CHAPTER ii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Harbour. A.D. 1924.

[21st February 1924.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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 Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Aberdeen Harbour Order Confirmation Act 1924. Short title.

[*Price 6d. Net.*]

A.D. 1924.

SCHEDULE.

ABERDEEN HARBOUR.

Provisional Order to confer further powers upon the Aberdeen Harbour Commissioners.

WHEREAS by the Aberdeen Harbour Act 1895 (hereinafter called "the Act of 1895") the Acts then in force relating to the harbour of Aberdeen (hereinafter called "the former Acts") were repealed amended and consolidated and further powers were conferred on the Aberdeen Harbour Commissioners (hereinafter called "the Commissioners"):

And whereas the Commissioners were authorised by the Act of 1895 to borrow for the purposes of their undertaking any sums of money which with the sums previously borrowed in virtue of the former Acts and remaining due at the commencement of the Act of 1895 should not exceed the sum of five hundred and thirty-five thousand pounds:

And whereas by the Aberdeen Harbour Act 1899 (hereinafter called "the Act of 1899") the Commissioners were authorised to borrow for the purposes of their undertaking the further sum of two hundred thousand pounds:

And whereas by the Aberdeen Harbour Order 1907 (hereinafter called "the Order of 1907") the Commissioners were authorised to borrow for the purposes of their undertaking the further sum of three hundred thousand pounds:

And whereas the indebtedness of the Commissioners for borrowed money at the passing of the Act of 1895 was four hundred and thirty-three thousand six hundred and thirty-five pounds or thereabouts and they have since borrowed five hundred and fifty-three thousand and eighty-three pounds or thereabouts of which two hundred and fifteen thousand seven hundred and ninety-five pounds or thereabouts have since been repaid and

there was owing by them at the thirtieth day of September one thousand nine hundred and twenty-two the sum of seven hundred and seventy thousand nine hundred and twenty-three pounds or thereabouts : A.D. 1924.

And whereas the borrowing powers of the Commissioners have been reduced by the sum of ten thousand five hundred and twenty pounds or thereabouts being the price of land sold by the Commissioners :

And whereas the unexhausted borrowing powers of the Commissioners amount to thirty-seven thousand seven hundred and sixty pounds or thereabouts :

And whereas a sum of one million nine hundred and ten thousand four hundred and seven pounds or thereabouts has been expended from time to time on capital account for the purposes of the harbour undertaking whereof one million and ninety-eight thousand six hundred and twenty-four pounds or thereabouts have been expended out of moneys borrowed from time to time under the authority of the former Acts and the Acts of 1895 and 1899 and the Order of 1907 and eight hundred and eleven thousand seven hundred and eighty-three pounds or thereabouts have been expended from time to time out of the surplus revenues of the harbour undertaking :

And whereas the Commissioners were authorised by the Act of 1895 to effect improvements and to execute additional works for the benefit of the trade and shipping at the harbour :

And whereas the Commissioners have constructed and are in course of constructing certain of the works authorised by the Act of 1895 whereby the harbour will be further improved and the trade and revenue thereof increased :

And whereas the Commissioners have since the passing of the Act of 1899 spent under the powers of section 61 (Lands may be taken by agreement) of the Act of 1895 and under section 6 (Power to take land) of the Aberdeen Harbour Order 1909 (hereinafter called "the Order of 1909") a large sum of money in the purchase of additional land adjacent to the harbour with a view to the future extension of the harbour :

And whereas by the Aberdeen Harbour Order 1920 the provisions of the Aberdeen Harbour Acts 1895 to

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1909 were extended and are together with the provisions of that Order to remain in force till the first day of October one thousand nine hundred and thirty-five:

And whereas a sum exceeding the unexhausted borrowing powers of the Commissioners will be required for the completion and construction of certain of the works for which the Commissioners were authorised to borrow by the Acts of 1895 and 1899 and the Order of 1907:

And whereas the harbour will be further improved and the trade and revenue thereof increased by the execution of other works authorised by the Act of 1895:

And whereas the revenue of the harbour undertaking (excluding the years during and immediately after the war) after providing for interest on borrowed money sinking fund and all other charges shows a free annual surplus from year to year:

And whereas it is expedient to authorise the Commissioners to borrow further moneys for the purpose of completing the before-mentioned works and executing other works authorised by the Act of 1895 for the improvement of the harbour:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and citations.

