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APPENDIX 7

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Elgin and Lossiemouth.

For every vessel laid up in the harbour (including any hull lying in the harbour for the purpose of being repaired completed or engined) for consecutive periods of seven days :—

	£	s.	d.
For each seven days or part thereof - - -	0	5	0
For separate periods under seven days 1s. per day maximum - - - - - - -	0	5	0

In the event of any boat or fishing vessel not paying composition dues remaining in the harbour more than forty-eight hours the above rates shall be payable for each twenty-four hours or part thereof after the first forty-eight hours.

The seasons above mentioned are :—

From 1st March to 1st June.
From 1st June to 1st September.
From 1st September to 1st December.
From 1st December to 1st March.

Southwold.

SOUTHWOLD HARBOUR.

Provisional Order to make further provision with respect to the Harbour of Southwold in the County of Suffolk and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Southwold Harbour Order 1933.

Commencement.

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.—(1) In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires—

"authorised rates" means the charges dues rates or tolls which the Corporation are for the time being authorised to levy demand and recover in pursuance of this Order and "authorised rate" means any one of the said charges dues rates or tolls;

"the borough" means the borough of Southwold;

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"the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"the conveyance" means the conveyance dated the seventh day of September one thousand nine hundred and thirty-one which is confirmed by this Order;

"the Corporation" means the mayor aldermen and burgesses of the borough of Southwold;

"the harbour" means Southwold harbour in the county of Suffolk as comprised within the limits of this Order;

"the Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"the harbour revenue" means and includes the charges dues rates tolls and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of this Order;

"the harbour undertaking" means and includes as the case may require the harbour the lands property and conveniences held therewith the right to levy charges dues rates and tolls and all other powers rights authorities and privileges relating thereto conferred on or vested in the Corporation by this Order;

"the Order of 1898" means the Southwold Harbour Order 1898;

"the Order of 1907" means the Southwold Harbour Order 1907;

"the town clerk" means the town clerk of the borough.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "Packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

UNDERTAKERS.

Undertakers.

4. The Corporation shall be the undertakers for carrying this Order into execution.

Incorporation of Lands Clauses Acts.

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

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undertaking) are incorporated with this Order except as expressly varied thereby.

(2) For the purposes of the incorporation of the said Acts and of the Harbours Clauses Act 1847 the expression "the special Act" in those Acts shall mean this Order.

ACQUISITION OF HARBOUR AND UNDERTAKING BY CORPORATION.

Acquisition of harbour and undertaking by Corporation.

6.—(1) The conveyance (a copy of which is set forth in the First Schedule to this Order) is hereby confirmed and made binding on the parties thereto respectively.

(2) Subject to the provisions of the section of this Order of which the marginal note is "Crown rights" the harbour and the harbour undertaking are hereby vested in and may be maintained and carried on by the Corporation.

Harbour committee.

7. The Corporation may at any time and from time to time by resolution appoint as members of any committee appointed by the Corporation for the management of the harbour and for such period as the Corporation may determine any number of persons not being members of the Council being persons of experience in or having a special knowledge of the harbour undertaking or being payers of harbour rates and any such person may be at any time removed by the Corporation from such committee and subject as aforesaid the provisions of section 22 of the Municipal Corporations Act 1882 shall apply to any such committee as is referred to in this section.

ACQUISITION OF LANDS.

Power to take lands by agreement.

8. The Corporation may for the purposes of the harbour undertaking by agreement purchase or take on lease (in addition to any lands now forming any part of the harbour undertaking) any interest in the foreshore and any lands or buildings which the Corporation may deem requisite or convenient not exceeding in the whole fifty acres but with respect to such additional lands nothing in this Order or in the Acts incorporated therewith shall exempt the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon.

Power to grant easements &c.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may subject to the provisions of those Acts and of this Order grant to the Corporation for the purposes of this Order any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf

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(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "commissioners" shall mean the Corporation and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Reserve fund.

38. The Corporation may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of five thousand pounds or such larger sum as the Minister of Transport may from time to time sanction which fund shall be applicable to answer any deficiency at any time happening in the income of the undertakers or to meet any extraordinary claim or demand in respect of the harbour undertaking or for payment of the cost of renewing any part of that undertaking or for extending and improving any works for the purpose of that undertaking appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Corporation) until required for any of the purposes aforesaid.

Application of harbour revenue.

39. The Corporation shall apply the harbour revenue including the interest on the reserve fund when that fund amounts to the maximum prescribed in the order following and not otherwise:—

(1) in payment of the costs of and connected with the preparation and making of this Order except in so far as they may be provided for out of money borrowed by the Corporation for the purpose under this Order;

(2) in payment of the expense properly chargeable to revenue of the maintenance repair and management of the harbour undertaking and all conveniences connected therewith;

(3) in payment year by year of the interest accruing on money borrowed under this Order;

(4) in payment of the instalments as they become due in discharge of any moneys so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order;

(5) in extending and improving (if the Corporation think fit) the harbour undertaking;

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(6) in making such payments (if any) as the Corporation think fit into a reserve fund established under the provisions of this Order;

(7) in repayment to the general rate fund of all moneys paid thereout for the purposes of the harbour undertaking; and

(8) in reduction of any principal moneys borrowed under this Order.

Making up deficiencies in harbour revenue.

40. If the harbour revenue shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Corporation with respect to the harbour undertaking the Corporation shall include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general rate.

Separate harbour accounts.

41. The Corporation shall keep the accounts in respect of the harbour undertaking separate from all their other accounts distinguishing therein capital from revenue.

Mode of payment off of money borrowed.

42. The Corporation shall pay off all money borrowed by them under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing or when the money is repayable by half-yearly instalments within six months.

Power to re-borrow.

43.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying