Dundee Harbour and Tay Ferries Order Confirmation Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 **Ch. xx**

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CHAPTER xx

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Dundee Harbour and Tay Ferries. [1st August 1952.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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 Dundee Harbour and Tay Ferries Order Confirmation Act 1952. **Short title.**

SCHEDULE

DUNDEE HARBOUR AND TAY FERRIES.

Provisional Order to consolidate with amendments the Acts and Orders relating to the harbour of Dundee and the Tay Ferries to reconstitute and reincorporate the Trustees to authorise the Trustees to borrow additional money and for other purposes.

WHEREAS by the Dundee Harbour and Tay Ferries Consolidation Act 1911 (hereinafter referred to as "the Act of 1911") the Acts relating to the harbour of Dundee and the Tay Ferries were consolidated with amendments and the Trustees of the harbour of Dundee were reconstituted and reincorporated and the harbour and Tay Ferries undertakings were vested in the Trustees so re-incorporated (hereinafter referred to as "the existing Trustees") all as therein mentioned:

And whereas by the Dundee Harbour and Tay Ferries Order 1912 the Dundee Harbour and Tay Ferries Order 1917 the Dundee Harbour and Tay Ferries Order 1925 the Dundee Harbour and Tay Ferries Order 1933 the Dundee Harbour and Tay Ferries (Superannuation) Order 1939 the Dundee Harbour and Tay Ferries Order 1948 and the Dundee Harbour and Tay Ferries Order 1950 (hereinafter called "the recited Acts") further powers with reference to their undertakings were conferred on the existing Trustees:

And whereas the existing Trustees have under the powers of the recited Acts from time to time made improvements in and connected with the harbour and the Tay Ferries for the accommodation of the trade and shipping thereat:

And whereas immediately before the commencement of the Act of 1911 the amount of the harbour debt outstanding was three hundred and forty-eight thousand six hundred and nineteen pounds nineteen shillings and the sum of forty-five thousand two hundred and eight pounds sixteen shillings and threepence was the amount of the then unexercised borrowing powers for harbour purposes:

And whereas by the Act of 1911 and the Dundee Harbour and Tay Ferries Order 1933 (hereinafter called "the Order of 1933") general powers were conferred on the existing Trustees for the construction and maintenance of works at the harbour and the existing Trustees were by the Act of 1911 by the Dundee Harbour and Tay Ferries Order 1917 by the Dundee Harbour and Tay Ferries Order 1925 and by the Order of 1933 authorised to borrow for those purposes and the general purposes of the harbour other than the Tay Ferries (being in every case purposes to which capital is properly applicable) on the security of the rates and the other revenues of the harbour and the rates authorised to be levied at the Tay Ferries the sum of seven hundred and fifty thousand pounds in addition to the said sum of forty-five thousand two hundred and eight pounds sixteen shillings and threepence being the sum remaining unborrowed under the Acts relating to the harbour in force immediately before the commencement of the Act of 1911:

And whereas the existing Trustees have from time to time borrowed the money so authorised to be borrowed by the Act of 1911 and the said Order of 1917 and part of the money authorised to be borrowed by the said Order of 1925 and have repaid by means of the sinking fund a large amount thereof and there is now owing by them in respect of the harbour undertaking the sum of three hundred and fourteen thousand and forty-five pounds:

And whereas the unexhausted borrowing powers of the existing Trustees relating to the harbour under the recited Acts amount to three hundred and fifty-five thousand four hundred and sixty-six pounds fifteen shillings and threepence:

And whereas by the Act of 1911 it was provided that the Trustees thereby incorporated should number thirty-three and consist of one appointed by the Admiralty and thirty-two other persons to be nominated and elected triennially as follows Eight persons by the corporation of the city of Dundee two by the Guildry Incorporation of Dundee the Nine Incorporated Trades of Dundee and the Three United Trades of Dundee four by the county council of the county of Forfar six by the chamber of commerce of Dundee four by the shipowners of Dundee six by the ratepayers of the harbour of Dundee and two by the municipal electors of the royal burgh of Dundee:

And whereas it is expedient that the constitution of the existing Trustees should be amended and altered and the Trustees reincorporated as hereinafter provided in this Order (and hereinafter referred to as "the Trustees") and that the undertaking of the existing Trustees should be transferred to and vested in the Trustees:

And whereas it is expedient to authorise the Trustees to effect further improvements for the benefit of the trade and shipping at the harbour of Dundee and to borrow further moneys for those purposes:

And whereas it is expedient that further powers should be conferred on the Trustees with regard to the management working and supervision of the harbour and harbour undertaking of Dundee and the regulation of the harbour traffic:

And whereas immediately before the commencement of the Act of 1911 the amount of the Tay Ferries debt outstanding was fifteen thousand pounds fifteen shillings and fivepence and the sum of fifteen thousand four hundred and sixty-five pounds and fivepence was the amount of the then unexercised borrowing powers for Tay Ferries purposes:

And whereas by the Act of 1911 powers were conferred upon the existing Trustees for the maintenance and improvement of works at the Tay Ferries and the existing Trustees were by the Act of 1911 by the Dundee Harbour and Tay Ferries Order 1925 by the Order of 1933 and by the Dundee Harbour and Tay Ferries Order 1948 authorised to borrow for those purposes and to meet the growing requirements of the traffic at the Tay Ferries on the security of the Tay Ferries rates and the rates and revenues of the harbour the sum of five hundred and seventy thousand pounds in addition to the

said sum of fifteen thousand four hundred and sixty-five pounds and fivepence being the sum remaining unborrowed under the Act relating to the Tay Ferries in force immediately before the commencement of the Act of 1911:

And whereas the existing Trustees have from time to time borrowed part of the money authorised to be borrowed by the said Act and Orders and have repaid by means of the sinking fund a large amount thereof and there is now owing by them in connection with the Tay Ferries the sum of two hundred and seventeen thousand nine hundred and ninety-five pounds:

And whereas the unexhausted borrowing powers of the existing Trustees relating to the Tay Ferries under the recited Acts amount to three hundred and twelve thousand six hundred and nine pounds fifteen shillings and tenpence and it is expedient that the Trustees should be authorised to borrow for the purposes of the Tay Ferries the said sum under this Order:

And whereas many of the provisions of the recited Acts have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if the provisions of the said Acts so far as it is expedient to retain them were consolidated to the extent and with certain amendments and additions as provided in this Order:

And whereas it is expedient that the further powers contained in this Order should be conferred on the Trustees:

And whereas the purposes 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:—

PART I

PRELIMINARY

Short title commencement and citation.

1. This Order may be cited as the Dundee Harbour and Tay Ferries Order 1952 and shall (except as otherwise hereinafter provided) commence and have effect on and after the date of the passing of the Act confirming this Order which date is hereinafter referred to as the commencement of this Order The Dundee Harbour and Tay Ferries Order 1912 the Dundee Harbour and Tay Ferries (Superannuation) Order 1939 the Dundee Harbour and Tay Ferries Order 1950 and this Order may be cited together as the Dundee Harbour and Tay Ferries Orders 1912 to 1952.

Incorporation of provisions of Lands Clauses Acts.

2. The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Order) are incorporated with and form part of this Order.

Incorporation of provisions of Harbours Docks and Piers Clauses Act.

3. The Act of 1847 with the exception of sections 12 and 13 16 to 19 25 26 30 and 50 is (except where expressly varied by this Order) incorporated with and forms part of this Order and in construing the said incorporated Act the expression "the harbour dock or pier" shall mean the harbour as defined in this Order the expression "vessel" in section 28 shall include any floating dock seaplane hydroplane airship and similar craft and any vessel of exceptional construction or method of propulsion belonging to or employed in the service of Her Majesty the expression "the undertakers" shall mean the Trustees and the expression "the special Act" shall mean this Order.

Incorporation of provisions of Railways Clauses Act.

4. The clauses of the Railways Clauses Consolidation (Scotland) Act 1845 are (so far as the same are applicable to the purposes and are not inconsistent with or varied by the provisions of this Order) incorporated with and form part of this Order.

Incorporation of provisions of Commissioners Clauses Act.

5. The clauses of the Commissioners Clauses Act 1847 with respect to the contracts to be entered into and the deeds to be executed by the commissioners and with respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners and with respect to the appointment and accountability of the officers of the commissioners and with respect to the mortgages to be executed by the commissioners and with respect to giving notices and orders and with respect to the proof of debts in bankruptcy or insolvency are (except where expressly varied by this Order) incorporated with and form part of this Order and in construing the said clauses as incorporated with this Order the expression "the commissioners" shall mean the Trustees the expression "the special Act" shall mean this Order and the expression "mortgage or assignation in security" shall mean and include any bond or other security or voucher of debt granted or to be granted by the Trustees.

Interpretation of terms.

6. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the following words and expressions have the meanings hereby assigned to them:—

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

"the Act of 1911" means the Dundee Harbour and Tay Ferries Consolidation Act 1911;

"the appointed day" means the nineteenth day of May one thousand nine hundred and fifty-three;

"authorised rates" means—

(*a*) the rates which the Trustees are for the time being authorised to levy demand and recover in pursuance of the Harbour Acts or any order made under section 218 (Revision of rates) of this Order;

PART I —*cont.*

(*b*) the rates which the Trustees or any other person or body are for the time being authorised to levy or demand and recover specified in Schedule F annexed to the Order of 1950 or any schedule substituted therefor;

"the city" means the city and royal burgh of Dundee;

"the clerk" "the general manager" and "the treasurer" and "the harbour-master" and "the dock-master" mean respectively the clerk and the general manager and the treasurer and the harbour-master and the dock-master for the time being of the existing Trustees or of the Trustees;

"the commission" means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

"constable" or "constables" means and includes the chief officer of the police force of the city and the other members of such force appointed by and subject to the orders of such chief officer;

"the corporation" means the lord provost magistrates and councillors of the city;

"the county council" means the county council of the county of Angus;

"dung" means and includes any dung soil dirt or filth;

"the existing Harbour Acts" means the Dundee Harbour and Tay Ferries Consolidation Act 1911 the Dundee Harbour and Tay Ferries Order 1912 the Dundee Harbour and Tay Ferries Order 1917 the Dundee Harbour and Tay Ferries Order 1925 the Dundee Harbour and Tay Ferries Order 1933 the Dundee Harbour and Tay Ferries (Superannuation) Order 1939 the Dundee Harbour and Tay Ferries Order 1948 and the Dundee Harbour and Tay Ferries Order 1950;

"the existing Trustees" means the Trustees of the harbour of Dundee appointed and acting under the existing Harbour Acts or their predecessors;

"the ferry harbours" means and includes the ferry harbour of Dundee the ferry harbour of Newport and the ferry harbour of Woodhaven belonging to and connected with the ferries on and across the river and firth of Tay vested in the existing Trustees and by this Order transferred to the Trustees;

"the harbour" means and includes the port and harbour of Dundee within the limits set forth in section 68 (Limits of harbour) of this Order together with all tidal harbours docks locks works yards lands houses streets roads ways jetties wharves piers quays sheds slipways harbour rails and premises whatsoever belonging to the existing Trustees and the whole harbour undertaking of the existing Trustees by this Order transferred to the Trustees;

PART I —*cont.*

"the Harbour Acts" means the Order of 1912 the Order of 1939 the Order of 1950 this Order and any subsequent Act or Order relating to the harbour and the Tay Ferries;

"harbour rails" means all railways rails and sidings at or connected with the harbour which for the time being belong to the Trustees;

"harbour ratepayer" or "harbour ratepayers" means and includes the ratepayers of the harbour qualified and registered in accordance with the provisions of this Order;

"the lord provost" means the lord provost of the city;

the words "magistrates" and "magistrate" mean the magistrates having police jurisdiction within the city or any one of them and include the lord provost and bailies and judges of police of the city or any one of them sitting and acting as police magistrates of the city and the word "magistrates" also means any two or more police magistrates bailies or judges of police sitting or acting as aforesaid;

"Minister" means the Minister of Transport;

"the Order of 1912" means the Dundee Harbour and Tay Ferries Order 1912;

"the Order of 1939" means the Dundee Harbour and Tay Ferries (Superannuation) Order 1939;

"the Order of 1950" means the Dundee Harbour and Tay Ferries Order 1950;

"Secretary of State" means the Secretary of State for Scotland;

the word "sheriff" means and includes the sheriff of Perth and Angus or any of his substitutes at Dundee;

"shipowner" or "shipowners" means and includes shipowners qualified and registered in accordance with the provisions of this Order;

"the Tay Ferries" means and includes the whole undertaking and lands and premises belonging to and connected with the ferries on and across the river and Firth of Tay vested in the existing Trustees and by this Order transferred to the Trustees;

"the Trustees" means the Trustees of the harbour of Dundee acting for the time being in the execution of the Harbour Acts;

"vessel" includes any floating dock seaplane hydroplane airship and similar craft.

PART II

RECONSTITUTION AND INCORPORATION AND ELECTION AND MEETINGS OF TRUSTEES ETC.

Alteration of constitution of existing Trustees.

7.—(1) On and after the appointed day the power and duty of carrying into effect the provisions of this Order shall be vested in and be performed by the Trustees appointed under this Order who shall be substituted for the existing Trustees.

PART II —*cont.*

(2) The Trustees to be elected under this Order shall be nominated and elected in the manner provided by this Order.

(3) The Trustees and their successors in office shall be and are hereby constituted a body corporate under the name of " the Trustees of the harbour of Dundee " with perpetual succession and a common seal and shall have power to sue and be sued and to acquire hold use and dispose of lands and other property for the purposes of the Harbour Acts and shall have all other privileges of a body corporate.

Trustees to be elected.

8.—(1) On and after the appointed day the number of Trustees shall be fourteen of whom one shall be the lord provost of the city and the remaining thirteen shall be elected as follows:—

Three by the corporation ;

Three by the chamber of commerce of Dundee ;

Four by the shipowners ;

One by the harbour ratepayers ;

Two by the Transport and General Workers' Union.

(2) The lord provost of the city shall upon his election as lord provost become ex officio a Trustee and shall remain a Trustee so long as he holds the office of lord provost.

(3) If a flag or naval officer is appointed by the Admiralty to be in charge of naval interests in Dundee any officer so appointed whose appointment has been intimated by the Admiralty to the clerk shall become ex officio a Trustee and shall remain a Trustee so long as he holds such appointment.

Existing Trustees to act in first instance.

9. On and after the commencement of this Order and until the appointed day the power and duty of carrying into effect the provisions of the Harbour Acts shall be vested in and be performed by the existing Trustees in office immediately before the commencement of this Order who for such period shall be the Trustees with all the property duties powers rights and privileges vested in and conferred on the Trustees by the Harbour Acts.

Election of Trustees by corporation.

10.—(1) The three persons to be elected Trustees by the corporation shall be members of the corporation and shall be elected upon the day appointed for the election of magistrates by the Local Government (Scotland) Act 1947 or other Acts of Parliament for the time being in force for such election in the month of May one thousand nine hundred and fifty-three and in the month of May in every third year thereafter.

(2) The Trustees so elected shall come into office on the appointed day and shall remain in office until the third Tuesday of May one thousand nine hundred and fifty-six when the Trustees elected in their room shall come into office and so on in every third year thereafter.

(3) If a person elected as a Trustee by the corporation ceases to be a member of the corporation during the period for which he was elected a Trustee such person shall thereupon become disqualified from continuing to act as a Trustee and his office as Trustee shall

become vacant and such vacancy shall be filled up in manner provided by the section of this Order of which the marginal note is "Provision for supplying vacancies" but a person elected as a Trustee by the corporation shall not be held to be disqualified by reason merely of the expiry of his term of office as a member of the corporation provided that he is re-elected as a member of the corporation at the election immediately ensuing.

Returns of names of Trustees to be made to clerk.

11. The town clerk of the city shall within the seven days next following the days on which elections take place make a return in writing to the clerk of the names of the persons elected by the corporation to be Trustees under this Order.

Election of Trustees by chamber of commerce.

12.—(1) The three persons to be elected Trustees by the Dundee Chamber of Commerce shall be members of the said chamber of commerce of not less than twelve months standing.

(2) Such Trustees shall be elected by the members of the said chamber of commerce of not less than six months standing between the first and tenth days of May one thousand nine hundred and fifty-three inclusive and between the first and tenth days of May inclusive in every third year thereafter at a general meeting of the said chamber of commerce to be called for the purpose by the secretary of the said chamber on not less than seven days previous advertisement in at least one newspaper published in Dundee.

(3) The election of such Trustees shall proceed at each such meeting in the same manner as when the president of the said chamber of commerce is elected.

(4) The Trustees so first elected shall come into office on the appointed day and shall remain in office until the third Tuesday of May one thousand nine hundred and fifty-six when the Trustees elected in their room shall come into office and so on in every third year thereafter.

(5) The secretary of the said chamber of commerce shall within two days after every election of Trustees by the said chamber make a return in writing to the clerk of the names of the Trustees so elected.

Election of Trustees by shipowners.

13.—(1) The four persons to be elected Trustees by the shipowners shall be shipowners qualified and registered as hereinafter provided.

(2) Such Trustees shall be elected by shipowners qualified as electors and entitled to vote at the election of Trustees for the shipowners as hereinafter provided and registered in terms of the section of this Order of which the marginal note is "Registers of electors to be made up and published" and the election of such Trustees shall take place between the first and tenth days of May one thousand nine hundred and fifty-three inclusive and between the first and tenth days of May inclusive in every third year thereafter.

PART II —*cont.*

(3) The Trustees so first elected shall come into office on the appointed day and shall remain in office until the third Tuesday of May one thousand nine hundred and fifty-six when the Trustees elected in their room shall come into office and so on in every third year thereafter.

Qualifications of shipowners.

14.—(1) Any person who is a British subject residing or having a place of business within the United Kingdom whose name on the twenty-eighth day of February one thousand nine hundred and fifty-three with respect to the first election of Trustees by the shipowners after the commencement of this Order and on the twenty-eighth day of February in every third year thereafter with respect to subsequent elections of Trustees by the shipowners appears in the books of the custom house of Dundee as owner or part owner to the extent of at least one hundred tons gross or the equivalent thereof of or in a vessel registered at the port of Dundee—

(i) shall be qualified—

(*a*) to be an elector and to vote at the elections of Trustees by the shipowners ; and

(*b*) to be elected as a Trustee for the shipowners ; and

(ii) shall subject to the provisions of this Order be entitled to be registered in terms of the section of this Order of which the marginal note is " Registers of electors to be made up and published ".

(2) Where any person (being a British subject and being the representative of any joint owners or other person residing or having a place of business within the United Kingdom) or any two or more persons (being British subjects) jointly or any other person residing or having a place of business within the United Kingdom appear in the books of the custom house aforesaid as owners to the extent of at least one hundred tons gross or the equivalent thereof of or in a vessel registered at the port of Dundee such persons may intimate in writing to the Trustees on or before the thirty-first day of March next preceding the election the names (not exceeding five in number in respect of any one body of joint owners or other persons) of the owners managing owners or managers of any such vessels or of the partners or members or of the managers or secretaries (all being British subjects) of any other body of persons whom they desire to qualify as electors in respect of the ownership of such vessels.

(3) Each such owner managing owner partner member manager or secretary so named shall be qualified to be an elector and to vote at the elections of Trustees by the shipowners and shall be qualified to be elected as a Trustee for the shipowners and shall be entitled to be registered as aforesaid provided that the amount of tonnage held by such person is sufficient to hold the qualification of at least one hundred tons gross or the equivalent thereof of or in such vessels to each of the persons so named.

(4) A written intimation to the Trustees of the names of the owners of any such vessels under the hand of the person in whose name the said vessels are registered in the books of the custom house

aforesaid or under the hand of the managing owner or manager of any such vessels shall be sufficient evidence of the ownership of such vessels.

(5) The person or each of the persons so named in such intimation—

(i) shall be qualified—

(*a*) to be an elector and to vote at the elections of Trustees by the shipowners ; and

(*b*) to be elected as a Trustee for the shipowners ; and

(ii) shall be entitled to be registered as aforesaid in the same manner as if his name had appeared in the books of the custom house aforesaid as owner of any such vessels.

