CHAPTER xxxiii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to the British Transport Commission.

[27th July, 1961.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act, 1936, and it is requisite that the said Order should be confirmed by Parliament:

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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the British Transport Commission (No. 2) Order Confirmation Act, 1961. Short title.

SCHEDULE

BRITISH TRANSPORT COMMISSION (No. 2)

Provisional Order to authorise the closing and abandonment by the British Transport Commission of the port and harbour of Alloa.

Whereas by the Transport Act, 1947, the British Transport Commission (hereinafter referred to as "the Commission") were established:

And whereas it is the general duty of the Commission under the Transport Act, 1947, as amended by the Transport Act, 1953 (inter alia), to provide, to such extent as may appear to the Commission to be expedient, port facilities in such places as may appear to them to be expedient, being places in which they were providing port facilities on the first day of July, nineteen hundred and fifty-two, due regard being had as respects all such facilities, to efficiency, economy and safety of operation and to the needs of the public and of agriculture, commerce and industry:

And whereas the Commission are the owners of the port and harbour of Alloa:

And whereas the said port and harbour has for several years past been very little used and the traffic thereat has now virtually ceased and it is expedient that the Commission should be relieved of their obligations to keep the same open for public traffic:

And whereas the purpose aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

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

Short and collective titles.

1. This Order may be cited as the British Transport Commission (No. 2) Order, 1961, and shall be included among the Orders which may be cited together as the British Transport Commission Orders, 1948 to 1961.

Interpretation.

2. In this Order—

"the Commission" means the British Transport Commission;

"the harbour" means the port and harbour of Alloa and the works and conveniences connected therewith;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931, the Lands Tribunal Act, 1949, and the Town and Country Planning (Scotland) Acts, 1947 to 1959.

As to abandonment, etc., of harbour.

3.—(1) Subject to the provisions of this Order, the Commission may abandon the maintenance and use of the harbour and may remove any works thereon or connected therewith and upon such abandonment all the powers and obligations conferred or imposed upon the Commission with respect to or in connection with the harbour shall cease.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Costs of Order.

4. All costs, charges and expenses of and incident to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Commission and may in whole or in part be defrayed out of revenue.

Table of Statutes referred to in this Act

Short title	Session and chapter
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931	21 & 22 Geo. 5 c. 11.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Transport Act, 1947	10 & 11 Geo. 6 c. 49.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Transport Act, 1953	1 & 2 Eliz. 2 c. 13.

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ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

BRITISH TRANSPORT COMMISSION (NO. 2)

1. Short and collective titles.
2. Interpretation.
3. As to abandonment, etc., of harbour.
4. Costs of Order.