CHAPTER xci.

An Act to authorise the Trustees of the Clyde Navigation to construct Quays or Wharfs and other Works, and to acquire Lands in connexion with their undertaking, and to borrow Money; and for other purposes. A.D. 1884.

[3rd July 1884.]

WHEREAS an Act was passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Acts relating to the River "Clyde and Harbour of Glasgow" (in this Act called the Act of 1858); and another Act was passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An Act to enable the Trustees of the Clyde Navigation to lay down "lines of rails, or tramways, upon and in connexion with the quays "at the harbour of Glasgow, and to borrow additional money; to "alter certain of the rates leviable by them; and for other purposes" (in this Act called the Act of 1864); and another Act was passed in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "An Act to authorise the Trustees "of the Clyde Navigation to construct a graving dock, quays or "wharfs, and other works at the harbour of Glasgow, and to "borrow additional money; and for other purposes"; and another Act was passed in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act to authorise the "Trustees of the Clyde Navigation to construct a dock or tidal "basin, quays, tramways, and other works at the harbour of "Glasgow; to abandon certain works; and to borrow additional "money; and for other purposes"; and another Act was passed in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "An Act to authorise the Trustees of the "Clyde Navigation to construct a graving dock, quays, or wharfs "and other works at and in connexion with the harbour of "Glasgow and the River Clyde; to abandon authorised works;

21 & 22 Vict. c. 149.

27 & 28 Vict. c. 248.

31 & 32 Vict. c. 124.

33 & 34 Vict. c. 54.

36 & 37 Vict. c. 115.

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" to borrow money; and for other purposes"; and another Act was passed in the forty-first year of the reign of Her present Majesty,

41 Vict. c. 47. intituled "An Act to authorise the Trustees of the Clyde Navigation " to construct ferry works and establish a ferry at Stobcross, in " the harbour of Glasgow; to levy and alter rates; and to borrow " money; and for other purposes"; and another Act was passed in the forty-sixth and forty-seventh years of the reign of Her present Majesty, intituled "An Act to authorise the Trustees of the

46 & 47 Vict. c. 156. " Clyde Navigation to construct docks, quays, roads, tramways, a " railway, and other works at and connected with the harbour of " Glasgow and the River Clyde, and to borrow money; and for " other purposes" (in this Act called the Act of 1883):

And whereas it is expedient that the Trustees of the Clyde Navigation, incorporated by the Act of 1858, should be authorised to construct and maintain the quays or wharfs and other works herein-after described; to acquire lands for the purposes thereof, and also to acquire the lands herein-after mentioned for the purpose of providing cattle quarantine stations, cattle depôts and timber yards, and conveniences connected therewith, and for other purposes connected with the undertaking of the Trustees; to levy tolls, rates and rents in respect of the said works and for the use of the said stations, depôts, yards and conveniences; to alter and vary existing tolls and rates; and to carry into effect the other objects and purposes herein-after mentioned:

And whereas it is expedient that the said Trustees should be authorised to borrow a further sum of money for defraying the cost of executing the works and of acquiring the lands by this Act authorised to be executed and purchased, and for the general purposes of their undertaking:

And whereas the objects and purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it 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 (that is to say):—

Short title. **1.** This Act may be cited as the Clyde Navigation Act, 1884.

Incorporation of general Acts. **2.** The following Acts and provisions of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Consolidation (Scotland) Act, 1845;

The Lands Clauses Consolidation Acts Amendment Act, 1860;

The Harbours, Docks and Piers Clauses Act, 1847, with the exception of the clauses with respect to lifeboats, with respect to keeping a tide and weather gauge, and with respect to buoys, lighthouses, and beacons; and also with the exception of sections twenty-five, twenty-six, and thirty: Provided that the clauses in the last-mentioned Act with respect to lifeboats, tide and weather gauge, buoys, lighthouses and beacons, shall come into operation with respect to the harbour when required in writing by the Board of Trade:

And in construing the said Acts as incorporated with this Act, the expression "the Company" means and includes the Trustees of the Clyde Navigation.

Interpretation.

3. The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act—

"The Trustees" means the Trustees of the Clyde Navigation, incorporated by the Act of 1858;

"The harbour" means the harbour of Glasgow, as defined in the Act of 1883, and as extended by this Act;

"The undertaking" means the undertaking of the Trustees authorised by the recited Acts and this Act;

"The river" means the River Clyde, as defined in the Act of 1858.

Power to construct works and acquire lands.

4. And whereas plans and sections of the intended quays or wharfs and other works, describing the lines, situations and levels thereof respectively, and the lands in or through which the same are to be made, and which will or may be required to be taken for the purposes thereof, and also the lands which will or may be required to be taken for providing cattle quarantine stations, cattle depôts and timber yards, and conveniences connected therewith, and for other purposes connected with the undertaking, and books of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands, have been deposited with the principal sheriff clerk of the county of Lanark, at his office in Glasgow, and with the principal sheriff clerk of the county of Dumbarton, at his office in Dumbarton, and are herein-after respectively referred to as the deposited plans, sections and books of reference: Subject to the provisions of this Act, the Trustees may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper approaches, communications, works

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and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the deposited plans, and described in the deposited books of reference, as may be required for the purposes of this Act.

Description of works.

5. The works by this Act authorised to be constructed are the following:

First. A quay or wharf on the south side of the river (in this Act called Shieldhall Wharf), situate to the westward of Linthouse Shipbuilding Yard.

Second. A quay or wharf on the north side of the river (in this Act called Dalmuir Wharf), situate to the eastward of the Trustees' workshops at Dalmuir.

Description of lands.

6. The lands which may be acquired by the Trustees under the powers of this Act are the following (but so far only as the same are delineated on the deposited plans and described in the deposited books of reference):—That portion of the lands of Shieldhall, on the south side of the river, in the parish of Govan, situate between the river on the north, the shipbuilding yard and lands of Linthouse on the east, the public road between Glasgow and Renfrew on the south, and the lands now or lately the property of John Napier on the west.

Accessory works.

7. The Trustees may, upon any land belonging to or to be acquired by them, construct, execute, make, or provide all necessary buildings, warehouses, sheds, quays, wharfs, cattle quarantine stations, cattle depôts, timber yards, railways, sidings, tramways, approaches, cranes, weighing machines, walls, culverts, sewers, arches, engines, pumps, hydraulic machinery, sluices, bridges, gates, embankments, excavations, dredging and other works and conveniences connected with or required for the construction, maintenance and use of the works before described, or some of them, or for the efficient and convenient management and accommodation of the traffic using the navigation.

Power to deviate.

8. Subject to the provisions of this Act, the Trustees, in constructing the works by this Act authorised, may deviate laterally from the lines thereof delineated on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans, and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding five feet: Provided that no such deviation, laterally or vertically, so far as the work is situate, on, in, over, through or across tidal lands or tidal water, shall be made without the consent in writing of the Board of Trade.

Period for compulsory purchase of lands.

9. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to sell surplus lands.

10. The Trustees may sell and dispose of any lands, houses, or other property already acquired, or which may be hereafter acquired by them, and which may not be required by them for the purposes of their undertaking, on such terms and conditions, at such times, and for such price or consideration as the Trustees may fix; and the price of any lands sold shall be applied in reduction of money borrowed under the authority of the recited Acts or this Act.

Power to take easements by agreement.

11. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Trustees any easement, servitude, right or privilege (not being an easement of water) required for the purposes of this Act, in, over or affecting lands; and the provisions of the said Acts with respect to lands and feu duties or ground annuals, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, servitudes, rights and privileges as aforesaid respectively.

Harbour extension.

12. Shieldhall Wharf, and the lands before described which may be acquired by the Trustees under the authority of this Act, shall be held to be and shall be included within the harbour, and the definition of the harbour of Glasgow, contained in section thirty-two of the Act of 1883, is hereby amended and extended accordingly; and the existing harbour byelaws, rules and regulations of the Trustees, are hereby extended and shall apply to the harbour as by this Act defined.

Power to borrow money.

13. The Trustees may borrow, on the security of their undertaking, and of the tolls and rates leviable by them under the authority of the recited Acts and this Act, any sums of money not exceeding in the whole two hundred and fifty thousand pounds, in addition to the sum of six million pounds which they are by the recited Acts authorised to borrow; and if, after having borrowed the said sum of two hundred and fifty thousand pounds, or any part thereof, the Trustees shall pay off the same except by the sinking fund, or the proceeds of the sale of any land, or any fine or premium taken on any lease or feu disposition, it shall be lawful for them from time to time again to borrow the like sum on the same security: Provided that the total amount borrowed under the powers of the recited Acts and this Act shall not at any time exceed the sum of six million two hundred and fifty thousand pounds.

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Provisions of recited Acts extended to money borrowed under this Act. 21 & 22 Vict. c. 149; 27 & 28 Vict. c. 248.

14. The provisions contained in sections forty-seven to seventy, both inclusive of the Act of 1858, and sections twenty-seven, twenty-eight and twenty-nine of the Act of 1864, shall extend and apply to the money by this Act authorised to be borrowed, as if such money had formed part of the money by the recited Acts or any of them authorised to be borrowed.

Application of money.

15. All money borrowed by the Trustees under the authority of this Act, and all other money in the nature of capital received by the Trustees, shall be applied only in defraying the cost of the lands to be acquired and the works to be constructed under the authority of the recited Acts and this Act, and to other purposes of those Acts and this Act to which capital is properly applicable; and all tolls, rates and charges levied by the Trustees under the authority of this Act, and all other money in the nature of revenue received by the Trustees shall be applied in or towards carrying into execution the purposes of the recited Acts and this Act, and the undertakings thereby authorised to which revenue is properly applicable, and to no other purpose whatsoever.