(6) Any person who is a British subject residing or having a place of business within the United Kingdom and is the owner or part owner of or in a vessel registered in the United Kingdom and who during the year ending on the twenty-eighth day of February one thousand nine hundred and fifty-three with respect to the first election of Trustees by the shipowners after the commencement of this Order and during the year ending on the twenty-eighth day of February in every third year thereafter with respect to subsequent elections of Trustees by the shipowners has paid as principal either directly or indirectly twenty-five pounds sterling or upwards of rates exigible under Schedules B and H or either of them annexed to the Order of 1950 in respect of such vessel—

(i) shall be qualified—

(*a*) to be an elector and to vote at the elections of Trustees by the shipowners ; and

(*b*) to be elected as a Trustee for the shipowners ; and

(ii) shall be entitled to be registered as aforesaid.

(7) Where rates on vessels as hereinbefore provided are paid by any two or more persons (being British subjects) jointly or by any other person residing or having a place of business within the United Kingdom such persons may (whether such persons are themselves registered as the owners of the vessels in respect of which such rates are paid or the said vessels are registered in the name of their nominee) intimate in writing to the Trustees on or before the thirty-first day of March next preceding the election the names (not exceeding five in number in respect of any one body) of such persons or of the partners or members or of the managing owners managers or secretaries (all being British subjects) of any such person on whose behalf such payment has been made.

(8) Such payment shall be deemed to have been made by the persons so named.

(9) Each person so named—

(i) shall be qualified—

(*a*) to be an elector and to vote at the elections of Trustees by the shipowners ; and

PART II —*cont.*

(*b*) to be elected as a Trustee for the shipowners; and

(ii) shall be entitled to be registered as aforesaid in the same manner as if such payment had been made by him as an individual provided the amount of rates paid by such persons is sufficient to afford the qualification of twenty-five pounds sterling to each of the persons so named.

(10) In this section the expression "the equivalent thereof" means such a share or interest of or in a vessel registered at the port of Dundee as would in tonnage be equal to at least one hundred tons gross.

Election of Trustee by harbour ratepayers.

15.—(1) The person to be elected Trustee by the harbour ratepayers shall be a ratepayer of the harbour qualified and registered as hereinafter provided.

(2) Such Trustee shall be elected by the harbour ratepayers qualified and registered as hereinafter provided.

(3) The election of such Trustee shall take place between the first and tenth days of May one thousand nine hundred and fifty-three inclusive and between the first and tenth days of May inclusive in every third year thereafter and the Trustee so first elected shall come into office on the appointed day and shall remain in office until the third Tuesday of May one thousand nine hundred and fifty-six when the Trustee elected in his room shall come into office and so on in every third year thereafter.

Qualification of harbour ratepayers.

16. Any person who during the year ending on the twenty-eighth day of February one thousand nine hundred and fifty-three with respect to the first election of Trustees under this Order by the harbour ratepayers and during the year ending on the twenty-eighth day of February in every third year thereafter with respect to subsequent elections of Trustees by the harbour ratepayers has paid as principal either directly or indirectly or as agent for any person ten pounds sterling or upwards of rates exigible under the Harbour Acts in respect of goods shall be qualified to be an elector and to vote at the elections of Trustees by the harbour ratepayers and shall be entitled to be registered as hereinafter provided.

Partners of a company qualified as harbour ratepayers.

17. Where the rates as provided in the immediately preceding section are paid by any company consisting of two or more partners such company may on or before the thirty-first day of March next preceding the election intimate in writing to the Trustees the name of any one or more of the partners (not exceeding five in number) on whose behalf such payment has been made and such payment shall be deemed to have been made by the partner so named and each such partner shall be qualified to be an elector and a Trustee in the same manner as if such payment had been made by him as an individual provided that the amount of rates paid by such company is sufficient to afford the qualification of ten pounds sterling to the partner or each of the partners so named.

PART II —*cont.*

18. Where such last-mentioned rates are paid by an incorporated company such company may through their secretary or other officer on or before the thirty-first day of March next preceding the election intimate in writing to the Trustees the names of the persons (not exceeding five in number all of whom shall be members of such incorporated company) on whose behalf such payment has been made and such payment shall be deemed to have been made by the persons so named and each such person shall be qualified to be an elector and a Trustee in the same manner as if such payment had been made by him as an individual provided the amount of rates paid by such company is sufficient to afford the qualification of ten pounds sterling to each of the persons so named.

Persons appointed by incorporated company qualified as harbour ratepayers.

19.—(1) The two persons to be elected Trustees by the Transport and General Workers' Union shall be elected by the union between the first and tenth days of May one thousand nine hundred and fifty-three inclusive and between the first and tenth days of May inclusive in every third year thereafter at a meeting of the union and the Trustees so first elected shall come into office on the appointed day and shall remain in office until the third Tuesday of May one thousand nine hundred and fifty-six when the Trustees elected in their room shall come into office and so on in every third year thereafter.

Election of Trustees by Transport and General Workers' Union.

(2) The general secretary of the union shall within two days after every election of Trustees by the union make a return in writing to the clerk of the names of the Trustees so elected.

20.—(1) On or before the fifth day of April one thousand nine hundred and fifty-three the existing Trustees and on or before the fifth day of April in every third year thereafter the Trustees shall cause to be made up from the books of the custom house of Dundee and from the books kept by the existing Trustees or the Trustees a register of the shipowners qualified under the provisions of this Order to elect and to be elected Trustees for the shipowners and shall also cause to be made up from the books kept by the existing Trustees or the Trustees a register of the harbour ratepayers qualified under the provisions of this Order to elect and to be elected Trustees for the harbour ratepayers.

Registers of electors to be made up and published.

(2) The treasurer shall on or before the tenth day of April one thousand nine hundred and fifty-three and on or before the tenth day of April in every third year thereafter certify the said registers and shall deposit them in the office of the existing Trustees or the Trustees as the case may be.

(3) Upon deposit the registers shall there be open to inspection free of charge by the public during reasonable hours and notice of the deposit of any such registers and of the fact that they are open to inspection by the public shall be published once in a newspaper published in the city.

(4) Any person considering himself qualified to be an elector whose name is not inserted in the said registers or either of them in any third year may on or before the twentieth day of April one

PART II —*cont.*

thousand nine hundred and fifty-three and on or before the twentieth day of April in every third year thereafter apply to the sheriff who shall thereupon if he see fit cause the name of such shipowner or harbour ratepayer as the case may be to be added to the register in which his name should have been inserted and the said registers with any additions so made shall be the registers of the shipowners and harbour ratepayers respectively for the period to which they are applicable.

Provisions for electing Trustees by shipowners and harbour ratepayers.

21. The following provisions shall have effect with respect to the election of Trustees by the shipowners and harbour ratepayers respectively:—

(1) (*a*) The clerk whom failing such other person as the Trustees may appoint shall be the returning officer;

(*b*) If any returning officer dies or from any cause becomes unable to act before the completion of any election the Trustees shall appoint another person in his place and all expenses incurred by the Trustees and the returning officer and the persons appointed or employed by them at and in connection with such elections shall be defrayed by the Trustees out of the revenues of the harbour:

(2) On every occasion of the nomination of Trustees by the shipowners and harbour ratepayers respectively the returning officer shall convene a meeting of the electors respectively for the purpose of such nomination and shall give notice of such meeting and of the time and place at which it is to be held by advertisement in at least one newspaper published in the city at least seven days before such meeting:

(3) Such meeting for the purpose of the nomination of Trustees by the shipowners and harbour ratepayers respectively shall be convened for the last Tuesday of April one thousand nine hundred and fifty-three and for the last Tuesday of April in every third year thereafter:

(4) The returning officer shall preside at and regulate the proceedings of such meetings:

(5) At any such meeting any person qualified and registered as hereinbefore provided may if he consent thereto in writing be nominated as a Trustee by any elector and be seconded by any other elector:

(6) Any person duly nominated as a Trustee at any such meeting may by intimation in writing to the returning officer not later than four o'clock in the afternoon of the Thursday immediately following such meeting withdraw his name as a candidate for the office of Trustee and the returning officer shall cause his name to be deleted from the list of candidates but such intimation of withdrawal shall not be accepted by the returning officer after four o'clock in the afternoon of the said day:

(7) If more candidates are proposed than the number to be elected a poll shall be taken in manner hereinafter provided

PART II —*cont.*

but if only the number or less than the number of candidates to be elected be proposed a declaration by the returning officer that the candidates are elected Trustees shall be sufficient evidence of their election.

Provisions as to taking the poll.

22. The following provisions shall have effect with respect to taking the poll at the election of Trustees by shipowners and harbour ratepayers respectively:—

(1) In the event of a poll the election shall take place on the first Tuesday of May of the year in which Trustees are to be elected by the shipowners and harbour ratepayers respectively under the provisions of this Order:

(2) The returning officer shall give at least two days' notice by advertisement in a newspaper published in the city that an election by ballot will take place on the date specified in such notice between the hours of ten o'clock in the forenoon and four o'clock in the afternoon at places within the city to be named in such notice:

(3) The vote at every contested election shall be taken by ballot in like manner as a poll at a contested municipal election is directed to be taken by the Representation of the People Act 1949 and any future amendments thereof and the Third Schedule to the said Act so far as it is applicable to and not inconsistent with the provisions of this Order is hereby incorporated herewith:

(4) Each elector shall only be entitled to give one vote for each Trustee to be elected:

(5) At the close of the poll the ballot boxes shall be opened and the ballot papers and votes counted and the result of the poll declared all in the manner provided for in the Representation of the People Act 1949:

(6) The four persons to be elected Trustees by the shipowners who receive the largest number of votes and the person to be elected Trustee by the harbour ratepayers who receives the largest number of votes shall be declared by the returning officer to be duly elected Trustees under this Order:

(7) Where an equality of votes is found to exist between any candidates at an election and the addition of a vote would entitle any such candidates to be declared elected the returning officer may give such additional vote but shall not in any other case be entitled to vote at an election for which he is returning officer:

(8) Any shipowner duly qualified as hereinbefore provided not residing or having his place of business within ten miles of the custom house of Dundee may record his vote in any contested election by means of a voting paper issued by the Trustees in the form or as near as may be in the form of Schedule A annexed to this Order signed by him and sent to the returning officer to be received by him up to the close of the poll at the said contested election and in

PART II —*cont.*

the event of the returning officer receiving the said voting paper in accordance with the provisions hereinbefore set forth he shall deposit the same unopened in the ballot box and on the ballot box being opened at the close of the poll he shall open such voting paper and shall record the vote for the candidates named in the said voting paper:

(9) Any provision of the Representation of the People Act 1949 which imposes any duty or obligation on the Postmaster-General shall not be deemed to apply to the election of Trustees under this Order.

Retiring Trustees eligible for re-election.

23. Every retiring Trustee shall if duly qualified be eligible for re-election.

Penalty on personation of elector.

24. Any person who wilfully personates any elector or tampers with any ballot or voting paper at any election of Trustees in pursuance of this Order or falsely acts in the name or on behalf of any elector shall be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Trustees not to hold office nor be concerned in contracts.

25. A Trustee who at any time after his appointment or election—

(*a*) accepts or continues to hold any office or place of trust or profit under the existing Trustees or the Trustees; or

(*b*) is concerned as principal or surety in any contract entered into with the existing Trustees or the Trustees (other than a contract or a lease or a feu contract or disposition of heritable property belonging to the harbour); or

(*c*) participates in any manner in any work to be done under the authority of this Order;

shall cease to be a Trustee and his office shall become vacant on an entry to the effect that such vacancy has occurred being made by the Trustees in their minute book:

Provided always that a person who is a shareholder or member of any company established by or under Act of Parliament or charter or of any company constituted by voluntary contract and consisting of a greater number of partners than five shall not be prevented from acting as a Trustee under this Order by reason of any contract entered into between such company and the existing Trustees or the Trustees.

Provision for supplying vacancies.

26.—(1) (*a*) If an elected Trustee dies or refuses to act or resigns or is or becomes disqualified or incapacitated to act or becomes notour bankrupt and the office of such Trustee thereby becomes vacant every such vacancy and any vacancy arising from any other cause other than that provided for in subsection (2) of this section shall be filled in manner following (that is to say):—

(i) Where the vacating Trustee was one of the four Trustees elected by the shipowners or the Trustee elected by the harbour ratepayers the Trustees within one month after any such vacancy has occurred shall appoint a person qualified and registered in the same manner to be a Trustee in his stead; and

PART II —*cont.*

(ii) In every other case the electing body by which the vacating Trustee was elected shall at a special meeting of the electing body to be held within one month after any such vacancy has occurred and to be called by the town clerk of the city the secretary of the chamber of commerce or the general secretary of the Transport and General Workers' Union as the case may be elect another person duly qualified to be a Trustee in his stead.

(*b*) In every case the Trustee so appointed shall continue in office for the same period as the Trustee whose office has become vacant.

(2) If there is a vacancy in the number of the Trustees by reason of any of the respective persons hereinbefore mentioned refusing or neglecting to elect Trustees at the time fixed for the election the Trustees on the expiry of one month after any such vacancy has occurred may at any meeting appoint a person qualified in the same manner and for the same period as the Trustee whose office has not been filled to be a Trustee in his room and any Trustee so appointed to supply any vacancy shall continue in office for the same period as the Trustee whose office has not been filled.

Acts of Trustees not invalidated by vacancy or non-appointment or non-election.

27. An act or proceeding of the Trustees or of any committee of the Trustees shall not be invalidated or be illegal in consequence of there being any vacancy in the number of Trustees at the time of such act or proceeding or of the non-appointment or non-election of any Trustee by any persons authorised by this Order to appoint or elect Trustees.

Informalities in appointment or election of Trustees not to invalidate proceedings.

28. All acts and proceedings of the Trustees or of any committee of the Trustees or of any person acting as a Trustee shall notwithstanding that it is afterwards discovered that there was some defect in the appointment or election of any such Trustees or persons acting as Trustees or that they or any of them were or had become disqualified be as valid as if every such person had been duly appointed or elected and was qualified to be a Trustee.

Trustees not incapable of acting as justices or magistrates.

29. A Trustee shall not be incapable of acting as a justice of the peace or as a magistrate in any matter or thing relating to the execution of this Order by reason of his being such Trustee.

Chairman of trust and of meetings.

30.—(1) At the first general meeting of the Trustees under this Order and at the annual general meeting in every year thereafter the Trustees shall elect from among their number a chairman and a deputy chairman who shall hold the said offices respectively for the year next ensuing.

(2) At all meetings of the Trustees the chairman or in his absence the deputy chairman shall preside and in the absence of the chairman and the deputy chairman a Trustee shall be chosen by the meeting as chairman.

(3) If there is an equality of votes at any meeting of the Trustees the presiding chairman shall in addition to his own vote have a second or casting vote.

PART II —*cont.*

First and other meetings of Trustees.

31.—(1) The Trustees shall hold their first general meeting under this Order on the day following the third Tuesday of May one thousand nine hundred and fifty-three and shall thereafter hold a meeting once in every month or more often as the Trustees shall think fit on such day and at such hour as they may from time to time by resolution appoint.

(2) The Trustees shall hold an annual general meeting upon the day following the third Tuesday of May in each year for the purpose of putting this Order and the Harbour Acts into execution:

Provided that in the event of any general meeting of the Trustees falling to be held on a public or local holiday the Trustees may by resolution alter the date of such meeting.

Quorum of Trustees and adjournment on failure of meeting.

32.—(1) At all meetings of the Trustees five shall be a quorum and business shall not be transacted at any meeting unless the said quorum shall be present at such meeting.

(2) If at any such meeting the said quorum is not present within fifteen minutes after the time appointed for such meeting the Trustees present or the clerk in the absence of any Trustee shall adjourn such meeting to another time.

(3) Notice shall be given of the time place and purpose of such adjourned meeting in manner after mentioned and so from time to time until such adjourned meeting shall be duly constituted by the said quorum being present.

Adjourned meetings.

33. Every meeting of the Trustees may be adjourned from time to time and place to place as may seem proper to the Trustees present at such meeting.

Special meetings.

34. The Trustees may hold special meetings and the chairman the deputy chairman or any five of the Trustees may require the clerk to call such meetings but a special meeting shall not be held unless one day's notice thereof has been given.

How meetings to be called.

35. All meetings of the Trustees shall be called by cards or circulars issued by the clerk and delivered to each of the Trustees or left at his usual place of abode or place of business or posted at Dundee addressed to his usual place of abode or place of business one day at least before such meeting.

Orders and resolutions not to be altered without notice.

36. An order made and a resolution adopted by the Trustees at any of their meetings shall not be altered or revoked unless at some meeting called for that special purpose or unless notice of the intention to propose such alteration or revocation be given by a Trustee at some previous meeting and be intimated in the card or circular calling the meeting at which it is intended to propose such alteration or revocation.

Power to appoint committees.

37.—(1) The Trustees may at any meeting from time to time appoint committees of any of their number for carrying into effect any of the provisions of this Order and the Harbour Acts and may delegate such powers to any such committee as to the Trustees may seem proper.

PART II —*cont.*

(2) The Trustees shall fix the quorum of any such committee and name the convener and may continue alter or discontinue such committee.

Meetings of committees.

38.—(1) Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment.

(2) At all meetings of such committees the convener and in his absence one of the members present to be appointed by the meeting shall preside.

(3) All questions shall be determined by a majority of the votes of the members present and in case of equality the convener or in his absence the person appointed to preside shall in addition to his own vote have a second or casting vote.

Proceedings to be recorded and when signed to be received as evidence.

39.—(1) The Trustees shall cause records to be kept by the clerk under their superintendence of all the proceedings of the Trustees and of every committee appointed by them with the names of the Trustees who attend each meeting and the record of every such proceeding shall be signed by the chairman of the meeting at which the proceeding took place or the chairman of the meeting at which such record was confirmed.

(2) The record or minute of such meeting so signed or an extract thereof certified by the clerk shall be received as evidence in all courts and before all judges justices and others without proof of such meeting having been duly convened or held or of the persons attending such meeting having been or being Trustees or members of committees respectively or of the signature of the chairman or of the fact of his having been chairman all of which last-mentioned matters shall be presumed until the contrary is proved.

(3) Such records shall at all reasonable times be open to the inspection of any of the Trustees and of any creditor on the security of the rates or property of the Trustees or any holder of bonds or mortgages.

Appointment of officers.

40. The Trustees may appoint a general manager engineer clerk treasurer harbour-master dock-master or such of these officers as may be required and such other officers and servants as they shall judge necessary and may prescribe their respective duties and may remove such officers and servants or any of them from time to time and may appoint others in their place and may pay such fees salaries or remuneration to such officers and servants as the Trustees think proper.

PART III

TRANSFER OF HARBOUR AND PROPERTY TO THE TRUSTEES AND CONTINUANCE OF EXISTING RIGHTS

Harbour and property vested in Trustees.

41. On and after the appointed day the whole harbour and harbour undertaking of the existing Trustees and their rights in the harbour and all such parts of the bed and shore of the same as are vested in the existing Trustees and all the docks piers jetties quays wharves walls lighthouses lightships buoys and beacons lights lands houses buildings embankments rails railways trams sheds warehouses yards

PART III —*cont.*

cranes roads works and conveniences and things in and connected with the harbour purchased acquired or constructed by the existing Trustees or their predecessors or that may be purchased acquired or constructed under the authority or in the execution of this Order and also the whole undertaking estates boats vessels and works vested in the existing Trustees shall be and the same are hereby vested in and transferred to the Trustees and all the rights powers and privileges conferred on or vested in the existing Trustees by the existing Harbour Acts or any of them or by any other Act or Order now in force and capable of taking effect shall be and are also hereby vested in the Trustees and may be used exercised and enforced by them in the same manner and to the same extent and effect as the said rights powers and privileges were or might have been used exercised and enforced by the existing Trustees if this Order had not been made.

Grants conveyances etc. to continue in force.

