CAP. LVI.

An Act to make further Provision for Improvements in the Harbours of the *Isle of Man*. [6th *August* 1860.]

16 & 17 Vict. c. 107.

'WHEREAS by "The Customs Consolidation Act, 1853," Section Three hundred and fifty-four, it is provided, that the annual Sum of Two thousand three hundred Pounds, made payable by an Act passed in the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Ninety-four, Section Twenty-five, to Her Majesty's Receiver General in the *Isle of Man*, and to be applied for the lawful Purposes of the Harbour Commissioners therein mentioned, shall be retained and paid by the Collector of Customs of the said Isle out of the Duties collected in the said Isle, as therein-before provided; and by Section Three hundred and fifty-five of the said Customs Consolidation Act it is provided that, in addition to the Deductions from the Customs Duties therein-before provided for, there shall be set aside annually a Sum equal to One Ninth Part of the Amount derived from such Duties, to be applied by the Commissioners of the Treasury in effecting Improvements in the Harbours and other Public Works in the *Isle of Man*, the necessary Repairs and Improvements in the Harbours taking Priority to other Public Works; and that it shall be lawful for the Court of Tynwald from Time to Time to determine what Improvements and Public Works shall be so undertaken, the Lieutenant Governor having a Veto upon such Decision: And whereas under an Act of the Session holden in the

3 & 4 Vict. c. 63.

Third and Fourth Years of Her Majesty, Chapter Sixty-three, the said Harbour Commissioners are empowered, with the Consent of the Commissioners of Her Majesty's Treasury, to borrow from the Commissioners acting in the Execution of the Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four, Money for the Improvement of the Harbours of the said Isle, on the Security of certain Duties therein mentioned and since repealed, and the said annual Sum of Two thousand three hundred Pounds is now applicable to the same Purposes to which the said repealed Duties would be lawfully applicable: And whereas for expediting Improvements in the said Harbours it is expedient that further Power should be given to raise Money on the Security of the said annual Sum of Two thousand three hundred Pounds, and that Power should be given to raise Money on the Security of the Sums annually applicable to Improvements under Section Three hundred and fifty-five of the said Customs Consolidation Act:' 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:

Power to Harbour Commissioners of Isle of Man to borrow Money for effecting Improvements in Harbours.

I. It shall be lawful for the said Harbour Commissioners or the major Part of them (of whom Her Majesty's Receiver General in the *Isle of Man*, or his Deputy for the Time being, shall be one), from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow, of or from any Commissioners, Body, or Person willing to advance the same, on the Security of the said annual Sum of Two thousand three hundred Pounds, to be applied under the said Section Three hundred and fifty-four, and the Sums to be set aside annually for effecting Improvements under Section Three hundred and fifty-five of the said Customs Consolidation Act, 1853, or on the annual Sums so to be applied or set aside under either of such Sections, such Sum or Sums of Money as such Harbour Commissioners or the major Part of them (of whom the said Receiver General or his said Deputy shall be one), with such Approbation as aforesaid, may deem necessary, for the Purpose of effecting Improvements in the said Harbours, and by any Deed or Deeds under the Hands and Seals of the said Harbour Commissioners, or such Majority of them as aforesaid, to charge the said annual Sums on the Security whereof any such Money as aforesaid may be borrowed with the Repayment of the Principal Money and Interest, according to the Terms agreed on with any Commissioners or other Body or Person by whom the respective Advance may be made, without Prejudice, so far as respects the said annual Sum of Two thousand three hundred Pounds, to any Security given to the Commissioners acting in execution of the said Act of the Fifty-seventh Year of King *George* the Third, and not then discharged.

II. The

Power to Public Works Loan Commissioners acting under 57 G. 3. c. 34. to lend Money notwithstanding anything in 16 & 17 Vict. c. 40.

II. The Commissioners acting in execution of the said Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four, and in the Execution of any Act or Acts for amending or continuing the same, may make Advances, or further Advances upon the Security of the said annual Sum of Two thousand three hundred Pounds, and of the Sums to be set aside annually under the said Section Three hundred and fifty-five of the said Customs Consolidation Act, or of either of the said annual Sums, and upon such Terms, as to the Time and Mode of Repayment and otherwise, as the Commissioners of Her Majesty's Treasury may approve, anything in an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Forty, notwithstanding.

Power to Treasury to give Directions for giving Effect to the Security, &c.

III. The Commissioners of Her Majesty's Treasury may declare what shall be a sufficient Discharge to the Commissioners or other Bodies or Persons advancing such Money in respect of the Advances made by them, and shall also give such Directions as may appear to them proper for securing the due Repayment, out of the annual Sums on the Security of which any Money may be borrowed under this Act, of the Money so borrowed, with the Interest thereof.

Securities not to be affected by certain Informalities.

IV. Any Security purporting to be executed by the said Harbour Commissioners or by such Majority of them as aforesaid, and which shall be approved by the Commissioners of Her Majesty's Treasury, shall not be impeachable on account of any Informality in the Election or Appointment of such Harbour Commissioners or of any of them, or on account of any Deficiency in Number of the general Body of such Commissioners for the Time being.

Application of Money borrowed on Sums applicable under Sect. 355 of 16 & 17 Vict. c. 107.

V. All Money which may be borrowed on the Security of the Sums to be annually set aside under Section Three hundred and fifty-five of the said Customs Consolidation Act shall be applied to such Improvements and Works only as the Court of Tynwald shall have determined to be undertaken; and the Commissioners of Her Majesty's Treasury may give such Directions as they may think fit for securing the Application of such Money accordingly, and generally for securing the due Application of the Money to be borrowed under this Act.

Consent of Admiralty to be signified before Works are commenced.

VI. No Work which may be determined to be undertaken by the Court of Tynwald shall be commenced or be constructed below High-water Mark at ordinary Spring Tides, nor shall any Works other than those of maintaining, repairing, and cleansing in any Harbour, or on the Shores of the *Isle of Man*, be commenced or be constructed by any Commissioners or Person whomsoever below such High-water Mark without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Court of Tynwald or any Commissioners or Person at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval, and if any such Work shall be commenced or completed or be altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former condition.

Power to Admiralty to remove abandoned Works.

VII. If any Work be constructed in any Harbour, or on the Shores of the *Isle of Man*, under, over, through, or across any Tidal Water, which affects or may affect any such Water or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition.