz. :—*

'In Cases where the Work shall be situate on Tidal Lands within the ordinary Spring Tides, a copy of the Plans and Sections shall, on or before the thirtieth day of November, be deposited at the Offices of the Board of Admiralty and of the Board of Trade.'

*The Standing Orders of the House of Commons, No. 39, contain the following Requirements, viz. :—*

'On or before the twenty-third of December, a printed copy of every Bill relating to any Dock,

'Harbour, Navigation Pier or Port, shall be deposited in the Office of the Board of Admiralty and in the Office of the Board of Trade.'

*By the Preliminary Inquiries Act, 1851, it is provided as follows, viz. :—*

'Whenever Application shall be made to Parliament for a Bill whereby Power is sought to construct any Works on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, or to construct any Bridge, Viaduct, or other Work, across any Creek, Bay, Arm of the Sea, or navigable River, or to construct any Work affecting the Navigation of any Harbour, Port, Tidal Water, or navigable River, it shall be lawful for the Lord High Admiral, or for the Lords Commissioners for executing the Office of Lord High Admiral, to require the Promoters of such Bill to deposit at the Office of the Admiralty, in addition to the Plans, Sections, or other Documents which may have been deposited at such Office, in compliance with the Standing Orders of either House of Parliament, all such Statements and other Documents as the said Lord High Admiral or Lords Commissioners shall deem necessary to explain the Objects of the intended Application to Parliament, and the proposed Interference with such Tidal Lands or Navigation, as the Case may be.'

14 & 15 Vict. c. 49, s. 2.

*By the Harbours Transfer Act, 1862, it is provided as follows, viz. :—*

25 & 26 Vict. c. 69, s. 3.

'Whenever after the end of the present Session of Parliament Application is made to Parliament for any such Bill as is described in 'The Preliminary Inquiries Act, 1851,' the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.'

The Documents heretofore required by the Admiralty under the Preliminary Inquiries Act, in addition to those required by the Standing Orders, must, therefore, in the case of Bills of the coming and future Sessions, be deposited with the Board of Trade instead of with the Admiralty.

These Documents consist of an Ordnance Map, or a Chart of the Locality, with the exact Site and Extent of the proposed Works laid down thereon.

*By the Railways Clauses Act, 1863, which will, like the original Railways Clauses Consolidation Act, 1845, be incorporated with future private Acts, it is provided as follows, viz. :—*

26 & 27 Vict. c. 92.

*Protection of Navigation.*

Sect. 13.—'Where the Company is authorized by the Special Act to construct, alter, or extend any Work on, in, over, through, or across Tidal Lands or a Tidal Water, the Company shall, on or near the Work, during the whole Time of the constructing, altering, or extending thereof, exhibit and keep burning at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) as the Board of Trade from time to time requires or approves; and (notwithstanding the Enactments for the time being in force respecting Lighthouses) shall also on or near the Work, when completed, always maintain, exhibit, and keep burning, at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) for the Guidance of Ships as the Board of Trade from time to time requires or approves.'