42. Notwithstanding any repeal effected by this Order—

(1) (*a*) Any purchase sale conveyance grant lease bond security act matter or thing whatsoever made done executed commenced or instituted before the commencement of this Order and then in force shall not be annulled or in anywise prejudiced or affected ;

(*b*) All liabilities and obligations incurred before the commencement of this Order and except where otherwise expressly provided in this Order all the provisions of the existing Harbour Acts (other than the repealed enactments) relating to the existing Trustees or their undertaking and in force at the date of the commencement of this Order shall be as binding and of as full force and effect in every respect against or in favour of the Trustees as they would or might have been against or in favour of the existing Trustees if this Order had not been made :

(2) (*a*) All legal and other proceedings begun before the commencement of this Order and relating to any property or liabilities transferred to the Trustees by this Order may be carried on with the substitution of the Trustees as parties to the proceedings in place of the existing Trustees and any such proceedings may be amended in such manner as may be necessary for that purpose ;

(*b*) All complaints and prosecutions raised or pending at the commencement of this Order at the instance of the procurator fiscal of the city for contraventions of the existing Harbour Acts or any byelaws made thereunder shall continue and take effect in the same way as if this Order had not been made :

(3) The officers appointed by the existing Trustees under the existing Harbour Acts shall continue to hold their offices during the terms of their respective appointments or until they resign or are removed and shall be subject to the provisions of this Order in the same manner as if they had been appointed thereunder and all bonds or securities granted for the conduct and intromissions of such

officers and all rights and benefits under the Order of 1939 shall be and remain valid and shall or may as the case may be be enforced by the Trustees to the same extent and effect as such bonds securities rights and benefits might have been enforced by the existing Trustees if this Order had not been made:

(4) All books registers deeds documents and writings which if this Order had not been made would have been receivable in evidence shall be receivable in evidence as if this Order had not been made:

(5) The byelaws rules and regulations made under the authority of or continued in force by the existing Harbour Acts and enforceable at the commencement of this Order shall be the byelaws rules and regulations of the Trustees and shall continue in force until repealed altered or superseded by the Trustees in like manner and to the like extent as if this Order had not been made.

Powers as to purchase of lands and as to authorised works to continue in force.

43. Notwithstanding any repeal effected by this Order—

(1) The Trustees may in addition to the lands already acquired or authorised to be acquired and held by the existing Trustees or authorised to be acquired by any of the Acts incorporated with this Order purchase or feu by agreement and hold any lands or any rights therein for the purposes of the harbour but nothing in this Order shall exonerate the Trustees from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section:

(2) The Trustees may make construct complete erect carry out and maintain all works of every nature authorised by any of the said existing Harbour Acts as may not at the commencement of this Order have been constructed erected carried out or completed and the Trustees may also from time to time maintain and improve all such works as are already constructed and completed or may hereafter be constructed or completed and may from time to time construct all such new works as the existing Trustees might have done if this Order had not been made:

(3) Section 5 (Power to close King William IV Dock &c.) of the Order of 1933 as amended by this Order (which section is contained in Schedule I to this Order) shall apply to the Trustees in same and like manner as to the existing Trustees.

Provision for payment of debts etc.

44. All money borrowed under the authority of the existing Harbour Acts and all other debts and moneys due or payable by the existing Trustees at the commencement of this Order shall be payable and paid by the Trustees and all rates tolls rents feuduties ground annuals and other duties and arrears thereof and all other debts and moneys belonging due or payable to the existing Trustees at the commencement of this Order may be collected

PART III —*cont.*

and recovered by the Trustees in the same manner in all respects as they might have been collected or recovered by the existing Trustees if this Order had not been made.

Agreements may be enforced by and against Trustees.

45. The Trustees may enforce against any person and any person may enforce against the Trustees to the same extent and effect as might have been enforced by or against the existing Trustees if this Order had not been made—

(1) All Acts of Parliament all Orders confirmed by Parliament and provisions of such Acts and Orders other than those repealed or altered by this Order conferring any right on the existing Trustees or on any such person respectively ;

(2) All notices for taking land or other notices given or preliminary steps of procedure taken by or to the existing Trustees or to or with any such person ;

(3) All claims for compensation or damages or for debts penalties costs or expenses payable or recoverable by to or from the existing Trustees or in consequence of any act deed matter or thing done or omitted to be done by any such person or by the existing Trustees ;

(4) All contracts or agreements for the sale or purchase of lands or for the construction of works and other contracts or agreements whatsoever entered into or adopted by the existing Trustees and any such person respectively ;

(5) All grants conveyances leases discharges or other deeds or writings granted to the existing Trustees by any person or to any person by the existing Trustees or to which any of the said parties have acquired right.

PART IV

ACCOUNTS AND AUDIT THEREOF

Trustees to balance their accounts annually.

46. The Trustees shall cause their accounts to be balanced in each year to the thirty-first day of March and such accounts shall exhibit and show all the receipts revenues and expenditure of the Trustees for the year preceding and the amount of the debts owing by them as at the said thirty-first day of March so far as known at the time and the said accounts shall be taken into consideration and disposed of by the Trustees at the first meeting of the Trustees in July in every year or at some adjournment thereof:

Provided that the accounts to be balanced as at the thirty-first day of March in the year one thousand nine hundred and fifty-four shall be for the period of ten months from the first day of June one thousand nine hundred and fifty-three to that date.

Auditor to be appointed.

47.—(1) The Trustees shall annually apply to the sheriff to appoint and the sheriff shall on such application annually appoint an auditor (not being one of the Trustees or holding office under them) to audit and docquet the accounts of the Trustees.

PART IV —*cont.*

(2) The Trustees shall suitably remunerate the said auditor and in the event of any dispute as to such remuneration the same shall be fixed by the sheriff whose decision shall be final:

Provided that a person or firm shall not be qualified for appointment as auditor unless he is a member (or in the case of a firm unless all the partners are members) of one or more of the following bodies:—

The Institute of Chartered Accountants of Scotland;
The Institute of Chartered Accountants in England and Wales;
The Society of Incorporated Accountants and Auditors;
The Association of Certified and Corporate Accountants;
The Institute of Chartered Accountants in Ireland.

Accounts to be audited.

48.—(1) It shall be the duty of such auditor to audit and docquet the accounts of the Trustees and for such purposes the Trustees shall give to him access to their accounts and books and the proper vouchers in support of the same.

(2) The auditor shall examine the accounts and books and vouchers of the Trustees and report annually not later than the first day of July on the said accounts and books and vouchers of the Trustees who shall consider and dispose of such report at their first meeting after it has been received or at some adjournment thereof.

Annual account to be sent to Minister.

49. (*a*) The Trustees shall within four months after the date to which their annual accounts are made up send a copy of the same to the Minister and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(*b*) The Trustees shall also within four months after the date to which their annual accounts are made up send a copy of the same to the sheriff clerk of the county of Angus at Dundee to be open to inspection by the public.

(*c*) The Trustees shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with paragraph (*a*) or paragraph (*b*) of this section.

(*d*) The accounts shall be made up to the end of the thirty-first day of March in each year.

PART V

WAREHOUSES AND DOCK WARRANTS

Power to construct warehouses.

50. The Trustees may construct and maintain such warehouses storehouses sheds and other buildings and works as they may deem necessary for the accommodation of goods shipped or unshipped within the harbour and may for the like purpose construct and maintain upon the quays closed or unclosed sheds and may erect or provide such cranes hoists jiggers weighing and other machines weights and measures as they think necessary for loading unloading measuring or weighing such goods.

PART V —*cont.*

Power to lease warehouses cranes etc.

51. The Trustees may lease or grant the use or occupation of any warehouses buildings sheds cranes hoists jiggers and weighing or other machines provided by them at such rents and upon such terms and conditions as may be agreed upon between the Trustees and the persons taking using or occupying the same:

Provided that any such lease shall not be granted for a longer period than five years.

Warehouses may be insured.

52. The Trustees may if they think fit but not otherwise insure from loss or damage by fire all or any of the warehouses sheds buildings machinery and other property for the time being vested in or belonging to them.

Trustees may act as warehousemen etc.

53. The Trustees may within the harbour act as warehousemen wharfingers and storekeepers and render such services as are usually rendered by dock companies on payment by the owners of the goods warehoused or deposited or the person in charge of such goods of such rents or charges as are fixed by the Trustees.

Trustees may issue certificates of deposited goods and warrants for delivery of goods.

54. The Trustees shall at the request of any person warehousing or depositing goods in any warehouse or vault or on or in any of the quays or yards of the Trustees specially appropriated for the purpose or entitled to any goods so warehoused or deposited issue and deliver to him a certificate (in a form approved by the Trustees) of the goods or a warrant (in a form approved by the Trustees) for delivery of the goods so warehoused or deposited or any specified part thereof.

Effect of certificate.

55. Goods specified in any such certificate shall for all purposes of this Order be deemed the property of the person in that behalf named in the certificate.

Effect of warrant.

56. Every such warrant for delivery shall be transferable by special endorsement and every such endorsement shall be recorded in the books of the Trustees and thereupon shall entitle the person named therein or the last endorsee thereof named in the endorsement to the delivery of the goods specified therein and the following rules shall have effect with reference to the issue of such warrants (namely):—

(1) A warrant shall not be given unless and until all liens and claims for freight and all other liens or claims to which the goods were liable while on board any vessel and before the warehousing or depositing thereof and of which the Trustees have notice in writing before the date of such warrant are paid and discharged and the goods mentioned in such warrant shall not be delivered up until all harbour rates on the goods and all rents charges and expenses payable to the Trustees with respect to the warehousing or depositing of the goods or for services performed by the Trustees in respect thereof are paid or discharged:

(2) Before a warrant is issued the certificate (if any such has been issued) shall be delivered up to the Trustees to be cancelled and retained by them:

PART V —*cont.*

(3) If the warrant is for delivery of part only of the goods the Trustees shall issue to the person delivering up the certificate a new certificate if asked for with respect to the goods not specified in the warrant.

Warrants etc. signed by duly authorised officers effectual.

57. All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the Trustees or to the management of the business of the harbour if signed and issued by any officer duly authorised in that behalf shall be effectual in law and binding on the Trustees and all other parties interested without any other signature and without any seal.

Rates on warehoused goods to be paid within one year or otherwise goods to be sold for payment of rates etc.

58.—(1) The importers or proprietors or consignees of any goods wares or merchandise warehoused or stored within the harbour shall before the expiration of one year to be computed from the day of the first entry thereof pay such rates and charges as are then due and payable on such goods wares and merchandise.

(2) If such importers or proprietors or consignees or their agents fail or neglect so to do before the expiration of such one year the Trustees or such person as may be appointed by them may cause all such goods wares or merchandise to be publicly sold first paying the customs duties and excise duties and purchase tax (if any) payable thereon.

(3) The produce of such sale shall be applied first in payment of the rates and charges imposed by the Harbour Acts or of any other sums which may be owing to the Trustees or for which they may be liable or have undertaken liability and the balance arising from such sale shall be paid to such importers or proprietors or consignees or their agents:

Provided that the said goods wares and merchandise shall not be sold until the Trustees have given one month's previous notice in writing to such importers or proprietors or consignees and have inserted such notice twice at least in a newspaper published in the city and have affixed the same in a conspicuous place in the office of the Trustees.

PART VI

BONDED WAREHOUSES

Warehouses to be used as bonded warehouses.

59. The Trustees may at their discretion use as a bonded warehouse any of their warehouses or any part thereof which may be duly approved by the Commissioners of Her Majesty's Customs and Excise when such are intended for the deposit of goods liable to the duties of customs or excise or purchase tax.

Trustees may give bond for duties on goods warehoused.

60. The Trustees may if required give to the Commissioners of Her Majesty's Customs and Excise general security by bond under their common seal for payment of duties or purchase tax on or for the due exportation of goods deposited in their warehouses and yards.

PART VI —*cont.*

Trustees may give security for bonded warehouses etc.

61. The Trustees may give such bonds or securities under their common seal as may be required by the laws for the time being in force relating to all premises for which the Commissioners of Customs and Excise may require bonds and securities to be given.

Warehouses to be secured.

62. All warehouses belonging to the Trustees in which goods prohibited to be used for home consumption or liable to the duties of customs or excise or purchase tax may be deposited shall if required by the Commissioners of Her Majesty's Customs and Excise be secured in such manner as shall be approved by such Commissioners.

PART VII

SURVEYS AND WEIGHING AND MEASUREMENT OF CARGOES

Appointment of surveyors of goods.

63. The Trustees may from time to time appoint one or more surveyors of goods to act at the harbour and fix and allow such fees salaries or remuneration to such persons as to the Trustees may appear proper.

Surveyor may inspect goods on board with respect to any damage which may have arisen.

64.—(1) Upon the requisition of the master of any vessel or the owner of any goods on board thereof a surveyor or other competent person may be appointed by the Trustees to survey such goods or any of them before the same are landed transhipped or unshipped or after the same are shipped and to inquire into and ascertain whether any injury or damage done to such goods has been caused by improper stowage or otherwise.

(2) Such surveyor or other person shall give a certificate in writing setting forth the cause of such damage so far as the same can be ascertained by him and such certificate shall be delivered to the master and a duplicate thereof if required to the owner.

(3) The Trustees may charge for every such survey and certificate notwithstanding any repeal effected by this Order the fees specified in Schedule I annexed to the Order of 1950.

Surveyor to have access to vessel.

65.—(1) A surveyor or other person appointed by the Trustees under the foregoing section shall be entitled to access to the vessel containing the goods in connection with which the survey is required therein to do all the acts necessary for carrying out the said survey and giving the said certificate and the master of such vessel and all other parties interested shall give and allow to such surveyor or other person all proper access and facilities.

(2) Any person who contravenes or aids or abets any other person in the contravention of this enactment shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

Weighing of goods and appointment of weighers meters and tally clerks.

66.—(1) All goods articles and things imported or exported within the harbour which are required or desired by any party having an interest therein to be weighed measured or tallied on being shipped or unshipped or delivered within or upon the said harbour or docks or piers or wharves or jetties thereof shall be weighed or measured or tallied by persons to be appointed and licensed as weighers meters and tally clerks by the Trustees.

PART VII —*cont.*

(2) The Trustees may appoint and licence a sufficient number of persons to be weighers meters and tally clerks and may remove at pleasure any person so appointed and licensed.

(3) The Trustees may make regulations for the government of persons so appointed and licensed and fix reasonable rates to be paid or other remuneration to be made to such persons for weighing and measuring and tallying goods articles and things.

Penalty on employing any person not a weigher or meter or tally clerk.

67.—(1) The master of any vessel or the owner of any goods articles or things shipped unshipped or delivered within or upon the harbour or docks or piers or wharves or jetties thereof shall not employ any person other than a weigher or meter or tally clerk licensed by the Trustees to weigh or measure or tally the same.

(2) If a person other than a weigher or meter or tally clerk licensed by the Trustees weighs or measures or tallies any such goods articles or things such person as well as the person by whom he may have been employed shall be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding five pounds and the weighing or measurement or tallying of any such goods articles or things by any such person not licensed or appointed as aforesaid shall be deemed illegal.

PART VIII

LIMITS OF HARBOUR MAINTENANCE OF HARBOUR WORKS ETC.

Limits of harbour.

68. The limits of the harbour shall extend over the river or water of Tay and on both sides thereof from the mouth of the rivulet commonly called the burnmouth of Invergowrie on the west to the place which is called the Gaw of Barry on the east on the north side of the said river or water of Tay and from the place where the monastery of Balmerino was situated on the west to the sands formerly called Drumla Sands and now known as Abertay Sands on the east on the south side of the said river or water of Tay and over such parts of the bed and shore of the harbour as were vested in the existing Trustees before the commencement of this Order.

Subsidiary works and power to lease and dispose of lands.

69. With respect to lands for the time being vested in the Trustees the following provisions shall have effect (that is to say) :—

(1) The Trustees may from time to time—

(*a*) construct repair renew and maintain timber ponds locks gates bridges quays piers jetties wharves sheds warehouses engines trucks wagons hoists cranes workshops sewers drains roads approaches streets and other works machinery and conveniences ;

(*b*) continue and if necessary lift and relay rails sidings and turntables and lay and maintain such new or additional rails sidings and turntables as may be convenient for the traffic of the harbour ; and

(*c*) alter divert or shut up roads or streets ; and

PART VIII —*cont.*

(2) The Trustees may from time to time appropriate and adapt such parts as they think fit of any such lands for the purpose of shipbuilding yards or of warehouses and generally for manufacturing trading or commercial purposes and lease such lands or any parts thereof for such periods and upon such terms and for such rent or other consideration as they think fit or sell feu or dispose of such lands or any parts thereof:

Provided that nothing in this section shall empower the Trustees to cause or permit a nuisance upon any such lands.

Power to dredge etc.

70.—(1) The Trustees may from time to time alter dredge scour deepen widen enlarge improve and maintain the docks entrances channels waterways and approaches of the harbour:

Provided that materials excavated or dredged under the provisions of this section shall not be deposited in any place below high-water mark of ordinary spring tides otherwise than in such position and under such restrictions as may be fixed by the Minister.

(2) (*a*) In the exercise of the powers conferred by this section the Trustees shall not interfere with damage or injuriously affect any submarine cable placed and maintained by the Postmaster-General in or across the harbour or the approaches thereof.

(*b*) Before exercising the said powers within a distance of fifty yards of any such submarine cable the Trustees shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice in respect of their intention to exercise such powers.

(*c*) Any sand mud shingle and other materials dredged up and removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or impede any work of or connected with the inspection or repair of such cable.

(3) The powers of the Trustees under this section shall be exercisable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands on behalf of Her Majesty may be given subject to such restrictions and conditions including the payment by the Trustees to the Commissioners of Crown Lands of royalties rents or sums of money in respect of materials raised from any place below high-water mark of ordinary spring tides and sold by the Trustees under this section or in respect of any place below high-water mark of ordinary spring tides upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands.

Power to Trustees to provide dwellings for officers.

71. The Trustees may from time to time provide on any lands belonging to them or may take on lease elsewhere such dwelling-houses or offices for any of their officers workmen or servants as they think fit and may permit the same to be occupied accordingly with or without the payment of any rent for the same and on such terms and conditions in other respects as the Trustees may from time to time think fit.

PART VIII —*cont.*

Trustees may contract for supply of water gas and electric power.

72. The Trustees may contract with any authority or person for a supply of water for the purposes of the harbour and to vessels in the harbour and for the extinction of fires in such vessels and for the working of gates locks bridges cranes or other machinery or conveniences in the harbour and also for a supply of gas and electric power for the lighting working and use of the harbour and the streets quays buildings and property within the same.

Power to place buoys etc.

73. The Trustees may from time to time construct lay or place and may maintain such buoys mooring chains or anchors in the river or Firth of Tay within the harbour for the purpose of warping or anchoring vessels as to them appear necessary or expedient for the use and accommodation of the shipping resorting to the harbour and may raise and replace the same under such restrictions conditions and regulations as they deem proper but so always as not to interfere with or obstruct the navigation of the river or Firth of Tay.

For enclosing the quays.

74. The Trustees may close in by locked gates and by placing keepers thereat for opening and shutting the same such of the piers quays and ways of the harbour and other property of the Trustees as they may think fit and exclude therefrom all persons who may not have business to do in regard to the ships or vessels goods wares and merchandise in the harbour:

Provided always that in order that all persons having business with respect to the ships or vessels or to the goods wares and merchandise within the harbour may have access thereto at all reasonable hours the Trustees shall make and publish and cause to be observed such byelaws as may appear necessary for the free ingress and egress of all such persons.

Power to run docks dry for purpose of repairs etc.

75. The Trustees may run any dock dry or lower the level of the water therein for the purpose of repairing or cleansing the same or for any other purpose having given not less than three clear days' notice of their intention to do so by fixing such notice on some conspicuous part of the office of the Trustees.

Vessels may be removed for purpose of repairing docks or quays.

76. Whenever the Trustees deem it necessary for the purpose of scouring or cleansing any dock or of repairing any dock or quay that any vessel lying therein or thereat ought to be removed the master of such vessel shall within two days after notice in writing signed by the harbour-master or dock-master has been given to him remove such vessel according to such notice whether such vessel has or has not discharged the whole of her cargo and if he neglects so to do such master shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

Harbour-master or dock-master may remove vessel if master neglects or refuses.

77. If the master of such vessel cannot be found or if he neglects or refuses to remove the vessel as required by the said notice the harbour-master or dock-master may with due care remove such vessel to such station as he selects and the expenses of such removal shall be paid to the Trustees by the owner of such vessel or the master thereof.

PART VIII —*cont.*

Harbour-master may remove or call for removal of any vessel from any part of harbour.

78.—(1) The harbour-master may if in his opinion it is required for the safety or convenience of the shipping in the harbour—

(*a*) forthwith remove any vessel lying within any part of the harbour ; or

(*b*) order the master of any such vessel forthwith to remove such vessel.

(2) If any such master of such vessel fails forthwith to carry out such order he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

PART IX

LIGHTING AND BUOYING OF THE TAY

Trustees to light and buoy river and Firth of Tay.

