CHAPTER xviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Montrose Burgh and Harbour. [19th July, 1961.]

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

2. This Act may be cited as the Montrose Burgh and Harbour (Amendment) Order Confirmation Act, 1961. Short title.

SCHEDULE

MONTROSE BURGH AND HARBOUR (AMENDMENT)

Provisional Order to authorise the Town Council of Montrose to levy an increased Harbour Guarantee Rate and to remove the restriction on the rate of interest authorised in ascertaining any deficiency in the Harbour revenues and for other purposes.

Whereas the Trustees of the Harbour of Montrose (hereinafter called " the Trustees ") were incorporated by the Montrose Harbour Act, 1837:

And whereas by the Montrose Burgh and Harbour Order, 1927 (hereinafter referred to as " the Order of 1927 ") the Town Council were authorised to guarantee subject as therein provided interest on moneys borrowed under the Harbour Acts and annual payments and instalments on the security of the Harbour Guarantee Rate authorised by the said Order:

And whereas by the Order of 1927 it is provided that if in any year there shall be a deficiency in the revenues of the Harbour the Trustees may require payment from the Town Council of such a sum as may represent the amount of such deficiency or an amount equivalent to that produced by the imposition of the Harbour Guarantee Rate of fourpence in the pound authorised by the Order of 1927 and that in ascertaining the amount of any such deficiency no account is to be taken of any interest paid or payable by the Trustees in excess of four per centum per annum:

And whereas the Trustees require to carry out repairs at the Harbour and borrow money for that purpose but are unable to do so by reason of the said limitation in respect of the rate of interest payable on moneys borrowed and the said limitation of the Harbour Guarantee Rate:

And whereas the Trustees have requested the Town Council to assist them financially in carrying on and developing their undertaking:

And whereas it is expedient, having regard to the difficulty of carrying on the Harbour by the Trustees and the importance to the Burgh of Montrose of the maintenance and development of the Harbour, that the limit of the rate known as " the Harbour Guarantee Rate " should be increased and that the Town Council should be authorised to fix, impose and levy such rate up to such increased limit and pay the proceeds thereof to the Trustees as provided in the Order of 1927 and also that the said limitation on the rate of interest which may be taken into account in ascertaining any deficiency as aforesaid should no longer apply:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

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:—

Short title and citation.

1. This Order may be cited as the Montrose Burgh and Harbour (Amendment) Order, 1961, and the Harbour Acts and this Order may be cited together as the Montrose Harbour Acts, 1837 to 1961.

Commencement of Order.

2. This Order shall commence and have effect on the date of the passing of the Act confirming the same.

Interpretation.

3. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction the following words and expressions shall have the meanings hereby respectively assigned to them, namely:—

"Harbour Acts" means the Montrose Harbour Act, 1837, the Montrose Harbour Act, 1850, the Montrose Harbour Act, 1866, the Montrose Harbour Order, 1878, the Montrose Harbour Order, 1894, the Montrose Harbour Order, 1899, the Montrose Harbour Order, 1924, and the Montrose Burgh and Harbour Order, 1927;

"Harbour" means the Harbour of Montrose and includes the land, buildings, works, plant, property and conveniences connected therewith or any part thereof, as the case may be;

"Order of 1927" means the Montrose Burgh and Harbour Order, 1927;

"Town Council" means the Provost Magistrates and Councillors of the Burgh of Montrose;

"Trustees" means the Trustees of the Harbour of Montrose incorporated by the Montrose Harbour Act, 1837.

Amendment of Order of 1927.

4. As from the commencement of this Order, the Order of 1927 shall be read and have effect as if—

(*a*) for subsection (1) of section 5 (Payment by Town Council under the guarantee to be made on requisition by the Trustees) there were substituted the following subsection:—

"(1) If in any year there shall be a deficiency in the revenues of the Harbour (after providing for the necessary expenses of working management and maintenance) to meet the charge for interest and the instalments of principal annually payable to the sinking fund and for the redemption of moneys borrowed as aforesaid (such instalments being calculated at the minimum amounts paid or payable to the sinking fund under the Harbour Acts) the Trustees may by writing under the hand of the Clerk to the Trustees require payment from the Town Council of such a sum as may

represent the amount of such deficiency which deficiency shall subject to the provisions of this Order be based upon the Abstract of Accounts of the Trustees (as audited and certified by the Auditor appointed under the provisions of the Harbour Acts) and shall be ascertained and certified by the said Auditor: Provided that the said Auditor shall not in ascertaining and certifying the said deficiency take into account any amounts paid or payable to the sinking fund in excess of the minimum amounts paid or payable under the Harbour Acts."; and

(*b*) in subsection (2) of the said section 5 and in subsection (2) of section 7 (Harbour Guarantee Rate) for the words " four pence " where those words occur in the said subsections respectively there were substituted the words " one shilling ".

Costs of Order.

5. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees.

Table of Statutes referred to in this Act

Short title	Session and chapter
Montrose Harbour Act, 1837	7 Will. 4 & 1 Vict. c. xcix.
Montrose Harbour Act, 1850	13 & 14 Vict. c. xliii.
Montrose Harbour Act, 1866	29 & 30 Vict. c. cii.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.

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