1. This Order may be cited as the Aberdeen Harbour Order 1924 This Order and the Aberdeen Harbour Acts 1895 to 1920 may be cited together as the Aberdeen Harbour Acts 1895 to 1924.

Power to borrow.

2.—(1) Subject to the provisions of this Order the Commissioners may borrow at interest on the credit of the rates authorised by the Act of 1895 and the Order of 1909 and the other revenues of the Commissioners any sum or sums not exceeding in the whole six hundred thousand pounds in addition to the sums authorised to be borrowed by the former Acts the Act of 1895 the Act of 1899 and the Order of 1907.

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(2) Section 149 (Borrowing powers of the Commissioners) of the Act of 1895 as amended by section 2 (Power to borrow) of the Act of 1899 and section 2 (Power to borrow) of the Order of 1907 shall be so read and construed as if the sum of one million six hundred and thirty-five thousand pounds were mentioned in the said section of the Act of 1895 as so amended instead of the sum of one million and thirty-five thousand pounds and all the provisions of the Act of 1895 with regard to borrowing powers debenture stock and sinking fund shall (so far as consistent with the provisions of this Order) apply to the moneys borrowed under the authority of this Order as if such moneys formed part of the moneys authorised to be borrowed by the Act of 1895.

Application of moneys borrowed.

3. The moneys borrowed by the Commissioners under the authority of this Order shall be applied in and towards the general purposes of the harbour undertaking to which capital is properly applicable and in and towards defraying the cost of the completion of the works specified in section 3 (Application of moneys borrowed) of the Act of 1899 and section 3 (Application of moneys borrowed) of the Order of 1907 or some of them and of the execution of the works hereinafter specified authorised by section 59 (Power to construct maintain and improve harbour and works and lease and dispose of lands) of the Act of 1895 or some of them and of the provision of dredging and other plant authorised by section 65 (Power to provide dredgers and other plant) of the last-mentioned Act (that is to say):—

(*a*) Dredging plant;
(*b*) Deepening the harbour;
(*c*) Strengthening of wharf at Pocra Quay;
(*d*) Erection of cattle sheds;
(*e*) Removal of graving dock and construction of quay in its place;
(*f*) Construction of quay at south side of Matthews' Quay;
(*g*) Construction of protection jetties in Albert Basin;
(*h*) Reconstruction of wharves at Albert Quay;
(*i*) Widening and reconstruction of fish market wharves;
(*j*) Widening of Upper Quay Trinity Quay Regent Quay and Waterloo Quay;

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(*k*) Erection of goods sheds on Trinity Quay Regent Quay and Waterloo Quay;
(*l*) Extension of wharf at Mearns' Quay;
(*m*) Reconstruction and extension of harbour rails;
(*n*) Provision of cargo handling and bunkering appliances;
(*o*) New swing bridges at the dock gates;

and relative works.

Priorities of bonds.

4. All bonds and assignations in security granted by the Commissioners in virtue of the former Acts the Act of 1895 the Act of 1899 and the Order of 1907 shall during the subsistence of any debt under such bonds and assignations in security have to the extent of such debt their existing priorities over each other and priority over any bonds and assignations in security to be granted under the powers of this Order and on the expiration of the periods for which the bonds and assignations in security issued under authority of the former Acts the Act of 1895 the Act of 1899 and the Order of 1907 were granted or have been renewed the Commissioners may renew the same with the like priorities for such periods and at such rate of interest as they may think fit or they may pay off the moneys therein and reborrow them under new bonds and assignations in security but subject to the condition that in the event of such moneys being so reborrowed the priority of such moneys or any part of the same shall be deemed to have ceased and such new bonds and assignations in security shall thereafter rank pari passu with the bonds and assignations in security to be issued under and in virtue of this Order and with the debenture stock to be issued under and in virtue of the Act of 1895 the Act of 1899 the Order of 1907 and this Order.

Expenses of Order.

5. All costs charges and expenses of and incidental to the preparing for obtaining passing and confirming of this Order or otherwise in relation thereto shall be paid by the Commissioners from and out of the revenues of their undertaking.

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