79. The Trustees shall provide for and manage and maintain the lighting and buoying of the river and Firth of Tay and the entrances thereto eastward of the western limits of the harbour and may erect and maintain such lighthouses lighting apparatus lights beacons buoys and other machinery for the purpose of lighting and buoying the said river and Firth and the entrances thereto as the Trustees may consider necessary and proper and the Trustees shall be a local lighthouse authority within the meaning of the Merchant Shipping Acts 1894 to 1950 and shall have all powers conferred by those Acts on local lighthouse authorities.

Power to erect lighthouses etc.

80. The Trustees when and as they deem it expedient for the protection of navigation to and from the harbour may purchase by agreement or lease land in convenient situations either within the limits of the harbour or on the coast adjoining or elsewhere as sites for the erection of lighthouses and landmarks thereon and may maintain alter and improve such lighthouses and landmarks when built and may take down the same respectively either with or without erecting others in their place.

Power to provide floating lights etc.

81. The Trustees may—

(1) from time to time as they may think proper construct establish maintain moor and place such and so many floating lightships buoys beacons and seamarks in such situations in or near the sea or river channels or other places within or near the harbour and the river and Firth of Tay and with such lights in any such lightships as they deem proper ; and

(2) when and as often as they deem it expedient change or alter the situation of or remove any lightships buoys beacons or seamarks.

Lighting of harbour.

82. The Trustees may alter extend and improve the lights and lighting of the harbour and provide lay down erect and maintain gas buoys and electric or other cables and mains or other apparatus within the harbour for the purposes of and applicable to such lights and lighting.

PART IX —*cont.*

As to electric cables etc.

83. All electric cables mains or other apparatus provided laid down erected or maintained under the authority of this Order for the purposes of electric lighting or electric power shall be so constructed and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Penalty for damaging lightships etc.

84. If—

(*a*) the master of any vessel wilfully or by wilful negligence permits or suffers such vessel to run foul of or strike against any lightship or vessel beacon or buoy or seamark belonging to the Trustees ; or

(*b*) any person on board such vessel wilfully or by wilful negligence damages any such lightship or vessel beacon or buoy or seamark in any manner howsoever ; or

(*c*) any person wilfully or by wilful negligence damages any lighthouse or landmark belonging to or under the management of the Trustees ;

such master or other person shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds and shall also pay for and make good all damage and injury which may have been so done.

Penalty for fastening vessels to buoys not being mooring buoys.

85. A person who—

(*a*) moors or fastens any vessel to any buoy or beacon within the harbour not being a mooring buoy or beacon ; or

(*b*) by boathook or rope or cable or otherwise hangs on to any such buoy or beacon ;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds.

PART X

TELEGRAPHS AND TELEGRAPHIC COMMUNICATION

Power to erect and maintain telegraphs.

86. The Trustees by agreement may purchase or hire such land and may erect establish improve alter and maintain such electric semaphore and other telegraphs (including wireless telegraphs) or other modes of communication as they may deem expedient along and in the city and harbour and between the city and harbour and such places in the counties of Angus and Fife or adjacent thereto as the Trustees may deem expedient and may erect provide lay down and maintain all necessary signal houses marine and other electric cables posts poles pipes tubes wires telephones and other things in connection therewith or may at their discretion contract with any person for the construction establishment or maintenance of such works or any of them.

Trustees empowered to lay wires etc. along public roads bridges and streets.

87. For the purpose of establishing maintaining or improving any such telegraph or telephone the Trustees may subject to the provisions of the Public Utilities Street Works Act 1950 from time to time lay down and place upon along across or under any such road bridge or street any wires pipes tubes standards and other apparatus

PART X —*cont.*

necessary or convenient for the purposes of such telegraph or telephone or for conveying the conducting and other wires of such telegraph or telephone upon along across or under such road bridge or street and may from time to time alter repair amend and reinstate the same and for such purposes may break up or open the pavement surface or soil of any road bridge or street.

Wires etc. may be laid down across seas.

88.—(1) The Trustees may also with the consent in writing of the Commissioners of Crown Lands and of all persons having any right of property or other right in or over the river and Firth of Tay lay down and maintain in under or over the same any cable wire pipe tube rope or apparatus for the purpose of any such telegraph or telephone and may from time to time alter repair amend and reinstate the same and for that purpose may cut channels on the shore or coast above or below high-water mark of ordinary spring tides for the purpose of placing and laying down such cable wire pipe tube rope or apparatus.

(2) The Trustees may also construct lay down and fix buoys seamarks and other things therein necessary and convenient for the protection of the telegraphs telephones cables wires pipes tubes ropes and apparatus of the Trustees from injury.

(3) In the execution of such works the Trustees shall do as little damage as may be and shall make compensation for all damage caused thereby.

(4) The amount of such compensation in case of difference respecting the same shall be settled and determined by the sheriff or by two justices having jurisdiction at the place where such damage is done.

Telegraph etc. cables etc. not to be placed in tidal waters without consent.

89. The Trustees shall not place any telegraph telephone or electric cable or any buoy or seamark connected therewith under in upon over along or across any estuary or branch of the sea or the shore or bed of any tidal water except with the consent of all persons having any right of property or other right or any power jurisdiction or authority in over or relating to the same which may be affected or be liable to be affected by the exercise of the powers of the Trustees which consent where Her Majesty in right of Her Crown is interested may be given on behalf of Her Majesty by the Commissioners of Crown Lands.

Plan of telegraph etc. works to be subject to approval.

90.—(1) Before commencing the laying of any such cable or of any buoy or seamark as aforesaid (except in cases of emergency for repairs to any cable or work previously constructed or laid and then as speedily after the laying of any such cable or placing of such buoy or seamark as may be) the Trustees shall deposit at the office of the Minister a plan thereof for the approval of the Minister.

(2) The cable shall not be laid nor the buoy or seamark placed otherwise than in accordance with such approval.

(3) If any such cable is laid or buoy or seamark placed contrary to this provision the Minister may at the expense of the Trustees remove it or any part of it and restore the site thereof to its former condition.

PART X —*cont.*

For protection of Postmaster-General.

91. Any electrical works or telephone or telegraph posts wires conductors or apparatus made laid down erected or maintained under the provisions of this Part of this Order shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed worked or used in contravention of the provisions of the Wireless Telegraphy Acts 1904 to 1926 or the Wireless Telegraphy Act 1949 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

PART XI

DISCHARGE OF CARGOES AND REGULATION OF HARBOUR AND DOCKS

Porters licensed by existing Trustees.

92. Any person who at the commencement of this Order possesses a licence from the existing Trustees to act as a porter shall for the purposes of this Order be deemed and taken on and after the commencement of this Order to have been licensed by the Trustees and shall be entitled to the same rights and privileges and be subject to the same regulations and be liable to the same penalties for offences committed against this Order or any byelaw continued in force or made in pursuance thereof as he would have been entitled or subject or liable to if he had actually been licensed by the Trustees.

Appointment of porters etc.

93.—(1) The Trustees may from time to time license and appoint a sufficient number of persons to act as porters barrowmen stevedores lumpers or boatmen at the docks or in or at the harbour and fix the rates to be paid to any such persons and remove suspend and displace them at pleasure.

(2) The Trustees may make such rules and regulations and impose such penalties to secure the exclusive employment of such licensed porters barrowmen stevedores lumpers or boatmen as they may from time to time think proper.

Delivery of cargoes and placing of discharged vessels.

94.—(1) The master of every vessel which comes alongside any wharf pier or jetty or goes into any dock for the purpose of being discharged of her cargo shall if required by the harbour-master or dock-master cause such vessel to be so discharged as soon as conveniently may be after entering therein and after being so discharged to be removed without loss of time into such dock or such part of any dock as is set apart for light vessels.

(2) The harbour-master or dock-master may cause any dock or a part of any dock to be set apart for light vessels accordingly.

(3) The master of any such vessel who does not cause her to be so removed within twenty-four hours after being required so to do by notice in writing signed by the harbour-master or dock-master shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

(4) The harbour-master or dock-master may in such case cause such vessel to be so removed and the expenses of such removal shall be paid to the Trustees by the master or owner of such vessel.

PART XI —*cont.*

Harbour-master or dock-master may employ labourers etc. to expedite vessel.

95. The harbour-master or dock-master may if he thinks fit employ tugs boatmen riggers and labourers for the purpose of effectually and speedily working any vessel into or out of any dock and the master or owner of any such vessel shall on demand repay to the Trustees all expenses so incurred.

Penalty on giving a false draught of water.

96. If the master mate pilot or other person in charge of any vessel entering or leaving or intending to enter or leave any dock or slip gives false information of her draught of water to the harbour-master or dock-master he shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding one hundred pounds besides being liable for any damages and expenses that may arise in consequence of such false information.

Harbour-master or dock-master may employ persons to discharge or load ships.

97.—(1) Where the harbour-master or dock-master is of opinion that any unnecessary or inconvenient delay has taken place in the discharging or loading of any vessel either from the inadequacy or improper conduct of the persons employed for that purpose or from the negligence or default of the master of such vessel he may employ a sufficient number of persons to discharge or load or assist in discharging or loading the cargo of such vessel and may make a reasonable charge for the same which shall be paid to the treasurer by the master or owner of such vessel.

(2) The harbour-master or dock-master may regulate or stop the discharge of cargo from any vessel when he considers the sheds or other accommodation for goods in the harbour are congested.

Decks of vessels to be kept clear.

98. The master of any vessel who does not upon the request of the harbour-master or dock-master properly clear the deck of such vessel by stowing away such articles as may impede the delivery or loading of the cargo shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Penalty for wilfully cutting moorings.

99. Any person who wilfully cuts breaks or destroys the mooring or fastening of any vessel lying in the harbour or docks wharves jetties piers or quays or at or near the same shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding fifty pounds.

Penalty on opening dock gates without permission.

100. Any person who opens or shuts or attempts to open or shut any swing bridge dock gate caisson or sluice without the consent of the harbour-master or dock-master shall be guilty of an offence and shall be liable on summary conviction for every such offence to a penalty not exceeding one hundred pounds.

Harbour-master or dock-master may remove nuisances.

101. The harbour-master or dock-master may remove or cause to be removed from any dock or quay any nuisance which may happen to be thereon and may also remove or cause to be removed from any dock or quay all idle or disorderly persons and all persons attempting to act in any way contrary to law or to any of the provisions of this Order.

PART XI —*cont.*

How timber etc. shall be laid upon quays.

102.—(1) All timber and other goods and things shall be so placed on the quays wharves jetties or piers on being landed as to leave a space of twenty feet clear for vehicles and passengers unless the harbour-master for special cause fixes and allows by written order a less space.

(2) Any timber or other goods or things otherwise placed upon the quays may be immediately removed by the Trustees or their officers.

(3) The expenses of such removal shall be recoverable from the owner of such timber or other goods or things or the master of the vessel from which the same were landed.

(4) The harbour-master or dock-master may prevent the landing upon the quays of any additional timber or other goods or things from the same vessel or belonging to the same owner in any case where the portion of the cargo already landed has remained twenty-four hours (excluding Sundays) upon the quays without removal.

Dangerous goods not declared to be such to be forfeited.

103. Any combustible explosive detonating or other similar dangerous goods landed transhipped or brought into any dock wharf warehouse or other part of the land or premises of the Trustees without having been duly declared to be such shall be absolutely forfeited and may at the option of the Trustees either be sold for their benefit or be destroyed and such forfeiture shall not exonerate the owner of such goods from any penalty or any payment of rates or dues to which he may be liable:

Provided that nothing in this section shall be deemed to apply to fuel and lubricants carried in a motor vehicle for the purpose of its propulsion.

For removal of combustibles.

104. If the owner consignee or person in charge of any combustible liquid or material or thing permits or suffers the same or any part thereof to be and remain on the quays or wharves of the Trustees or any of them or any part thereof or upon the deck of any ship lighter barge boat or any other vessel in the docks basins locks cuts or entrances of the harbour or any of them above the space of two hours after he is required by the harbour-master or dock-master by notice in writing to take away the same therefrom such owner consignee or person in charge shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings for every hour the combustible liquid or material or thing or any part thereof remains in that place after the expiration of two hours computed from the time of the requisition:

Provided that nothing in this section shall be deemed to apply to fuel and lubricants carried in a motor vehicle for the purpose of its propulsion.

For watching of combustibles.

105.—(1) In every such case the owner consignee or person in charge of the combustible liquid or material or thing if the same respectively is on the quays or wharves or any of them or the master of the ship lighter barge boat or other vessel on the deck of which the same is shall at their own expense respectively maintain a sufficient number of careful and sober persons to be appointed in that

PART XI —*cont.*

behalf by the harbour-master or dock-master to guard and watch over the combustible liquid or material or thing after the making of the requisition until the same respectively be removed.

(2) If any such owner or master or other person fails to pay the expense on demand the expense shall be ascertained by any magistrate and be recovered in like manner as any penalty is recoverable under this Order:

Provided that nothing in this section shall be deemed to apply to fuel and lubricants carried in a motor vehicle for the purpose of its propulsion.

Detention of vessels until damage secured.

106. The harbour-master shall be entitled to detain any float of timber or any vessel which within the harbour injures or damages any of the harbour works or lighting or buoying appliances or any other float of timber or vessel until sufficient security has been given to his satisfaction for payment of such damage or injury.

PART XII

HARBOUR RAILS

Power to work harbour rails.

107. The Trustees may provide place and run carriages trucks wagons and engines on and may work and use the harbour rails and may provide such plant materials and other things requisite or convenient for the purpose of such working or use and may take and charge rates therefor and for such services as the Trustees may render and for the use of such carriages trucks wagons and engines any sums not exceeding the rates specified in Schedule F annexed to the Order of 1950:

Provided that nothing contained in this section shall in any way prejudice or affect the agreement between the existing Trustees of the first part and the Caledonian Railway Company and the North British Railway Company (later respectively the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and now the British Transport Commission) of the second part scheduled to and confirmed by the Order of 1912 subject always to the provisions of section 10 of the Order of 1950.

PART XIII

TUGS AND LIFEBOATS

Trustees may provide and license tugs.

108. The Trustees may from time to time build purchase contract for or hire and may maintain use and let steam or other powered tugs for the use and accommodation of vessels frequenting the harbour and may also from time to time license such number of steam or other powered tugs belonging to any person for such period and on such terms and conditions as they think fit.

Penalty for using or employing tugs without licence of Trustees.

109. Any person who without first having applied for and obtained the licence of the Trustees uses or employs any steam or other powered tug for towing vessels within the harbour except (*a*) such tugs as are provided or employed by the Trustees or by their lessee contractor or other person having their authority and (*b*) any licensed tug which is being employed in towing a vessel from any other harbour to or beyond the harbour or from the harbour

PART XIII —*cont.*

to any other harbour shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds:

Provided that nothing in this section shall be deemed to require the owner or master of a vessel to obtain the licence of the Trustees before employing a tug for the purpose of assisting in the navigation of his vessel.

Trustees may provide and hire out pilot boats.

110. The Trustees may from time to time build purchase contract for or hire and may maintain and hire out pilot boats to the Dundee District Pilotage Authority and that for such period and on such terms and conditions as they think fit.

Power to establish lifeboats.

111. The Trustees may provide and maintain such and so many lifeboats or other vessels to be used and established for the purpose of rendering assistance to vessels in distress as they may from time to time think necessary or expedient and may as they may think proper purchase by agreement either within the limits of the harbour or on the coast adjoining or elsewhere sites for and may build houses and landing places for (*a*) the accommodation of such boats their crews and stores and (*b*) the shelter and safety of pilot boats when driven by stress of weather from their stations.

Assistance to vessels in distress etc.

112.—(1) The master mate or any other person in charge of any steam or other powered tug within the harbour or licensed by the Trustees shall on the written requisition of the harbour-master proceed with such tug to the assistance of any vessel docking or undocking or on shore or in distress within any part of the harbour or entrances thereto.

(2) Such compensation or allowance shall be made for such assistance as the harbour-master may fix and determine.

(3) If any such master mate or other person refuses or delays to comply with any requisition made as aforesaid he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds for every such offence.

PART XIV

HARBOUR RATES ETC.

Power of Trustees to rate.

113. Notwithstanding any repeal effected by this Order on and after the appointed day the Trustees may subject to the provisions of the Harbour Acts levy demand and recover the rates and charges specified in Schedules B C D E F G H and I annexed to the Order of 1950 from the persons liable for payment of the same in the same manner and to the like extent as if they were the Trustees mentioned in the said Order.

Rates on vessels.

114. Subject to the provisions of the Harbour Acts and of Schedule B annexed to the Order of 1950 the Trustees may levy on and in respect of all vessels entering or departing from the harbour or using the works in or connected with the harbour the rates specified in the said Schedule B and all such rates shall be paid by the owner agent master consignee or other person in charge of such vessels.

PART XIV —*cont.*

Rates on goods etc.

115. Subject to the provisions of the Harbour Acts and of Schedule C annexed to the Order of 1950 the Trustees may levy on and in respect of all goods animals and carriages shipped unshipped or transhipped within the harbour the rates specified in the said Schedule C and all such rates shall be paid by the owner consignee or other person in charge of such goods animals or carriages.

Rates on goods not enumerated.

116. All goods shipped unshipped or transhipped within the harbour and not particularly enumerated in the said Schedule C shall only be liable to rates equal to the rates specified in the said schedule on such goods as in the judgment of the Trustees may be nearest in description and value to such unenumerated goods.

Rates for graving dock etc.

117. Subject to the provisions of the Harbour Acts and of Schedule D annexed to the Order of 1950 the Trustees may levy on and in respect of all vessels entering or using any graving dock patent slip or careening beach constructed or to be constructed within the harbour the rates specified in the said Schedule D and all such rates shall be paid by the owner agent master consignee or other person in charge of such vessels.

Rates for cranes etc.

118.—(1) Subject to the provisions of the Harbour Acts and of Schedule E annexed to the Order of 1950 the Trustees may levy for and in respect of the use of cranes and rails at the harbour the rates specified in the said Schedule E and all such rates shall be paid by the owners or persons in charge of goods lifted or by the owner agent master consignee or other person in charge of vessels using the said cranes or by the owners or persons in charge of goods minerals and other traffic conveyed upon the said rails.

(2) The Trustees may from time to time enter into and carry out agreements with any person under which such person shall have the sole or partial use of any of such cranes or rails during such periods and at and for such rates charges or other consideration and under such conditions as the Trustees may fix and determine or as may be so agreed.

Rates for sheds and weighing of goods.

119. Subject to the provisions of the Harbour Acts and of Schedule G annexed to the Order of 1950 the Trustees may levy for and in respect of the use of sheds (other than lairage sheds or other works or conveniences for animals) and for and in respect of the weighing of goods the rates respectively specified in the said Schedule G and such rates respectively shall be paid as mentioned in the said schedule.

Rates for lighting and buoying.

120. Subject to the provisions of the Harbour Acts and of Schedule H annexed to the Order of 1950 the Trustees may levy for and in respect of the lighting and buoying of the river and Firth of Tay on all ships and other vessels going out of or coming into or trading in the said river and Firth within the limits of the harbour the rates specified in the said Schedule H and such rates shall be paid as mentioned in the said schedule.

Rates for timber ponds.

121. As soon as the Trustees provide or possess any timber ponds they may from time to time enter into agreements with any person for payment of such rates or other consideration in respect of the use of such timber ponds or any part thereof as may seem expedient to the Trustees.

PART XIV —*cont.*

Rates for use of warehouses etc.

122. The Trustees may levy and receive such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings cranes coal hoists jiggers works and conveniences belonging to the Trustees for the use of which rates are not specially fixed in the schedules annexed to the Order of 1950.

Provision as to rates for sheds used for fish traffic.

123. Subject to the exercise by the Trustees of the powers contained in the immediately preceding section of this Order the rates for sheds in Schedule G annexed to the Order of 1950 shall not apply to sheds used for the accommodation of fish traffic.

Rates to be charged equally.

124.—(1) The rates authorised by the Harbour Acts to be levied at the harbour shall at all times be charged equally to all persons in respect of the same class or description of vessel or of voyages and the same description of goods.

(2) All the said rates payable to the Trustees shall be paid at their shore dues office at the harbour or at such other place as they may from time to time fix and appoint.

(3) For all such rates the Trustees in addition to all other available remedies may retain in security any goods or property of the parties liable to the payment of the same and may in default of payment sell such goods or property or any part thereof and apply the proceeds in payment of such rates and the expenses of sale.

Charges for tugs

125.—(1) The Trustees may subject to the approval of the Minister from time to time fix such rates or charges as appear to them reasonable for or in respect of the use of such steam or other powered tugs maintained used and let or licensed by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining the assistance of such tug to the Trustees or to their lessee or to the person with whom they may contract or to the owner of such tug if licensed by the Trustees as the case may be.