Sinking fund. 46 & 47 Vict. c. 156.

16. Sections forty-seven and forty-eight of the Act of 1883, in reference to the sinking fund to be provided by the Trustees, shall extend and apply to the money by this Act authorised to be borrowed, as if such money had formed part of the money authorised to be borrowed by the recited Acts or any of them.

Rates for quays or wharfs and warehouses, &c.

17. The tolls, rates and rents authorised to be levied by the recited Acts, as amended by this Act, are hereby extended and shall apply to all vessels, goods, animals and carriages arriving at or departing from the quays or wharfs by this Act authorised, and to all goods, animals and carriages using warehouses, cranes, weighing machines and other conveniences which may be erected or provided on or in connexion with such quays or wharfs.

Tolls for passengers.

18. The Trustees may levy and charge, in respect of every passenger embarking on board of, or landing from a vessel at any of the quays or wharfs by this Act authorised, any sum not exceeding one penny.

Rates on goods. 21 & 22 Vict. c. 149.

19. Section ninety-eight of the Act of 1858, and Schedule (H.) referred to in and annexed to that Act, shall be read and have effect as if the same, subject to the provisions in this section contained, authorised the Trustees to levy the rates specified in such schedule on and in respect of all goods animals and carriages conveyed upon, or otherwise passing up or down the river or any part thereof,

or into or out of the harbour (including timber floated): Provided that—

(1.) Nothing in this section shall be held to apply to or include—

(*a.*) Goods, animals and carriages expressly exempted by the recited Acts or this Act from payment of rates;

(*b.*) Goods, animals or carriages not unshipped in or at the harbour, which are contained in any vessel which is brought to the harbour to complete its loading.

(2.) Goods for transhipment shall pay only the rate one way, either inwards or outwards in the option of the Trustees, previous notice being given at the tonnage office before the goods are discharged or loaded.

(3.) The following provisions shall apply to all timber floated in the river:—

(*a.*) All timber floated in the portion of the river situate between the western limit of the river and a line drawn across the river in continuation of the south-western parliamentary boundary of the burgh of Dumbarton, and stored in any timber ponds formed or to be formed in the said portion of the river, or floated from the said ponds westward in the said portion of the river, is hereby exempted from payment of rates;

(*b.*) In respect of all timber other than that specified in the immediately preceding provision (*a*), floated within the limits of the river, and in respect of all timber landed from the said ponds, the Trustees may levy the rates authorised by the recited Acts and this Act.

(4.) The exemption from river rates, tolls and duties conferred by section one hundred and five of the Act of 1858, as regards the coals, goods, wares, merchandise and other articles specified or referred to in that section (including timber floated), is hereby continued in force.

Power to vary rates.

20. The trustees may from time to time vary the rates which they may levy under the authority of this Act, or the recited Acts, or any of them, in such manner as they may think expedient, by reducing or raising the same; provided that such rates do not in any case exceed the amounts authorised by such Acts, and provided also that such rates be at all times charged equally to all persons in respect of the same description of vessel performing a voyage between the harbour and the same port or ports, and in respect of the same description of goods; but no reduction or variation in such rates shall take place unless with the consent of at least two thirds of the trustees present at a special meeting of the Board.

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Closing of registers of transfers of bonds and funded debt.

21. The Trustees may close the registers of transfers of bonds or mortgages, and of funded debt, for any period not exceeding fourteen days before and inclusive of the fifteenth day of May and the eleventh day of November yearly; and any transfer made during the time such registers are closed shall, as between the Trustees and the transferee, but not otherwise, be held as made after that time.

Reserving Merchant Shipping and general Acts.

22. Nothing contained in this Act shall exempt the river or harbour, or the works by this Act authorised, or the Trustees, from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours or to dues on shipping or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision and alteration under the authority of Parliament of the rates and tolls authorised by the recited Acts or this Act.

Survey of works by Board of Trade.

23. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of the quays or wharfs or other works by this Act authorised, so far as constructed by the Trustees on, in, over, through or across tidal lands or tidal water, or of the intended site of any such works, the Trustees shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Trustees to the Crown and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Trustees.

Abatement of work abandoned or decayed.

24. If any work specified in the immediately preceding section, so far as constructed by the Trustees, on, in, over, through or across tidal lands or tidal water, is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition, at the expense of the Trustees, and the amount of such expense shall be a debt due from the Trustees to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs as a penalty is recoverable from the Trustees.

Saving rights of the Crown.

25. Nothing contained in this Act shall authorise the Trustees to take, use, or in any manner interfere with any portion of the alveus or bed of the river, or any right in respect thereof belonging to the Queen's most Excellent Majesty, in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs and successors.

Saving rights under Crown Lands Act.

26. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, Her heirs or successors.

Expenses of Act.

27. All costs, charges, and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Trustees out of the rates authorised to be levied, or the money authorised to be borrowed by the recited Acts and this Act.

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