

THE HARBOURS TRANSFER ACT, 1862.

Whitehall, 28th April, 1863.

THE Lords Commissioners of the Admiralty, having given to the Board of Trade the following notice, do now publish the same, and all persons concerned are hereby informed that the harbours, ports, bays, estuaries, or navigable rivers to which the said notice relates, or the parts thereof therein specified, will entirely be and remain, as if the Harbours Transfer Act, 1862, so far as relates to section 8 thereof had not been passed.

By Command of their Lordships,

C. PAGET.

In the Matter of the Harbours Transfer Act, 1862, and of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, Arsenals, or Naval Stations of Portsmouth, Portland, Plymouth, Pembroke and Milford Haven, Woolwich, Chatham and Sheerness, Deptford, Dover, Greenhithe, and Falmouth.

To the Lords of the Committee of Her Majesty's Most Honourable Privy Council, appointed for the consideration of Matters relating to Trade and Foreign Plantations.

25 & 26 Vic., c. 69.

Whereas the above-mentioned Act of Parliament was passed in the session of the 25th and 26th years of Her Majesty;

And whereas it was by the said Act enacted in section two, that in that Act the term "the Admiralty" should be taken to mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the Office of Lord High Admiral; and that when the said term was used in reference to any other Act, it should be taken to comprise any term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners; and that the term "the Board of Trade" should be taken to mean the Lords of the Committee of Privy Council for the time being, appointed for the consideration of Matters relating to Trade and Foreign Plantations;

And whereas it was by the said Act further enacted, in section eight, that where any special or local, or local and personal Act, or Act of a local or local and personal nature, then already passed, or to be passed before the end of the then present session of Parliament,—

(1.) Authorising or regulating the construction of a railway, or the execution of any work whatever, situate on or affecting tidal lands or the shore of the sea, or of any navigable river where, and so far up the same as, the tide flows and reflows; or,

(2.) Authorising or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any company, body corporate, commissioners, trustees, undertakers, persons, or person; or,

(3.) Constituting or altering or regulating the constitution of any harbour or conservancy authority; or,

(4.) Altering or regulating the powers or duties of any harbour or conservancy authority, contains, either expressly or by incorporation or reference, or otherwise, any provision for any of the purposes following:—

For preventing the construction or execution of any work or the doing of anything without the consent or approval of the Admiralty, or for authorising or requiring any work to be constructed, executed, or maintained, or anything to be done with the consent or on the requisition or to the satisfaction of the Admiralty;

For empowering the Admiralty to exercise any authority concerning life boats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers;

For empowering the Admiralty to make a local survey or examination at the expense of any company, body, or persons;

For empowering the Admiralty, in case of any work being abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any work, or any part of it, or restore the site thereof to its former condition at the like expense;

For empowering the Admiralty to exercise any authority concerning lights to be maintained at night during the construction or execution of any work;

For empowering the Admiralty, or the First Lord of the Admiralty, to nominate or appoint a member or members of any board, or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority;

For empowering the Admiralty to determine any dispute or difference between or among any bodies or persons;

For empowering the Admiralty, or the First Lord of the Admiralty, to nominate or appoint any arbitrator, referee, or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act, or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or power over or in relation to any harbour authority, or any other provision in anywise relating to conservancy, or authorising or requiring any act or thing concerning harbours or navigation, or conservancy, to be done by or in relation to the Admiralty.

Then, from and after the 31st day of December, 1862, such Acts and all enactments relative thereto should be read and construed, as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

And whereas in the same Act, was contained a proviso forming Section nine, whereby it was provided that where it appeared to the Admiralty that the interests of Her Majesty's Naval Service required that the whole, or any part of any harbour, port, bay, estuary, or navigable river, in, on, or adjoining to which there was, or should be any of Her Majesty's dock-yards, victualling-yards, steam factory yards, arsenals, or naval stations, should be excepted either entirely, or in some respects out of the operation of the therein last foregoing section, meaning the said Section eight, the Admiralty might give notice in writing to the Board of Trade, that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as should be in the notice specified, was to be deemed so excepted, either entirely or in the respects therein mentioned. And that every such notice should be published by the Admiralty in the London, Edinburgh, or Dublin Gazette (according as the place affected might be in England, Scotland, or Ireland), and that thereupon the harbour, port, bay, estuary, or navigable river, to which such notice should relate, or the part thereof therein specified should either entirely, or in the respects therein mentioned, as the case might require, be and remain as if that Act had not been passed;

And whereas certain of Her Majesty's dock-yards, victualling-yards, steam factory yards, arsenals, or Naval stations specified in column 1 of