(2) Such rates and charges shall be due and payable whether such tug is actually employed or not provided the assistance thereof has been required and in consequence of such requisition has been tendered by the master or other person having the command of such tug.

Rates on coastwise goods.

126. Notwithstanding anything contained in the Harbour Acts or in the Acts incorporated therewith the Trustees may in respect of goods imported or exported coastwise levy demand and recover such rates lower than those in force for the time being in pursuance of the Harbour Acts as the Trustees may from time to time by resolution fix:

Provided that any rates so fixed shall not be less than fifty per centum of the rates for the time being charged in respect of goods imported or exported other than coastwise:

Provided further that for the purposes of this section the words "goods imported or exported coastwise" shall be construed as meaning goods imported or exported in vessels falling under II —Coasting of Schedule B (Rates on vessels) annexed to the Order of 1950.

PART XIV —*cont.*

Rates on floating docks etc.

127. Subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending the same and of any order made under or in pursuance thereof the Trustees may levy from the owners thereof on and in respect of floating docks seaplanes hydroplanes airships and similar craft or vessels of exceptional construction or method of propulsion entering or using or departing from the harbour or otherwise passing through the harbour or any part thereof such reasonable rates as may from time to time be fixed by the Trustees:

Provided that the rates levied under this section on and in respect of seaplanes hydroplanes and similar craft shall not exceed those mentioned in Schedule B annexed to the Order of 1950.

Rates for water conveyed to vessels.

128. The Trustees may levy and receive from the owner agent master consignee or other person in charge of any vessel receiving a supply of water such rates as they think fit for defraying the expense of the conveyance by boat of water to vessels.

Charges for services not otherwise provided for.

129. The Trustees may make reasonable charges for all work done services rendered or facilities afforded for the dispatch of business not otherwise expressly provided for by this Order.

Debts charged on former rates to be charged on rates under this Order.

130. Notwithstanding any repeal effected by this Order the rates authorised to be levied by the Harbour Acts and under Schedules B C D E F G H and I of the Order of 1950 shall be liable to and be charged with all the debts claims and demands whatsoever to which the rates and duties leviable and payable under the existing Harbour Acts or any of them are subject and liable under the provisions thereof and all mortgages or assignments or other securities granted under the authority of the existing Harbour Acts or any of them shall be as effectually charged upon the said rates and the other revenues of the harbour as if such rates and revenues had been specifically and expressly conveyed and charged by such mortgages or assignments or other securities.

Claims for repayment of rates.

131. Any person claiming the return of the whole or any part of any moneys paid in respect of any rates authorised by the Harbour Acts or for services rendered shall make such claim and produce all documents and give all information reasonably required in proof of such claim within twelve months from the time of payment and in default thereof the whole sum paid shall belong to the Trustees.

PART XV

BORROWING POWERS

Power to borrow money.

132.—(1) Subject to the provisions of this Order the Trustees may (in addition to the sums already borrowed by the existing Trustees at the commencement of this Order) from time to time borrow for the purposes of the harbour other than the Tay Ferries on the security of the rates authorised by the Harbour Acts and the other revenues of the harbour and of the rates authorised by the said Harbour Acts to be levied at the Tay Ferries the sum of three hundred and fifty-five thousand four hundred and sixty-six pounds fifteen shillings and threepence being the sum remaining unborrowed under the

PART XV —*cont.*

powers of the existing Harbour Acts at the commencement of this Order and in addition thereto the Trustees may from time to time borrow such sums as they think requisite for the purposes of the harbour other than the Tay Ferries not exceeding the sum of five hundred thousand pounds and for paying the costs of this Order the amount necessary on the security of the said rates and revenues.

(2) The money which may be so borrowed shall be a part of the debt affecting the harbour and if after having borrowed the said sums or any part thereof the Trustees pay off the same except by means of the sinking fund it shall be lawful for them again to borrow the amount so paid off and so from time to time.

(3) The Trustees may grant to the persons advancing or lending the money so to be borrowed bonds mortgages or otherwise therefor containing an assignation of the said rates and revenues or any part thereof to such persons as a security for the payment of the money so to be borrowed with the interest thereof.

Trustees may borrow on credit of cash account.

133. The Trustees may accept and take from any bank or banking company on the security of the said rates and revenues credit on a cash account to be opened and kept with such bank or banking company in the name of the Trustees according to the usage of bankers in Scotland to the extent of the sum which the Trustees are for the time being authorised to borrow or any part thereof:

Provided that the whole sum due and owing by the Trustees on such cash account and for money borrowed by them and the existing Trustees on bonds or other securities or vouchers of debt shall never when taken together exceed the amount already borrowed at the commencement of this Order and the amount which the Trustees are authorised to borrow under this Order.

Bonds etc. to be personal estate.

134. All bonds mortgages or other securities or vouchers of debt granted by the existing Trustees or to be granted by the Trustees and all money advanced and lent or to be advanced and lent on the security of the rates and revenues of the harbour shall be movable or personal estate and transmissible as such.

Trustees not bound to see to execution of trusts.

135. The Trustees shall not be bound to see to the execution of any trust whether express implied or constructive to which any bond or other security or voucher of debt already granted or hereafter to be granted by the existing Trustees or the Trustees or the money principal or interest thereby secured may be subject and the receipt of the person in whose name any such bond or security or voucher of debt stands in the books of the Trustees shall be a sufficient discharge to the Trustees for any money payable in respect of such bond or security or voucher of debt notwithstanding any trust to which the same or the money thereby secured may then be subject and the Trustees shall not be bound to see to the application of the money paid upon any such receipt.

Discharge of bonds etc.

136. Any person entitled to any such bond or security or voucher of debt may discharge the same and his right and interest therein in favour of the Trustees and every such discharge may be written thereon and may be according to the form contained in the Schedule B

PART XV —*cont.*

annexed to this Order or to the like effect and when signed by the grantor thereof shall be valid and effectual to all intents and purposes.

Closing transfer books.

137. The Trustees may close the register of transfers of bonds or assignations and vouchers of debt to be kept in accordance with the provisions of section 78 of the Commissioners Clauses Act 1847 incorporated herewith for any period not exceeding fourteen days before the fifteenth day of May and the eleventh day of November in each year and any transfer made during the time when such register is closed shall (as between the Trustees and the transferee but not otherwise) be held as made after that time.

Additional method of borrowing.

138. For the purpose of providing temporarily for current expenditure for any of the purposes of their undertaking it shall be lawful for the Trustees to borrow such moneys as may be necessary to provide for such expenditure:

Provided always that such moneys so borrowed shall as nearly as may be be repaid at or before the fifteenth day of May next ensuing after the dates of the borrowing:

Provided also that the total sum of moneys so borrowed outstanding at any one time shall not exceed the sum of one hundred thousand pounds.

As to payment of interest on mortgages jointly held.

139. Notwithstanding the incorporation with the Harbour Acts of certain provisions of the Commisioners Clauses Act 1847 the following provisions shall apply and have effect (that is to say):—

Where more persons than one are registered as joint holders of any mortgage either as individuals or as trustees or executors or in any official capacity the first named of them may receive and give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Trustees by any other of them.

Interest warrants by post.

140.—(1) Unless where otherwise required in writing by the holder of a mortgage his interest warrant shall be sent to him by post to the address given by him or his mandatory to the Trustees.

(2) The posting by the Trustees of a letter containing an interest warrant addressed to the holder of a mortgage or his mandatory at the address so given shall as respects the liability of the Trustees be equivalent to the delivery of the warrant to the holder of the mortgage himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Trustees shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Form of mortgage.

141. Notwithstanding the incorporation with the Harbour Acts of certain provisions of the Commissioners Clauses Act 1847 the form of mortgage contained in Schedule C to this Order may be used by the Trustees in lieu of the form of mortgage in the Schedule B annexed to the said Commissioners Clauses Act and the provisions of the Harbour Acts shall be read and construed accordingly.

PART XV —*cont.*

Transmission of mortgages etc.

142.—(1) Any person becoming entitled to a mortgage in consequence of the death or bankruptcy of any holder or otherwise than by transfer may upon such evidence being produced as may from time to time be required by the Trustees procure himself registered as a holder.

(2) There shall be paid to the Trustees in respect of any registration under this section or otherwise a fee not exceeding five shillings in respect of each registration.

Creation of redeemable stock.

143.—(1) Where the Trustees have for the time being any statutory borrowing power (including the unexercised borrowing powers vested in them from the existing Trustees) then subject and according to the provisions of this Order the Trustees may from time to time by resolution exercise the power by creation of redeemable stock to be issued from time to time for such amount within the limit of the power at such price to bear such half-yearly or other dividends as the Trustees by resolution direct and to be transferable by deed.

(2) Stock so created under the provisions of this Order or created before the commencement of this Order by the existing Trustees shall be designated "Dundee Harbour redeemable stock" and is comprised in the term "harbour stock" when hereinafter used in this Order.

(3) All harbour stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Trustees at any time after the date of the first issue of any harbour stock created or granted by the Trustees or by the existing Trustees in pursuance of any statutory borrowing power.

(4) The resolution for the first creation of any class of harbour stock shall provide that such stock shall be redeemed by the Trustees at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of harbour stock.

Statutory borrowing power to be exercisable for actual sum raisable.

144. Each statutory borrowing power of the Trustees shall be construed to authorise the Trustees to create and issue harbour stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Trustees under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Trustees as consideration on payment off or redemption by the Trustees of any security granted or created by the Trustees.

Charge of harbour stock

145.—(1) All harbour stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Order charged indifferently on the whole rates and other revenues of the harbour and of the Tay Ferries.

PART XV —*cont.*

(2) The dividends for the time being payable on all harbour stock shall subject to all charges existing at the commencement of this Order rank equally with the interest on all other securities of the Trustees at any time after the date of the first issue of any harbour stock created or granted in pursuance of any statutory borrowing power and the said dividends and interest shall be the first charge on the revenues aforesaid (all which revenues are comprised in the term "the revenues" when hereinafter used in this Order).

Extinction of stock redeemed or purchased.

146. All harbour stock redeemed by the Trustees or purchased by the Trustees for extinction shall be forthwith cancelled by the Trustees and on such cancellation the said stock and all dividends thereon (not already accrued) shall be and the same are extinguished by virtue of this Order:

Provided that any harbour stock which may be redeemed or purchased otherwise than by means of the sinking fund referred to in the section of this Order of which the marginal note is "Sinking fund" (not being stock redeemed or purchased out of moneys derived from the sale of land) may be reissued by the Trustees as and when they see fit.

Payment off or substitution for existing securities.

147.—(1) Where any security granted or created before or after the commencement of this Order under any statutory borrowing power is outstanding or payable and the Trustees have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by harbour stock or they may with the consent of the holder thereof issue harbour stock in substitution for the security.

(2) The Trustees may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or harbour stock or partly in one and partly in the other.

(3) The Trustees may create and issue harbour stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power or other power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) Money received by the holder of any security as authorised by this section and harbour stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as was the money secured or represented by the security immediately before such payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

PART XV —*cont.*

Extinction or suspension of power.

148. On the issue of any portion of harbour stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely): —

(*a*) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any security granted or created by the Trustees under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is extinguished by virtue of this Order ; but

(*b*) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the sinking funds or out of moneys derived from the sale of land may be reborrowed by the Trustees for the residue of that term or any part thereof and so from time to time.

Application of money from stock.

149. Money raised by harbour stock shall be employed by the Trustees for the purposes of their statutory borrowing power and not for any other purpose.

Appointment of registrar of stock.

150.—(1) The Trustees may if they think fit and on and subject to such terms and instructions not inconsistent with the provisions of this Order as they think expedient appoint and keep appointed an officer of the Trustees or other person or any bank or a banker as registrar (in this Order referred to as " the registrar ") for all or any of the purposes of the provisions relating to harbour stock in this Order.

(2) The Trustees in relation to the provisions of this Order in regard to harbour stock and the registrar shall be deemed a banker within the Bankers Books Evidence Act 1879.

Stock register.

151.—(1) The Trustees or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of harbour stock and the amounts held by them (in this Order referred to as " the harbour stock register ").

(2) The harbour stock register shall be prima facie evidence of any matter entered therein in accordance with this Order and of the title of the persons entered therein as stockholders.

Certificates of proprietorship of stock.

152.—(1) (*a*) On demand of a holder of harbour stock the Trustees shall give him a certificate (in this Order referred to as a " stock certificate ") of the proprietorship thereof specifying the amount of harbour stock to which he is entitled.

(*b*) Any such certificate may if the Trustees think fit have attached thereto coupons in respect of the dividends payable upon such stock and the provisions of this Order relating to coupons attached to stock certificates to bearer shall mutatis mutandis apply to any such first-mentioned coupons.

(2) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assignees (or successors in office as the case may be) to the stock therein

PART XV —*cont.*

specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Trustees and subject to such indemnity as they may require shall not prevent the holder of stock from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Trustees on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Trustees on proof thereof to their satisfaction may on receipt of such indemnity as they may require give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the harbour stock register.

Power for stockholder to transfer.

153. Subject to the provisions of this Order every stockholder may transfer all or any part of his stock:

Provided that a transfer shall not be registered in respect of any sum of stock other than one pound or a multiple of one pound.

Transfer deeds.

154.—(1) Every deed of transfer of harbour stock when duly executed shall be delivered to the Trustees or the registrar and the Trustees or the registrar shall cause a record thereof to be entered in a book to be called the "register of transfers of harbour stock".

(2) The Trustees or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Trustees of its absence and on receipt of such indemnity as they may require deliver a new stock certificate to the transferee.

Closing of transfer registers.

155.—(1) The Trustees or the registrar with the approval of the Trustees may close the register of transfers of harbour stock on any day in the month next before that in which dividends on harbour stock are payable and may keep the same closed provided that the register is not at any time kept closed for more than twenty-one days.

(2) The persons who on the day of such closing are registered as stockholders shall as between them and the transferees of harbour stock be entitled to the dividend next payable thereon.

Stamp duty on transfers.

156. Every deed of transfer of stock shall be duly stamped and the consideration shall be truly stated therein.

As to registration of transfers etc.

157. The Trustees or the registrar shall not be bound to register any transfer confirmation or other document purporting to transmit the ownership of any stock earlier than seven days after the receipt thereof for that purpose.

In case of death who is to be recognised as stockholder.

158. The executors or administrators of a deceased stockholder or when harbour stock is held by more than one person jointly the survivors of such joint holders or the executors or administrators of the last survivor or the successors of holders in any official capacity shall be the only persons recognised by the Trustees as having any title to the stock.

PART XV —*cont.*

Payment of dividends.

159. The Trustees may pay by the registrar the dividends on harbour stock and such payments may be made by warrant.

Dividends to joint holders.

160. Where more persons than one are registered as joint holders of any harbour stock either as individuals or as Trustees or executors or in any official capacity the first-named of them may receive and give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Trustees or the registrar by any other of them.

Dividend warrants by post.

161.—(1) Unless where otherwise required by a stockholder in writing his dividend warrant shall be sent to him by post to the address given by him or his mandatory to the Trustees or the registrar.

(2) The posting by the Trustees or the registrar of a letter containing a dividend warrant addressed to a stockholder or his mandatory at the address so given shall as respects the liability of the Trustees and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Trustees and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Provisions respecting stock certificates to bearer.

162.—(1) The Trustees or the registrar may if they so resolve issue to a harbour stockholder applying therefor a harbour stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that such certificate or coupon shall not give a title to dividends beyond the time limited for redemption.

(2) A harbour stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3) The bearer of a harbour stock certificate to bearer may on delivery up to the Trustees or registrar of the certificate and of all unpaid coupons belonging thereunto require to be entered in the harbour stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable by deed and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(4) The coupons issued with a harbour stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Trustees approve.

(5) At the end of that period fresh coupons may be issued for such further periods as the Trustees approve and so for successive periods during the continuance in force of the stock certificate but

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the Trustees or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(6) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Trustees and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(7) If a harbour stock certificate to bearer or coupon is worn out or damaged the Trustees or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(8) If a harbour stock certificate to bearer or coupon is lost or destroyed the Trustees or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Trustees against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(9) Harbour stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the harbour stock register as transferable by deed.

Appointment of judicial factor etc.

163.—(1) If at any time the Trustees for two months after demand in writing fail to pay any dividend due on any harbour stock the person entitled thereto may apply to the court of session for the appointment of a judicial factor and the court may appoint a judicial factor accordingly.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying the revenues that may be liable to the payment of the interest on the stock as the Trustees themselves or any officer of theirs might have and shall apply all moneys received by him after payment of expenses and costs under the direction of the court for the purposes of and in conformity with the provisions of the Harbour Acts.

Protection of holders of stock.

164. A person taking or holding harbour stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Trustees or otherwise in accordance with this Order or whether or not the Trustees or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Trustees were legal or regular or to see to the application of any money raised by harbour stock or be answerable for any loss or misapplication thereof.

Saving for power of revocation.

165. Notwithstanding anything in this Order the Trustees may revoke at any time in whole or in part any resolution for creation of harbour stock passed by the Trustees provided the same has not been acted on by the issue of stock thereunder.

Forgery.

166.—(1) Harbour stock shall be deemed capital stock of a body corporate within the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870.

(2) A harbour stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Regulations by bank.

167. Where any bank is the registrar they may with the sanction of the Trustees from time to time issue any forms that may be required for carrying into effect the provisions of this Order and may also from time to time make any regulations that are not inconsistent with this Order relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed:—

(1) The period for which coupons are to be given;

(2) The mode in which the bank are to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer;

(3) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate to bearer;

(4) With respect to anything necessary for carrying into effect the provisions of this Order which relate to or affect the bank.

Forms.

168. The forms specified in the Schedule D to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

169. Fees not exceeding those specified in Schedule E to this Order may be taken by or on behalf of the Trustees in the cases therein mentioned.

Stock expenses.

170. The expenses incurred by the Trustees in or about the creation and issue of any portion of harbour stock including any sums paid by them for composition for stamp duty thereon and any other expenses properly chargeable to capital shall be deemed money raisable under the statutory borrowing power in exercise whereof that portion of stock is issued.

Application of money borrowed.

171. All moneys which are borrowed by the Trustees for the purposes of the harbour in virtue of this Order other than the moneys which may be reborrowed by them in virtue thereof to repay sums borrowed under the existing Harbour Acts and this Order shall be applied for the purposes of the harbour to which such moneys are applicable under this Order being in every case purposes to which capital is properly applicable.

Application of revenues of harbour.

172.—(1) The revenue received from rates or otherwise under the Harbour Acts and under the authority of the Acts and Provisional Orders repealed by this Order in respect of the harbour

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shall be applicable for the purposes and in the order following and not otherwise:—

(*a*) In payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order;

(*b*) In payment of the expense properly chargeable to revenue of the maintenance renewal repair management and working of the harbour and all plant and conveniences connected therewith;

(*c*) In payment of any deficit incurred in the maintenance renewal repair management and working of the Tay Ferries and all plant and conveniences connected therewith subject to reimbursement during the following or subsequent years;

(*d*) In payment year by year of the interest accruing on money borrowed or stock created under the Harbour Acts;

(*e*) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming sinking funds in accordance with the Harbour Acts for payment of moneys borrowed under the said Acts or for the purchase and redemption of stock created by the Trustees or the existing Trustees;

(*f*) In making such payments (if any) as the Trustees think fit into contingency or insurance funds to meet any extraordinary claim or demand or any unforeseen accident or damage or for exceptional depreciation which may happen or be caused to the harbour and in making payments to the reserve fund.

(2) The surplus (if any) after providing for the purposes aforesaid shall be applied for such purposes of the Harbour Acts as from time to time appear expedient to the Trustees.

Sinking fund.

173.—(1) Where the existing Trustees have borrowed or the Trustees may borrow money on bond harbour stock or mortgage or otherwise for the purposes of the harbour the Trustees shall pay off the money so borrowed within sixty years from the date of borrowing the same:

Provided that when revenues are applied for purposes to which capital is properly applicable and are subsequently replaced by borrowed money the money so borrowed shall be deemed to have been borrowed on the date when such revenue was so applied.

(2) For the purpose of paying off the money so borrowed the Trustees shall annually set apart out of the revenues of the harbour a sum equal to one sixtieth part of the total amount so borrowed as a sinking fund to be applied to the repayment of the whole of the moneys so borrowed and shall apply the said sinking fund and any balance at the credit of the sinking fund existing at the commencement of this Order in repayment of the moneys secured by such bonds harbour stock or mortgages or otherwise as the same

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may fall due or at any such time as may be agreed with the holders thereof and the said sinking fund may be applied in repayment purchase or redemption of any such securities or otherwise:

Provided that if at any time the existing Trustees or the Trustees have paid off or may pay off moneys secured by any such securities or otherwise to a greater extent than the amount for the time being available for that purpose from the sinking fund they may from time to time reborrow the amount so paid off in excess thereof.

Investment of sinking fund.

174. The Trustees shall invest the sums directed to be set apart as a sinking fund by this Order in the public or government funds of Great Britain and Ireland or on heritable security or in securities in which trustees in Scotland may lawfully invest money or by way of deposit with any bank in Scotland incorporated under Act of Parliament or by royal charter until such sinking fund shall be applied in manner hereinbefore provided.

Return to Minister.

175.—(1) The treasurer to the Trustees shall if and when he is requested by the Minister so to do send to the Minister a return showing the provision made by the Trustees for repayment of moneys borrowed by them under the authority of this Order.

(2) The return shall—

(*a*) show such particulars be made up to such a date and be in such form as the Minister may require ;

(*b*) be certified by the treasurer or other person whose duty it is to keep the accounts of the Trustees and if so required by the Minister be verified by statutory declaration made by that person ;

(*c*) be sent within one month after the making of the request therefor.

(3) If it appears to the Minister from any return made under this section or otherwise that the Trustees—

(*a*) have failed to pay any instalment or annual payment required to be paid ; or

(*b*) have failed to appropriate to the discharge of any loan any sum required to be so appropriated ; or

(*c*) have failed to set apart any sum required for a sinking fund ; or

(*d*) have applied any portion of a sinking fund to a purpose other than those authorised ;

the Minister may by order direct that such sum as is specified in the order not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date set out in the order and the Trustees shall notify the Minister as soon as they have complied with the order.

(4) An order made under the last preceding subsection may be enforced at the instance of the Minister by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

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(5) If a return required to be made under this section is not made within the time specified in subsection (2) of this section the person in default shall be liable to a penalty not exceeding twenty pounds to be recovered by the Minister as a debt to the Crown is recoverable and not withstanding the recovery of any such penalty the making of the return may be enforced at the instance of the Minister by decree as mentioned in the preceding subsection.

Reserve fund.

176. The Trustees may after providing for their working and establishment expenses interest on borrowed money and contributions to the sinking fund set apart annually as a reserve fund out of the rates and revenues of the harbour to be received by them under the authority of this Order a sum of not more than two pounds ten shillings per centum of such rates and revenues which reserve fund shall from time to time be applied by the Trustees in their discretion for harbour improvements or to meet and provide against risks and losses by injury to or destruction of works other than ordinary wear and tear or to defray such claims of compensation or reparation consequent upon accidents or damages sustained as may be legally competent against the Trustees or for any other lawful purpose duly sanctioned by the Trustees at any meeting specially called for that end and the Trustees may invest the moneys so set apart when the same are not required in such way and manner as they may deem expedient and accumulate the interest thereof with the principal:

Provided always that the Trustees shall keep a special account applicable to such reserve fund which shall be balanced annually and that the said fund shall never be allowed to accumulate so as to exceed at any time the sum of forty thousand pounds.

Ranking of securities.

177. The respective lenders of money borrowed under the provisions of the existing Harbour Acts or this Order for the purposes of the harbour shall be entitled one with another to their respective proportions of the rates and other revenues of the harbour according to the respective sums contained in and due under the mortgages assignments bonds or other securities held by them and to be repaid such sums with interest without any preference one above another by reason of the priority of advancing such moneys or of the dates of any such mortgages assignments bonds or other securities.

Protection of lenders from inquiry.

178. Any person lending or paying money to the Trustees shall not be bound or entitled to inquire as to the observance by them of any of the provisions of the existing Harbour Acts or of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

PART XVI

TAY FERRIES

Vesting of Tay Ferries in Trustees.

179. On and after the appointed day the Tay Ferries and the ferries and passages across the river Tay between Newport and Woodhaven in the county of Fife and Dundee in the county of

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Angus and the right of ferry and right of ferry harbours or landing-places at Dundee Newport and Woodhaven respectively and the right of ferry along the coast between Ferry-Port-on-Craig and Balmerino on the south and from Broughty Castle to Invergowrie Burn on the north (exclusive of Ferry-Port-on-Craig Broughty Castle and Balmerino) and the power of regulating and the jurisdiction over all ferries along the said lines of coast on both sides of the river Tay (exclusive of Ferry-Port-on-Craig and Broughty Castle) and also over Balmerino with the whole powers and privileges necessary or appertaining thereto with (1) the harbours piers jetties landing-places houses buildings lands roads accesses and other works and conveniences constructed or acquired by or vested in the existing Trustees and the whole property of the existing Trustees in connection with the Tay Ferries and (2) the whole ferry vessels boats pinnaces and other plant matters and things which are now used in the working or management of the Tay Ferries or which are vested in or held or possessed or worked or managed by the existing Trustees shall be transferred to and shall vest in the Trustees and shall become part of their undertaking under this Order.

Trustees to maintain ferry harbours and piers.

180. The Trustees shall maintain and may improve the harbours basins piers jetties and landing-places on either side of the river Tay at and adjacent to the Craig Pier or ferry harbour of Dundee on the north side and at and adjacent to the ferry harbour of Newport on the south side respectively and the whole undertaking of the Tay Ferries together with the superintendents' houses lighthouses and places for the shelter of passengers and boatmen at or adjacent to each of the said ferry harbours of Dundee and Newport and other property connected with the said ferries now vested in the existing Trustees and transferred by this Order to and vested in the Trustees and may improve widen and keep in repair the roads to and from such harbours basins piers jetties and landing-places:

Provided that nothing in this section shall affect prejudicially any statutory or other rights powers privileges or authorities vested in or enjoyed by any highway authority in relation to such roads as are public roads.

Power to maintain one or more lines of ferry.

181. The Trustees may maintain and carry on the ferry along the line of coast from Broughty Castle to Invergowrie Burn on the north to the ferry harbour of Newport on the south side of the river Tay exclusively and the vessels belonging to the Trustees may sail from and resort to the old harbours of Woodhaven and Newport or either of them.

Trustees may keep vessels.

182.—(1) The Trustees may purchase build hire keep and maintain a sufficient number of vessels of such construction or description as they may deem expedient and may carry on the Tay Ferries themselves or let the same by public auction for any period not exceeding five years.

(2) The Trustees may license the person taking a lease of the Tay Ferries to use the same on such terms and conditions as they think fit or if the Trustees deem it more expedient they may grant licences for any period not exceeding five years to any person who may be

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willing to furnish vessels for the passage of the Tay Ferries on such terms and conditions as may be agreed on by and between the Trustees and such person.

(3) It shall not be lawful for any vessel to ply for hire on any of the ferries or passages vested in the Trustees or over which they have jurisdiction without a licence from the Trustees.

(4) The owner of every vessel and every person so plying without a licence shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Provision as to working ferries.

183.—(1) On and after the appointed day the Trustees shall subject to the provisions mentioned in this section (wind sandbanks and weather permitting and casualties excepted) work the ferries between Dundee and the ferry harbour of Newport so that there shall be at least twenty-eight trips each lawful day and eleven trips each Sunday from Dundee to Newport and at least twenty-eight trips each lawful day and eleven trips each Sunday from Newport to Dundee.

(2) The Trustees may restrict or limit the said number of trips each day in the event of the Trustees resolving that the said number of trips is unnecessary for the service of the public and publishing their resolution once a week for three successive weeks in a newspaper circulating in Dundee and the county of Fife.

(3) If the number of trips be then or at any time thereafter reduced the county council or the county council of the county of Fife or the corporation or any ten persons regularly using the ferries may within fourteen days after the reduction commences appeal to the Secretary of State against such reduction and the Secretary of State shall receive and hear such appeal and either quash the resolution reducing the number of trips or vary modify or confirm the resolution.

(4) The resolution of the Trustees if not appealed against or the judgment of the Secretary of State in any such appeal shall be the rule applicable to the subject-matter of the resolution or judgment for three years from the date thereof respectively at the expiry of which three years it shall be open to the Trustees again to alter or vary the number of trips each day on resolving and publishing their resolution as aforesaid and to the said county councils the corporation or ten persons aforesaid to appeal as aforesaid and so on at the expiry of every three years thereafter.

To prevent throwing ballast into harbours.

184. Any person who—

(*a*) throws or empties any ballast dust sand ashes or rubbish shingle stones or other things into any harbour being part of the Tay Ferries or into any of the entrances thereto ; or

(*b*) digs or takes away any ballast shingle stones or other things therefrom to the prejudice of any of the harbours piers jetties landing-places or works of the Trustees ; or

(*c*) does any act whereby the same may be injured obstructed or interrupted;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding ten pounds besides making payment to the Trustees of the expense incurred by them in taking up and removing all such ballast dust sand ashes rubbish shingle stones and other things and repairing the damage done by such person.

Surplus lands may be disposed of.

185.—(1) The Trustees may lease feu sell or otherwise dispose of any lands vested in them by this Order which may not be required for the purposes of the Tay Ferries or of their undertaking for such periods and on such terms and conditions and for such prices feu-duties rents or other consideration as they think fit.

(2) All capital moneys received by the Trustees for or in respect of the lands so leased feued sold or disposed of shall be applied in paying off money borrowed by the Trustees for the purposes of the Tay Ferries and all revenue derived from such lands shall be applied as part of the income of the Tay Ferries.

Power to levy rates.

186. Notwithstanding any repeal effected by this Order on and after the appointed day it shall be lawful for the Trustees to levy demand and recover the rates and charges specified in Schedule J annexed to the Order of 1950 in like manner and to the same extent as the existing Trustees prior thereto and the said Order shall be read and construed accordingly.

Rates to be levied at Tay Ferries.

187. It shall be lawful for the Trustees to levy or to order or direct to be levied at the ferries of Dundee Newport or Woodhaven respectively and at the piers and ferry harbours vested in the Trustees for or in respect of the conveyance of passengers animals and goods by the ferry vessels from Dundee to Newport or Woodhaven or from Newport or Woodhaven to Dundee and also along the whole line of coast on both sides of the Tay over which the right of ferry vested in the Trustees extends the rates specified in the Schedule J as mentioned in the preceding section of this Order.

Rates on goods not enumerated.

188. All animals and goods conveyed by the said ferry vessels and not particularly enumerated in the said Schedule J shall only be liable to rates equal to the rates specified in the said schedule in respect of the conveyance of such animals and goods as in the judgment of the Trustees may be nearest in description and value to such unenumerated animals and goods.

Rates on passengers goods etc. from and to Ferry-Port-on-Craig and Broughty Castle.

189. It shall be lawful for the Trustees from time to time to order and direct to be levied for all passengers animals and goods in vessels arriving at the ferry harbours from the ferries of Ferry-Port-on-Craig and Broughty Castle or sailing to either of these last-mentioned ferries from the ferry harbours the same rates and duties as the Trustees have ordered to be levied at the ferries vested in them.

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One-sixth of rates to be paid to Trustees.

190. One-sixth part of the rates and duties levied as aforesaid for all passengers animals and goods in vessels arriving at the ferry harbours from either of the ferries of Ferry-Port-on-Craig and Broughty Castle shall be paid over without deduction to the Trustees by the persons having charge of the said vessels for and in consideration of the accommodation which such vessels receive at the ferry harbours.

Penalties in case of full rates not being taken or one-sixth of rates not paid over.

191. If the persons having charge of the said vessels fail or refuse to levy the full amount of the rates and duties so ordered to be levied at the ferries as aforesaid or to pay over one-sixth part thereof to the Trustees as hereinbefore provided they shall forfeit and pay to the Trustees not only a sum equal to that part of the said rates and duties which they so fail or refuse to levy or to pay over but also a penalty not exceeding five shillings for every such evasion.

Rates on passengers goods etc. to and from Balmerino.

192. It shall be lawful for the Trustees to order and direct to be levied for all passengers animals and goods in vessels arriving at the ferry harbours or any of them from the ferry of Balmerino or sailing to that ferry from the ferry harbours or any of them the same rates and duties as are authorised by the Harbour Acts to be levied at the ferry harbours and one-sixth part of the rates and duties authorised to be levied by the Harbour Acts shall be payable to the Trustees in consideration of the accommodation which the said vessels receive at the ferry harbours as aforesaid situated within the right of ferry and the remaining five-sixth parts thereof shall be leviable by the persons having charge of the said vessels:

Provided that if such persons evade this provision by failing or refusing to levy the full amount of the five-sixth parts of the said rates and duties they shall forfeit and pay to the Trustees not only a sum equal to that part of the said rates and duties which they so fail or refuse to levy but also a penalty not exceeding five shillings for every such evasion.

Ferry rates to be charged equally.

193. The several rates authorised to be levied by the Harbour Acts at and in respect of the Tay Ferries shall at all times be charged equally and impartially and after the same rate in respect of the same description of passengers animals vessels and goods and any increase or reduction of the said rates shall be made so as not to operate directly or indirectly in favour of or against any particular person.

Power to compound for conveyance of passengers and goods.

194. It shall be lawful for the Trustees to compound or contract with any person for the conveyance of passengers animals and goods across the Tay Ferries or any of them by the week month or year as may be agreed on at such rates and on such conditions as the Trustees may think reasonable and proper:

Provided that such power of compounding or contracting shall be exercised equally towards all persons and that a like power of compounding or contracting shall extend and apply to all passengers animals and goods in vessels arriving at any of the ferry harbours

from the ferries of Ferry-Port-on-Craig and Broughty Castle or sailing from either of these last-mentioned ferries to any of the ferry harbours.

Trustees may work passenger vessels.

195.—(1) The Trustees may use and work any vessels belonging to them for the service of the Tay Ferries when not employed in that service for the conveyance and carriage of passengers within the harbour and along the river Tay to the westward of the harbour and to and from any ports or piers situated within the harbour or on the said river to the westward of the harbour and may do all acts and things and may appoint employ and hire all such officers and other persons as may be necessary to enable them to carry fully into effect the purposes aforesaid.

(2) The Trustees may ask demand and recover for the conveyance of passengers in the vessels hereinbefore referred to in this section such reasonable rates or sums as they shall think fit.

(3) The Trustees may enter into and implement agreements with the owners and lessees of the ports and piers hereinbefore referred to in this section with reference to the use of such ports or piers by the vessels of the Trustees and the accommodation of traffic thereat and may also enter into and fulfil any agreements with any person for the carrying into effect of the purposes of this section.

Penalty on collectors taking more than rates.

196. Any collector or other person employed by the Trustees who—

(1) demands or takes any fee or reward or demands or takes a greater rate from any person than the rate authorised by the Harbour Acts or by any byelaw rule or regulation at the ferries in force or made in pursuance of the Harbour Acts ; or

(2) demands and takes any rate from any person who is exempt from the payment thereof and claims such exemption ; or

(3) on the legal rate being paid or tendered unnecessarily detains any passenger or any animal or goods ;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Penalty for refusing to pay rates or assaulting a collector.

197.—(1) Any person who delays or refuses to pay the freight or the rates leviable at the ferries under the authority of the Harbour Acts when the same is demanded not being exempted by the said Acts from the payment of such freight or rates shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

(2) Any person who assaults or interrupts in the collection of the said rates any person duly authorised to receive the same shall be guilty of an offence and shall for every such offence be liable on summary conviction as aforesaid to a penalty not exceeding five pounds.

Trustees empowered to appoint superintendents officers etc.

198.—(1) It shall be lawful for the Trustees from time to time to appoint a superintendent of the Tay Ferries or any part thereof and such other officers and servants as they deem necessary for carrying

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this Part of this Order into effect and to pay to such superintendent officers and servants such salaries allowances or remuneration as may be fixed by the Trustees and to confer on such superintendent officers or servants as the Trustees may think fit such powers as are necessary for enforcing the observance of this Order and the byelaws rules and regulations in force or to be made by the Trustees for the management of the Tay Ferries.

(2) The Trustees may dismiss any such superintendent officer or servant at pleasure and may appoint another person to fill the vacancy.

Prohibiting sale of liquors.

199. It shall not be lawful for any superintendent or other officer or servant appointed by the Trustees or in their employment to sell any exciseable liquors nor shall any such liquors be sold in any boats or premises for the time being belonging to or leased by the Trustees for the purposes of the Tay Ferries.

Power to borrow money for Tay Ferries.

200.—(1) Subject to the provisions of this Order the Trustees may (in addition to the moneys already borrowed under the existing Harbour Acts) from time to time borrow for the purposes of the Tay Ferries on the security of the Tay Ferries rates authorised by the Harbour Acts to be levied and the rates and revenues of the harbour any sums of money not exceeding in the whole three hundred and twelve thousand six hundred and nine pounds fifteen shillings and tenpence being the sum remaining unborrowed under the existing Harbour Acts and to grant or issue mortgages harbour stock or assignments for the money so to be borrowed.

(2) The money which may be so borrowed under the authority of this Order shall be a part of the debt on and affecting the harbour and the rates and revenues thereof as well as a debt on and affecting the rates authorised by the Harbour Acts to be levied at the Tay Ferries and the money so borrowed shall be applied for the purposes of the Tay Ferries to which capital is properly applicable.

Security for money borrowed for purposes of Tay Ferries.

201.—(1) All moneys to be borrowed under the authority of this Order for the purposes of the Tay Ferries shall be secured by the granting or issuing of mortgages harbour stock or assignments as before provided.

(2) Such securities may be created and granted and may be transferred and discharged in the same manner and form as is directed by this Order with respect to the money borrowed or to be borrowed under the authority of this Order for the purposes of the harbour and all the provisions of this Order with respect to borrowing money for the purposes of the harbour and granting securities and the transfer or assignment of securities and the repayment and discharge of money so borrowed shall extend and apply to the moneys authorised by this Order to be borrowed for the purposes of the Tay Ferries.

(3) The respective holders of mortgages harbour stock or assignments granted by the existing Trustees under the authority of the existing Harbour Acts or to be granted by the Trustees under this

Order shall be entitled one with another to their respective proportions of the rates and duties and other revenues comprised in such mortgages harbour stock or assignments respectively according to the respective sums in such mortgages harbour stock or assignments specified to be advanced and to be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or of the dates of any such mortgages harbour stock or assignments respectively.

Sinking fund for Tay Ferries.

202.—(1) The Trustees shall annually set apart as a sinking fund out of the rates and revenues to be received by them under the authority of the Harbour Acts a sum equal to two pounds ten shillings per centum per annum on the moneys borrowed under the authority of the existing Harbour Acts and this Order for the purposes of the Tay Ferries.

(2) Such sinking fund and any balance at the credit of the sinking fund existing at the commencement of this Order shall be applied by the Trustees in paying off borrowed money for the purposes of the Tay Ferries until the same is wholly paid off and shall not be applied to any other purpose whatsoever.

(3) If at any time the Trustees have paid off or shall pay off money borrowed for the purposes of the Tay Ferries to a greater extent than the amount for the time being available for that purpose from the said sinking fund they may from time to time reborrow the amount so paid off in excess thereof.

Tay Ferries reserve fund.

203.—(1) The Trustees may after providing for their working and establishment expenses interest on borrowed money and contributions to the sinking fund set apart annually as a reserve fund out of the revenues of the Tay Ferries such sum as they think fit and may accumulate the interest thereof with the principal.

(2) Such reserve fund shall not exceed at any one time the sum of twelve thousand pounds and the Trustees may use and apply the same for any of the purposes of the Tay Ferries.

Investment of Tay Ferries sinking fund and annual return.

204. The provisions of the sections of this Order of which the marginal notes respectively are "Investment of sinking fund" and "Return to Minister" shall also apply to the sinking fund to be set apart under the provisions of the section of which the marginal note is "Sinking fund for Tay Ferries".

Debts charged on harbour rates to be also charged on Tay Ferries rates.

205.—(1) The rates authorised by the Harbour Acts to be levied at the Tay Ferries shall be liable to and be charged with all the debts claims and demands whatsoever to which the rates leviable and payable under the existing Harbour Acts and this Order relating to the harbour or any of them are or may be subject and liable under the provisions thereof.

(2) All mortgages harbour stock and assignations or other securities granted under the authority of the said Acts or this Order shall be as effectually charged upon the rates authorised by the Harbour Acts to be levied at the Tay Ferries as if such rates had been specifically and expressly conveyed and charged by such mortgages harbour stock or assignations or other securities.

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Application of funds and revenues.

206. The Trustees may apply any part of the moneys borrowed or received or to be borrowed or received by them for the purposes of the Tay Ferries under the provisions of this Order and the rates and other revenues of the harbour and the Tay Ferries in working improving and maintaining the Tay Ferries and works connected therewith in such manner as from time to time appears to the Trustees expedient:

Provided that nothing contained in this section shall authorise or be deemed to authorise the Trustees to apply any money authorised to be borrowed by the Trustees under the section of this Order of which the marginal note is " Power to borrow money for Tay Ferries " to the working or maintaining of the Tay Ferries.

Power to contribute to improvement of Tay ferry approaches.

207. The Trustees may in addition to any other powers vested in them out of the moneys borrowed or received or to be borrowed or received by them for the purposes of the Tay Ferries under the provisions of the Harbour Acts or out of the rates and other revenues of the Tay Ferries after the charges for the interest on and the repayment of debt have been met contribute towards the expense incurred by any local authority or person in the purchase of lands the widening of streets or other works which in the opinion of the Trustees constitute an improvement of the Tay Ferries or the approaches thereto.

Tay Ferries rates to be included in harbour accounts.

208. The rates levied and the money received and paid at and in respect of the Tay Ferries shall be included in the accounts kept by the Trustees and in the annual account to be prepared and transmitted by the Trustees to the Minister and sheriff clerk as provided by the section of this Order of which the marginal note is " Annual account to be sent to Minister ":

Provided that the accounts of the Trustees shall be so kept as to show separately the receipts and expenditure of and applicable to the Tay Ferries and the amount of borrowed money paid or applied for in connection with the said ferries such receipts embracing all revenue of every kind arising from the working use and management of the ferries and such expenditure embracing all interest on borrowed money paid or applied for or in connection with the Tay Ferries the amounts payable to sinking fund and all expenses and disbursements attendant upon the working use and management of the ferries including such sum year by year as the Trustees fix for depreciation of ferry vessels and plant which sum shall be carried to a depreciation account and applied from time to time as occasion may require in replacing or restoring ferry vessels and plant.

Appeal to Secretary of State as to ferry landings etc.

209.—(1) It shall not be lawful for the Trustees to make any alteration on the existing ferry landing-places at Dundee and Newport the result of which will be to make the altered landing-places less convenient to the public than the existing landing-places.

(2) The county council the county council of the county of Fife the corporation or any ten persons regularly using the Tay Ferries may at any time appeal to the Secretary of State in respect of any

such alteration and the Secretary of State shall hear and dispose of any such appeal.

(3) The Trustees shall carry out and give effect to any judgment which may from time to time be pronounced by the Secretary of State on any such appeal.

Payment of costs of Secretary of State.

210. All expenses and charges paid or incurred by the Secretary of State in or with respect to any appeal to the Secretary of State under the provisions of this Order shall be paid to the Secretary of State by the Trustees and the appellants or either of them as the Secretary of State may in his discretion determine and the amount of such expenses and charges shall be a debt due from the Trustees and the appellants or either of them as the Secretary of State may determine to the Crown and shall be recoverable accordingly:

Provided that the Secretary of State shall not be bound to receive or hear any such appeal unless and until sufficient security to his satisfaction is found by the appellants for the payment of any such expenses and charges which the Secretary of State may award against the appellants.

Rights of property in bed of river Tay not to be affected.

211. Nothing contained in this Order shall be deemed to alter prejudice or affect any right of property of Her Majesty or of the Trustees or of any other person in any part of the bed or shore of the river or Firth of Tay in or upon which the Tay Ferries are situated or where any of the works connected therewith have been or may be constructed under the authority of the existing Harbour Acts or this Order.

Rights of ferry belonging to Douglas and Angus estates.

212. And whereas Douglas and Angus estates as the successor to the estates of the Right Honourable Archibald Lord Douglas deceased claim a right to license the boats on the said ferries of Dundee Newport and Woodhaven and to levy certain small duties or customs on the boats plying there and on passengers goods and other things conveyed therein from which the said Douglas and Angus estates at present receive the sum of thirteen pounds ten shillings sterling annually and it is expedient that any such right should be vested in the Trustees Therefore without prejudice to the general powers contained in this Order the said rights of ferry and of levying certain duties shall be and are hereby vested in the Trustees they being bound always to pay to the said Douglas and Angus estates and their successors to the said rights the aforesaid sum of thirteen pounds ten shillings sterling annually therefor beginning the first year's payment at the expiry of one year from the date of the last payment before the commencement of this Order or in the option of the Trustees they are hereby empowered to purchase and acquire from the said Douglas and Angus estates or others having right thereto and they are hereby authorised and required to sell and convey to the Trustees all right of licensing the passage boats on the said ferries and of levying the said duties or customs on the boats passengers goods and others and every right of whatever kind or description over and concerning the said ferries in any way pertaining and belonging to the said Douglas

PART XVI —*cont.*

and Angus estates or others possessing or claiming such rights upon being paid the value of the foresaid annual rent of thirteen pounds ten shillings.

Exemption from tolls in case of persons in service of Crown etc.

213.—(1) Without prejudice to any existing right of Her Majesty and save as provided by the Army Act and the Air Force Act nothing in this Order shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or for any mail bag as defined by the Post Office Act 1908.

(2) (*a*) Nothing in this Order shall extend to authorise any tolls to be demanded or received in respect of—

(i) any ambulance ; or

(ii) any fire engine ; or

(iii) any vehicle used by any police officer acting in the execution of his duty ; or

(iv) the persons carried in or on any ambulance or fire engine or any such police vehicle.

(*b*) In this section the term " vehicle " shall include—

(i) a bicycle ;

(ii) a motor bicycle ; and

(iii) a motor cycle and side-car.

(3) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall be guilty of an offence and for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

PART XVII

GENERAL FINANCIAL AND RATING

Existing securities not to be prejudiced.

214. Nothing contained in this Order shall be held or construed to alter affect or diminish any mortgage harbour stock or assignment or other security granted for money borrowed under the existing Harbour Acts which is subsisting at the commencement of this Order and all such mortgages stock or assignments or other securities shall remain valid and sufficient in favour of the holders thereof as if this Order had not been passed.

Saving for other obligations.

215.—(1) Except as expressly provided in this Order nothing in or done under this Order shall relieve the Trustees from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament Provisional Order or order or sanction of any government department under or by which that power for the time being exists or is regulated.

(2) Nothing in or done under this Order shall affect any power or duty of the Trustees acting in the execution of the Harbour Acts and any public general and private or local Act or Provisional

Order or order or sanction of any government department or any of them to sell feu lease or otherwise dispose of any land or property belonging to or vested in them or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of harbour stock or any other charge under this Order or affect any claim of any person under such first-mentioned charge.

(3) Such land or property shall in the hands of the purchaser or other person taking the same under the sale feu lease or other disposition be by virtue of this Order absolutely freed from the charge of harbour stock or any other charge under this Order and he shall not be concerned to see to the application of the purchase money or other money or be answerable for any loss or misapplication thereof.

Signing of bonds etc.

216. All bonds and mortgages made and granted by the Trustees shall be sealed with the common seal and signed by two Trustees and by the clerk and the treasurer.

Saving for powers of Treasury.

217. It shall not be lawful to exercise the powers of borrowing conferred upon the Trustees by this Order (other than the power of borrowing to pay the costs charges and expenses referred to in the section of this Order of which the marginal note is "Costs of Order") otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Revision of rates.

218.—(1) If it is represented by application in writing to the Minister as to the harbour rates—

(*a*) by any chamber of commerce or shipping or any representative body of traders or shipowners; or

(*b*) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application; or

(*c*) by the Trustees;

or as to the Tay Ferries rates—

(*a*) by any local authority or any body representative of users of the ferries; or

(*b*) by the Trustees;

that in the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

PART XVII —*cont.*

(3) Where upon an application under subsection (1) of this section for an increase or a decrease of the authorised rates or any of them an order has been made or the Minister has decided not to make an order a further application for an increase or a decrease (as the case may be) of any of the rates to which the application related shall not be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Trustees where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Trustees or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Trustees being insufficient or more than sufficient to enable the Trustees with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Trustees may reasonably be expected to expend) making good depreciation providing for any contribution which the Trustees may reasonably and properly carry to any reserve fund contingency fund superannuation fund sinking fund or any other fund formed under or by virtue of the Harbour Acts and meeting all other costs payments charges and expenses if any properly chargeable to revenue :

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Trustees being insufficient to enable the Trustees to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates authorised to be levied demanded and recovered under or by virtue of the Dundee Harbour and Tay Ferries Acts 1911 to 1933.

(7) Subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Trustees were a local authority.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

PART XVIII

BYELAWS AND CRIMES AND OFFENCES

Power to make byelaws.

219.—(1) In addition to the powers of making byelaws contained in any other enactment enabling the Trustees to make byelaws the Trustees may from time to time make such byelaws applicable to the harbour and to the Tay Ferries respectively as they may think fit for the regulating and governing of the harbour and the Tay Ferries and without prejudice to the foregoing generality they may make byelaws for all or any of the following purposes (that is to say) :—

(*a*) For licensing persons to act as lumpers stevedores boatmen porters or barrowmen at the harbour regulating their conduct and the remuneration to be received by them ;

(*b*) For regulating carriages carts motors and other vehicles as well public as private coming or resorting to the harbour or the approaches thereto and the drivers conductors and persons in charge thereof or attendant thereon ;

(*c*) For preserving order in the embarkation transhipment and landing of passengers animals carriages and goods ;

(*d*) For the safe custody of fierce and wild animals imported transhipped or exported or otherwise being on the premises of the Trustees and for providing for the manner of their removal and the kind of case or cage for holding the same and the materials used in its construction ;

(*e*) For regulating the place and manner in which combustible explosive detonating or other dangerous liquid or matter or things shall be landed transhipped or be deposited and kept on the quays and the notice to be given to the Trustees before such liquid or matter or things are brought into any part of the docks warehouses quays or any part of the land of the Trustees ;

(*f*) For regulating the conduct of all persons working or employed at the harbour and for prohibiting all such persons from carrying on their persons or in any part of their clothing or otherwise matches or other articles or apparatus capable of being used for producing combustion or which might cause fire and for authorising police constables and all officers of the Trustees to search such persons as they may suspect to be in possession of any matches or such other articles or apparatus and to take and destroy the

PART XVIII —*cont.*

same For the purposes of this head of this subsection the harbour shall be held to consist of the following *videlicet*:—

(i) the dock and wharves including graving docks and patent slip and the locks jetties and tidal harbours all at Dundee;

(ii) the quays and piers used in connection therewith;

(iii) the sheds and warehouses of the Trustees on or adjoining to the said piers jetties and quays; and

(iv) all ships or vessels from time to time therein;

(*g*) To prohibit and prevent betting or the making or settling of bets of any kind within the limits of the harbour;

(*h*) To prohibit the sale or retail of intoxicating liquors on board any vessel within the limits of the harbour;

(*i*) To prohibit or regulate the carriage or conveyance of carcases of animals or offensive matter of any kind on the steam ferry boats or other boats of the Trustees or their lessees or licensees on or over the Tay Ferries or in the harbour;

(*j*) To regulate dredging for mussels or other shellfish or for any other purpose on or near to any electric or other cable or main or other apparatus of the Trustees within the harbour;

(*k*) For licensing for hire small boats motor boats steam boats aeroplanes seaplanes hydroplanes airships and similar craft of every description and the persons in charge of the same and for regulating the use management and hiring out of the same;

(*l*) For inspecting steam motor or other mechanically propelled vehicles used or intended to be used in the sheds or on the quays at the harbour for the granting of permits for vehicles so inspected and approved to enter the sheds or on to the quays at the harbour and for prohibiting the entrance thereto of any such vehicle in respect of which a permit has not been granted.

(2) The penalty for breach of any byelaws made under this section shall not exceed forty shillings.

(3) All byelaws made under this section or under section 83 of the Act of 1847 shall be confirmed by the Secretary of State:

Provided that in the case of any such byelaws which the Secretary of State in consultation with the Minister deems to concern primarily the interests of navigation the Minister shall be substituted for the Secretary of State and the confirmation of any such byelaws by the Secretary of State or the Minister shall be sufficient evidence of compliance with the provisions of this section.

Persons offending against byelaws to be also liable for damage etc.

220. Any person offending against any byelaw shall in addition to the penalty (if any) thereby incurred be liable also to make good the damage arising directly or indirectly from such breach not only to the Trustees but also to any other person whose vessel goods or property may be so damaged.

PART XVIII —*cont.*

221. Any person who at any time smokes tobacco or any herb or substance whatever the same may be— Penalty for smoking in dock etc.

(*a*) in any shed warehouse or workshop erected or to be erected taken or held in lease by the Trustees ; or

(*b*) on or in any dock tidal harbour slip jetty quay pier or wharf belonging to them ; or

(*c*) on board any vessel therein or moored thereat or adjacent thereto ;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

Power to provide places for smoking.

222.—(1) The Trustees may provide and set apart on their own lands at and within the harbour covered shelters or other covered places within which smoking may take place under and subject to such rules and regulations as the Trustees may from time to time make.

(2) The provisions of the immediately preceding section hereof prohibiting smoking of tobacco or any herb or substance within the harbour shall not apply to smoking within such covered shelters or covered places nor shall any byelaws authorised by this Order apply thereto except in so far as the same may be thereby expressly declared so to apply.

Penalties on evading rates.

223. The master or owner of any vessel or the owner of any goods imported into transhipped in or exported out of the harbour who by any means whatsoever at any time delays or refuses or eludes or evades or attempts to elude or evade or neglects or omits to pay any of the rates specified in any of the schedules annexed to the Harbour Acts or any of them or neglects or omits to notify to the harbour-master a change of ownership of any small boat berthed in the harbour shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds.

Prosecutions for offences under Order or byelaws.

224. Any person who commits any contravention of or offence declared by this Order or any breach of any byelaw made or adopted by the existing Trustees or the Trustees wheresoever the same shall be committed may be apprehended or taken into custody prosecuted dealt with tried and punished in the same manner as if such contravention offence or breach had been committed or had been charged to be committed within the police limits of the city and as if such breach were a crime or offence punishable by public general statute or common law.

Jurisdiction of magistrates.

225.—(1) The magistrates and all constables of the city shall have all and such like powers and jurisdiction as regards contraventions of and offences declared by this Order or by any byelaw of the existing Trustees or the Trustees and as regards offences and breaches of byelaws and as regards all crimes or offences at common law or otherwise committed within any part of the harbour as they have and are entitled to exercise for the time being within the city as regards any crimes or offences committed within the city.

PART XVIII —*cont.*

(2) All such contraventions or offences and breaches of byelaws shall be dealt with prosecuted and followed forth to a conviction and conclusion at the instance of the same prosecutor and in the same way and by the same means and under similar procedure.

(3) All penalties and forfeitures shall be applied to the same purposes as such penalties and forfeitures are for the time being applied within the city.

(4) Nothing contained in this section shall confer upon the magistrates or the constables of the city any jurisdiction in the county of Fife.

Trustees to defray expense of police court etc.

226.—(1) The Trustees may enter into agreements with all persons having interest as to the sum to be paid annually or otherwise by the Trustees as the expense of trying all cases arising under this Order in the ordinary police court of the city or for the use of the cells or lock-up houses belonging to the city or for the management and administration of the police of the harbour as a separate undertaking.

(2) If any dispute or difference arises in regard to such expense such dispute or difference shall be referred to the sheriff whose award shall be final.

(3) Nothing in this section shall prejudice or affect the agreement secondly set forth in the Second Schedule to and confirmed by the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 or any subsequent Act or Order amending or incorporating the same.

PART XIX

MISCELLANEOUS

Allowances and donations.

227.—(1) The Trustees may at their discretion reward any official or servant for meritorious services and may make provision for any official or servant who may at any time be disabled in the execution of his duty and the Trustees may grant yearly or other allowances to any official or servant who after long service may be unfitted for the execution of his duty and to the widows children and other persons dependent on any deceased official or servant who has been in the employment of the existing Trustees or of the Trustees at the time of his death:

Provided that in any one year the total amount of such allowances shall not exceed the sum of two thousand pounds.

(2) The Trustees may give donations contributions or subscriptions to such public institutions or charities as the Trustees in their discretion think fit not exceeding the sum of three hundred pounds in any one year.

(3) If in any year the sum paid by the Trustees under the powers contained in the two preceding subsections does not amount to the sum of two thousand pounds the Trustees may allocate the sum by which such first-mentioned sum falls short of the said sum of

two thousand pounds between the harbour and the Tay Ferries and thereafter set apart the allocated amounts to form funds for the purposes of the two preceding subsections and the Trustees may invest the moneys so set apart in such way and manner as they deem expedient and accumulate the interest thereof with the principal. PART XIX —*cont.*

(4) The words "official" and "servant" shall for the purposes of this section mean an official or servant in the service of the existing Trustees or the Trustees and in the receipt of a salary or wages.

Proclamations and orders.

228.—(1) The Trustees may if they think fit make and issue proclamations and orders for regulating the traffic upon or closing any parts of the harbour upon ceremonial or other similar occasions when there is likely to be extraordinary traffic in the harbour such proclamation or order to remain in force for such time as the Trustees may determine which period of time shall appear on the face of such proclamation or order.

(2) The proclamation or order shall be issued by advertisement in any daily newspaper published in Dundee and by being affixed to such parts of the harbour as the Trustees may determine at least twenty-four hours before the same shall come into force.

(3) Any person who contravenes any of the provisions of such proclamation or order shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

For paving lighting etc. of harbour.

229.—(1) It shall be lawful for the Trustees—

(*a*) to pave light watch and cleanse all the streets quays piers jetties docks and other places within the harbour or precincts thereof in such manner as they deem necessary ;

(*b*) to erect and provide in some convenient situation such buildings as they may deem requisite for the reception and custody of one or more fire engines water carts and other apparatus for the prevention and extinguishing of fires in the said harbour or docks ; and

(*c*) from time to time to alter the situation of the said fire-engine stations.

(2) The expenses thereof and of such paving lighting watching and cleansing shall be defrayed by the Trustees out of the rates and duties authorised by the Harbour Acts.

(3) Nothing in this section shall prejudice or affect the agreement with respect to the matters referred to in this section firstly set forth in the Second Schedule to and confirmed by the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 or any subsequent Act or Order amending or incorporating the same.

PART XIX —*cont.*

Dung vested in Trustees.

230.—(1) The dung within the limits of the harbour and precincts thereof shall be and is hereby vested in the Trustees.

(2) It shall be lawful for the Trustees to gather and carry off or cause to be gathered and carried off the said dung so vested in them off and from the streets piers quays jetties and other property within the harbour and precincts whether in lock-fast places or not and whether occupied by themselves or by others and to deposit the dung in such suitable place as they think fit and to sell and dispose of the dung to such persons as may be willing to purchase the same and that in such manner as the Trustees may think fit.

(3) The money arising from such sale and disposal shall form part of the funds for the purposes of this Order.

Penalty for other persons collecting or selling dung or throwing it into Tay.

231.—(1) Any person other than the lessees or persons employed by them or persons authorised by the Trustees or some person employed by them who collects carries away or sells or otherwise applies to his own purposes or throws or conveys into any part of the harbour or into the river and Firth of Tay within the precincts of the harbour any such dung so vested in the Trustees shall be guilty of an offence and shall be liable on summary conviction to a penalty over and above the value of the dung not exceeding five pounds for each offence.

(2) It shall be lawful for the Trustees to make from time to time general regulations in relation to the gathering collecting conveying depositing retaining and accumulating of the dung within the limits of the harbour.

Dung may be leased.

232.—(1) It shall be lawful for the Trustees from time to time to grant leases for any period not exceeding three years of the dung hereby vested in them either with or without such dung as comes to belong to them by forfeiture.

(2) Such leases shall be made by public roup to the highest bidder under such limitations restrictions and conditions and after such previous advertisement as to the Trustees appear proper.

Duties of harbour scavengers to be performed under a penalty.

233.—(1) The persons employed by or contracting from time to time with the Trustees for cleansing the streets quays piers jetties and other property of the Trustees or for removing the dung from any house warehouse shipbuilding or timber yards smithies or other premises therein shall by themselves or their servants every lawful day and at such times and in such manner as the Trustees may from time to time appoint collect all dung from the streets piers quays jetties and other properties and from all houses warehouses shipbuilding yards and all other premises whatever within the limits of the harbour or precincts thereof and shall carry away all such dung so collected to such place as the Trustees appoint for the depositing of such dung.

(2) Any such person who—

(*a*) fails to remove any dung which he contracted or is employed to remove at the time or in the manner prescribed by the Trustees for that purpose ; or

(*b*) deposits any of such dung in any other place than that appointed by the Trustees for that purpose; PART XIX —*cont.*

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding ten pounds.

Penalty for obstructing scavengers.

234. Any person who prevents or obstructs or in any way interferes with any contractor or other person employed by the Trustees in collecting or removing any dung which such lessees or their contractor servants or other person are authorised to remove shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

Hiring out of dredgers etc.

235. The Trustees may in their discretion hire out any plant and any dredgers hoppers barges tugs boats and other craft and gear acquired by the Trustees for the purposes of the harbour or Tay Ferries undertakings but temporarily not required for such purposes at such rates and on such conditions as they may deem expedient:

Provided that the same shall not be hired out for the purpose of trading in sand dredged from the rivers Tay or Earn but nothing herein contained shall prevent the sale of sand removed in the ordinary course of dredging operations for harbour purposes.

Hiring out etc of vessels.

236. The Trustees may in their discretion hire out or charter any harbour or Tay Ferries vessel belonging to them or under their control and temporarily not required for ordinary purposes at such rates and on such conditions as they may deem expedient.

Fees for licences etc.

237. Fees not exceeding those specified in Schedule F to this Order may be taken by or on behalf of the Trustees in the cases therein mentioned.

Removal of sunk stranded or abandoned vessels.

238.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the harbour or in or near any approach thereto the Trustees may if they think fit cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Trustees may cause any such vessel and the furniture and tackle and apparel thereof or any part thereof respectively which are raised or salved and also all or any part of the cargo goods and effects which may be raised or salved from any such vessel to be sold in any such manner as they may think fit and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of the sale in trust for the persons entitled thereto:

Provided that the Trustees shall before selling any such cargo goods or effects as aforesaid pay all duties of customs or excise and purchase tax which are payable in respect of the cargo goods or effects to be sold and they may retain the amount of the duties of customs or excise and purchase tax so paid out of the proceeds arising from the sale of such cargo goods or effects.

PART XIX —*cont.*

(3) If the proceeds of the sale are insufficient to reimburse the Trustees for the aforesaid expenses and duties of customs or excise and purchase tax the Trustees may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter to be payable in respect of the deficiency from the owner of any such vessel.

(4) (*a*) If on demand being made under this section for payment of any deficiency the owner of the vessel is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Minister who shall appoint an arbiter to determine and award whether any and if so what sum is payable in respect of the deficiency and the award of the arbiter appointed by the Minister that no sum is payable or as to the sum payable as the case may be shall be final and binding on both parties.

(*b*) The expenses of the appeal and the award shall be in the absolute discretion of the arbiter and he shall award and order how those expenses are to be borne and paid.

(5) The Trustees shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Trustees notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in place of the Trustees:

Provided that if the owner gives any such notice as last aforesaid—

(*a*) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Trustees for the purpose of preventing interference with navigation; and

(*b*) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal is not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Trustees shall be at liberty to cause the vessel to be raised removed blown up or destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(6) The Trustees shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel or any part thereof or any part of the cargo goods and effects thereof under the provisions of this section give to the owner seven days' notice of their intention so to do.

(7) Any notice given by the Trustees pursuant to subsection (5) or subsection (6) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if

PART XIX —*cont.*

the owner or his place of business or abode is not known to the Trustees then by exhibiting such notice at the principal office of the Trustees for twenty-four hours in the case of a notice given under the said subsection (5) or for seven days in the case of a notice given under the said subsection (6).

(8) In this and the following section the expression—

"owner" in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of the vessel at the time of the sinking stranding or abandonment thereof;

"vessel" includes a seaplane and other aircraft.

(9) The powers conferred on the Trustees by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(10) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Trustees to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Trustees for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

(11) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Trustees except where such consent is given as is provided for in the section of this Order of which the marginal note is "As to vessels in which the Crown have an interest" and the vessel was not such a vessel as aforesaid at any such time as is mentioned in subsection (8) of this section.

As to vessels in which the Crown have an interest.

239.—(1) The Trustees shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Order or by any other enactment give to the Admiralty and to the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives to the Trustees—

(*a*) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest

PART XIX —*cont.*

that the Trustees should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed ; or

(*b*) a notice that the exercise by the Trustees of the rights of recovery conferred by subsection (2) of the immediately preceding section of this Order would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expense incurred by the Trustees ;

the Trustees shall not without the consent in writing of the authority by whom the certificate was issued or the notice given take possession of raise remove blow up or destroy such vessel provided that in any case which in their opinion is a case of emergency the Trustees may take possession of raise remove blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister and in that event the Trustees shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Trustees mark light watch buoy control or give warning to shipping of the presence of any vessel in respect of which the Admiralty or the Minister have refused their consent under subsection (1) of this section the Trustees shall not be entitled to recover the expenses of so doing from the owner of the vessel.

Application amendments of and repeal of Acts and Orders relating to the harbour and Tay Ferries.

240.—(1) As from the appointed day the Harbour Acts shall have effect subject to the adaptations and modifications specified in Schedule G of this Order being adaptations and modifications required for the purpose of applying the said Acts to the Trustees and otherwise required in consequence of the provisions of this Order.

(2) As from the appointed day the Acts and Orders specified in Schedule H of this Order are hereby repealed to the extent specified in the third column of that schedule.

Saving rights of burgesses etc. of city of Perth.

241. Nothing contained in this Order shall extend or be construed to extend to take away diminish prejudice change or affect the rights and privileges of the community burgesses and inhabitants of the city of Perth in regard to the free navigation of the river Tay or any existing right privilege or exemption to which the said community burgesses and inhabitants are or may be entitled in virtue of the chartered rights vested in the lord provost magistrates and councillors of the burgh of Perth on behalf of the community thereof in regard to any rates customs or duties exigible at the harbour upon vessels or goods in virtue of this Order or otherwise howsoever and nothing contained in this Order shall extend or be construed to extend to take away diminish alter prejudice or affect any provisions in favour of the said lord provost magistrates and councillors contained in the North British Railway (New Tay Viaduct) Act 1881 and the North British Railway Act 1888 or any other Act

PART XIX —*cont.*

or in any existing agreement entered into between the said lord provost magistrates and councillors and the North British Railway Company relating to the said river or the navigation thereof.

Saving for Dock Workers (Regulation of Employment) Act 1946.

242. Nothing in this Order shall authorise the exercise of any powers thereby conferred so far as such exercise is inconsistent with or contrary to the provisions of any scheme made under the Dock Workers (Regulation of Employment) Act 1946.

For protection of Corporation.

243. Except as provided by Part II (Reconstitution and incorporation and election and meetings of Trustees etc.) of this Order nothing in this Order shall prejudice diminish alter or take away any of the rights powers jurisdictions and authorities vested in the corporation and all such rights powers jurisdictions and authorities shall be as valid and effectual as if the Act confirming this Order had not been passed.

For protection of electricity and gas boards.

244. Nothing in this Order shall affect prejudicially any statutory or other rights powers privileges or authorities vested in or enjoyed by (*a*) the North of Scotland Hydro-Electric Board or (*b*) the Scottish Gas Board at the date of the passing of the Act confirming this Order in or in relation to the harbour and the precincts thereof and the said North of Scotland Hydro-Electric Board and Scottish Gas Board shall for their respective interests continue to hold exercise and enjoy such rights powers privileges and authorities as if the Act confirming this Order had not been passed.

Saving judgment in certain actions.

245. Nothing contained in this Order shall prejudice or affect the judgment of the House of Lords dated the twenty-second day of March one thousand eight hundred and fifty-two in an appeal from the Court of Session in Scotland in the conjoined actions of declarator and interdict between the Trustees of the harbour of Dundee and the late William Stark Dougall of Scotscraig.

Saving rights of Trustees under Crown grants.

246. Nothing contained in this Order with reference to any consent by the Minister shall be deemed to alter prejudice or affect any existing legal right of the Trustees under any Crown grants heretofore made.

Crown rights.

247. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Nothing to be done inconsistent with Customs or Excise Acts.

248. Subject to the express provisions of this Order nothing contained in this Order shall authorise the Trustees or any of their harbour-masters or other servants to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the customs or excise or any regulation of the Commissioners of Her Majesty's Customs and Excise.

PART XIX —*cont.*

Saving rights of Commissioners of Northern Lighthouses etc.

249. Nothing contained in this Order shall extend to prejudice or derogate from the jurisdiction or authority or any of the rights or privileges of the Commissioners of Northern Lighthouses or of the Corporation of Trinity House of Deptford Strond.

Provisions as to Merchant Shipping Acts etc.

250. The Trustees shall not be exempt 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 or alteration under the authority of Parliament of the rates authorised by the Harbour Acts.

Saving for town and country planning.

251. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Costs of Order.

252. 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 Trustees out of the moneys to be borrowed and received under the authority of the Harbour Acts or out of the rates to be levied under the Harbour Acts or other revenues of the Trustees and the Tay Ferries:

Provided that if the said costs charges and expenses be paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

SCHEDULES

SCHEDULE A

(Referred to in the section of this Order of which the marginal note is " Provisions as to taking the poll ")

FORM OF VOTING PAPER

ELECTION OF TRUSTEES FOR THE DUNDEE HARBOUR TRUST
19 .

Voting paper for the election of Trustees by shipowners in terms of the Dundee Harbour and Tay Ferries Order 1952.

No. (Number of elector as on the register.)

I hereby vote for the following candidate (or candidates) at this election namely:—

Signed by me the elector whose name and address are endorsed hereon at this day of nineteen hundred and

(Signed) A. B. *Voter*.

Signed by the above-mentioned voter who is personally known to me in my presence upon the date above-mentioned.

(Signed) C. D.
(*Add designation and place of residence.*)

NOTE.—This voting paper to be addressed to the Returning Officer Harbour Chambers Dundee and marked outside " Voting Paper ".

SCHEDULE B

(Referred to in the section of this Order of which the marginal note is " Discharge of bonds etc.")

FORM OF DISCHARGE

Received from the Trustees of the harbour of Dundee by the hands of their treasurer the sum of pounds being the principal sum contained in the within (all interest due thereon having been previously paid) and the said is now delivered up

Dated this day of nineteen hundred and

SCHEDULE C

(Referred to in the section of this Order of which the marginal note is " Form of mortgage ")

FORM OF MORTGAGE

By virtue of the Dundee Harbour and Tay Ferries Orders 1939 to 1952 We the Trustees of the harbour of Dundee appointed in pursuance thereof in consideration of the sum of £ sterling paid to the treasurer to the said Trustees by for the purposes of the said Orders do grant and assign unto the said such proportion of the rates rents profits and other revenues arising or accruing by virtue of the said Orders from the harbour and the Tay Ferries as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates rents profits or revenues to hold to the said mortgagee and foresaids from the day of until the said sum of £ with interest shall be fully paid and satisfied and we hereby bind and oblige ourselves to repay to the said the said principal sum at the term of or upon such subsequent date as may hereafter be mutually agreed upon by minute to be endorsed hereon and to be signed by the clerk and the treasurer to the Trustees and the interest on the said principal sum shall be at the rate of per centum per annum to the term of payment before specified and in the event of the said loan being continued as aforesaid at such rate thereafter as may be agreed on by said minute to be endorsed hereon and during the subsistence of the loan the said interest shall be payable half yearly at Whitsunday and Martinmas for the periods preceding.

Dated at Dundee the day of nineteen hundred and

Trustee.
Trustee.
Clerk.
Treasurer.

SCHEDULE D

(Referred to in the section of this Order of which the marginal note is " Forms ")

(A)

RESOLUTIONS ON CREATION OF STOCK

At Dundee the day of 19 .

At a meeting of the Trustees of the harbour of Dundee.

Present:

Resolved firstly—

That under the authority and subject to the provisions of the Dundee Harbour and Tay Ferries Order 1952 the Trustees do hereby create stock to be called " Dundee Harbour redeemable stock " and to be issued to an amount not exceeding (state sum in words) pounds.

SCH. D —*cont.*

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner hereinafter specified (that is to say):—

(Here specify these particulars).

Resolved thirdly—

That such stock shall be redeemed as follows (state terms).

Resolved fourthly—

That the Trustees remit to the committee with powers to take such steps and make such arrangements as may be necessary for or in connection with the issue of the stock including the completion of an agreement with the Commissioners of Inland Revenue for commutation of stamp duty the fixing of the fees authorised by the Dundee Harbour and Tay Ferries Order 1952 and any commission to agents.

(B)

STOCK CERTIFICATE

Dundee Harbour (£ per cent.) redeemable stock.

(Here insert redemption date or period during which redemption may be made at the option of the Trustees).

No.

This is to certify that A.B. of is the proprietor of pounds of Dundee Harbour redeemable stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the Trustees of the harbour of Dundee and subscribed by two of the Trustees and the treasurer this day of

Trustee.
Trustee.
Treasurer.

(C)

DEED OF TRANSFER

I A.B. of in consideration of the sum of pounds paid to me by C.D. of (hereinafter called "the said transferee") do hereby transfer to the said transferee the sum of pounds Dundee Harbour redeemable stock to hold unto the said transferee his executors administrators and assigns (or successors and assigns) subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the day of

To be signed before one witness.

SCHEDULE E

(Referred to in the section of this Order of which the marginal note is " Fees ")

FEES

	s.	d.
On the issue of any new stock certificate on account of certificate being lost or destroyed	10	0
On registration of transfer including certificate	2	6
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein	0	6
On re-entry in harbour stock register of stock specified in stock certificate to bearer	5	0
On noting any document requiring an entry in harbour stock register	2	6

SCHEDULE F

(Referred to in the section of this Order of which the marginal note is " Fees for licences etc.")

FEES FOR LICENCES ETC.

	For new licences etc.	For licences etc. renewed
For harbour porters	10s. each	5s. each
For weighers and meters and tally clerks...	10s. ,,	5s. ,,
For boatmen boats and pleasure boatmen	5s. ,,	5s. ,,
For steam tugs	£2 ,,	£2 ,,
For inspection of steam and motor vehicles and permits to enter sheds	10s. ,,	5s. ,,
For other licences inspections and permits	£2 ,,	£2 ,,

SCHEDULE G

(Referred to in the section of this Order of which the marginal note is " Application amendments of and repeal of Acts and Orders relating to the harbour and Tay Ferries ")

GENERAL ADAPTATION

References in any of the provisions of the Harbour Acts to " the Trustees " shall be construed as referring to the Trustees constituted by this Order.

SPECIFIC ADAPTATIONS AND MODIFICATIONS

Order	Adaptation or modification
Dundee Harbour and Tay Ferries (Superannuation) Order 1939	
Section 1	For the words " The Dundee Harbour and Tay Ferries Acts " to end there shall be substituted " This Order the Dundee Harbour and Tay Ferries Order 1950 and the Dundee Harbour and Tay Ferries Order 1952 may be cited together as the Dundee Harbour and Tay Ferries Orders 1939 to 1952 ".
Section 3	For the words " the Dundee Harbour and Tay Ferries Acts 1911 to 1933 " there shall be substituted " the Dundee Harbour and Tay Ferries Orders 1939 to 1952 ".
Schedule. Rules 1	For the words " the Dundee Harbour" to " the Order " there shall be substituted " the Dundee Harbour and Tay Ferries Orders 1939 to 1952 ".
Dundee Harbour and Tay Ferries Order 1950	
Section 1	For the words " and the Dundee Harbour " to end there shall be substituted " the Dundee Harbour and Tay Ferries (Superannuation) Order 1939 and the Dundee Harbour and Tay Ferries Order 1952 may be cited together as the Dundee Harbour and Tay Ferries Orders 1939 to 1952 ".
Section 10	The words " Section 13 " to " repealed and " and the words " in place thereof " shall be deleted.

SCHEDULE H

(Referred to in the section of this Order of which the marginal note is " Application amendments of and repeal of Acts and Orders relating to the harbour and Tay Ferries ")

Session and chapter	Short title	Extent of repeal
1 & 2 Geo. 5. c. lxxx.	The Dundee Harbour and Tay Ferries Consolidation Act 1911.	The whole Act.
2 & 3 Geo. 5. c. xxvi.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1912.	The whole Order scheduled to the Act except sections 1 and 3 and the schedule to the said Order.
7 & 8 Geo. 5. c. xxi.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1917.	The whole of the Act and the Order scheduled thereto.
9 & 10 Geo. 5. c. xci.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1919.	The whole Act.
15 & 16 Geo. 5. c. xv.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1925.	The whole of the Act and the Order scheduled thereto.
23 & 24 Geo. 5. c. xlix.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1933.	The whole of the Act and the Order scheduled thereto.
12 & 13 Geo. 6. c. iii.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1948.	The whole of the Act and the Order scheduled thereto.
14 Geo. 6. c. iv.	The Dundee Harbour and Tay Ferries Order Confirmation Act 1950.	The whole Order scheduled to the Act except sections 1 and 10 and the schedules of harbour rates and Tay Ferries rates scheduled to the said Order.

SCHEDULE 1

(Referred to in the section of this Order of which the marginal note is "Powers as to purchase of lands and as to authorised works to continue in force")

Power to close King William IV Dock etc.

5.—(1) The Trustees may close and discontinue the use of the docks known as the King William IV Dock and the West Graving Dock and the entrances thereto and the quays breasts and works in connection therewith and the Trustees shall be relieved from all and any obligations to keep open maintain repair or renew the same and on the said docks being so closed all public and other rights of harbour rights of way and all restrictions and other rights in over or upon the said docks quays breasts and works shall be extinguished:

Provided however that as a condition thereof the Trustees shall be bound at their own expense to make and keep in operation due and adequate provision to the approval of the corporation of the city of Dundee (which approval shall not be unreasonably withheld) for the disposal of the flood water from the outfalls of the two existing ducts belonging to the said corporation which at present discharge into the said King William IV Dock.

(2) The Trustees may use and appropriate the sites or either of them of the said docks quays breasts and works or any part or parts thereof for the purpose of warehouses or generally for manufacturing trading or commercial or public purposes and may lease such sites or either of them or any part or parts thereof for such purposes for such periods and upon such terms and for such rent or other consideration as they think fit or they may sell feu or dispose of such sites or either of them or any part or parts thereof subject to such servitudes terms and conditions as the Trustees think fit:

Provided that nothing in this section shall empower the Trustees to cause or permit a nuisance on any such lands.

(3) The Trustees may enter into and carry into effect agreements and arrangements with any purchaser feuar or lessee of such lands or any part or parts thereof for the carrying out by such purchaser feuar or lessee or by the Trustees at the expense of such purchaser feuar or lessee of all or any of the powers conferred upon the Trustees by this section.

Table of Statutes referred to in this Act other than those referred to in Schedule H

Short title	Session and chapter
Railways Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 33.
Commissioners Clauses Act 1847...	10 & 11 Vict. c. 16.
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Forgery Act 1861	24 & 25 Vict. c. 98.
General Pier and Harbour Act 1861 Amendment Act 1862	25 & 26 Vict. c. 19.
Telegraph Act 1869...	31 & 32 Vict. c. 110.
Forgery Act 1870	33 & 34 Vict. c. 58.
Telegraph Act 1878...	41 & 42 Vict. c. 76.
Bankers Books Evidence Act 1879	42 Vict. c. 11.
North British Railway (New Tay Viaduct) Act 1881	44 & 45 Vict. c. cxxxiii.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887	50 & 51 Vict. c. ix.
North British Railway Act 1888	51 & 52 Vict. c. clxiii.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Post Office Act 1908	8 Edw. 7. c. 48
Air Navigation Act 1920	10 & 11 Geo. 5. c. 70.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5. & 1 Edw. 8. c. 52.
Dock Workers (Regulation of Employment) Act 1946	9 & 10 Geo. 6. c. 22.
Borrowing (Control and Guarantees) Act 1946...	9 & 10 Geo. 6. c. 58.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Transport Act 1947...	10 & 11 Geo. 6. c. 49.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Wireless Telegraphy Act 1949	12 & 13 Geo. 6. c. 54.
Representation of the People Act 1949	12 & 13 Geo. 6. c. 68.
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39.

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