CHAPTER 32.

An Act to facilitate the Construction of Small Piers and Harbours in the Counties of Orkney and Zetland.

[14th August 1896.]

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

Short title.

1. This Act shall be cited as the Orkney and Zetland Small Piers and Harbours Act, 1896.

Formation of special districts for harbour purposes. 57 & 58 Vict. c. 58.

2.—(1.) It shall be lawful for a parish council, or for any two or more parish councils, or for not fewer than ten parish electors, of any landward parish or parishes within the meaning of the Local Government (Scotland) Act, 1894, in the counties of Orkney and Zetland, to make a requisition in writing to the district committee of the county council of the respective county, calling upon them to form such parish or parishes or any portion thereof within the district into a special district for the following purposes, or any one or more of them; that is to say, the construction and maintenance of small harbours, piers, and boatslips.

(2.) Upon such requisition being received, the district committee shall be bound to meet after twenty-one clear days notice, and shall consider the propriety of forming such parish or parishes or landward part of a parish or parishes or portion thereof into a special district, and shall by resolution either approve or disapprove of the formation of a special district for the purposes stated in the requisition, and if they approve thereof, shall define the boundaries of such special district. Such resolution, subject to the consent of the county council and the Local Government Board, shall be final; and in giving or refusing such consent the county council and the Local Government Board respectively shall take into consideration the whole circumstances of the case, including the amount of rates levied for the time being within the proposed special district and the sanitary requirements of the said district; and the county council and the Local Government Board respectively may consent to a resolution either with or without modifications. In the event of the district committee, or county council, or the Local Government Board disapproving of the formation of a special district as proposed in the requisition, it shall not be competent to make another requisition to the same effect until after the expiration of twelve months. A copy of every such resolution shall be forthwith published in one or more newspapers circulating in the district, and transmitted to the Local Government Board and to the county council.

(3.) The area of a special district formed under the provisions of this Act may be enlarged or altered, and two or more special districts may be combined, from time to time, by resolution of the district committee or committees, as the case may be, with or

without a requisition, but subject to the consent of the county council and of the Local Government Board.

(4.) Any expenditure attending the carrying out within a special pier and harbour district of the purposes of this Act, or any of them, shall be paid out of an assessment to be imposed by the county council with the consent of the Local Government Board within the special district, to be called the special district (pier and harbour) rate, and levied along with and as an addition to and in excess of the public health rate, and with the same remedies and modes of recovery :—

Provided that—

(*a.*) Such special district (pier and harbour) rate shall not exceed fifteenpence in the pound on the annual value of the lands and heritages within the special district as ascertained for the purposes of the Poor Law (Scotland) Act, 1845 :

8 & 9 Vict. c. 83.

(*b.*) When a special district is formed in terms of this Act, the Public Health (Scotland) Acts shall in their application to such special district be amended to the extent that the maximum assessment leviable thereunder shall be diminished by the amount of the rate for the time being levied in terms of this Act, so that the maximum assessment aforesaid and the rate levied in terms of this Act taken together shall not in any year exceed the rate of two shillings and sixpence in the pound in any special water supply or drainage district.

(5.) If in any year ending the fifteenth day of May the rates received by the district committee, as undertakers, shall be insufficient to defray the expenses of the maintenance, repair, management, and regulation of any authorised works, it shall be lawful for and incumbent on the county council to meet such deficiency by imposing and levying a rate in terms of this Act upon the special pier and harbour district within which the works are situate.

(6.) If from any cause the local subscriptions received on account of any works, together with the grant out of moneys voted by Parliament, shall be insufficient to defray the cost of constructing the authorised works, the county council shall be bound to pay and provide for such deficiency, and for that purpose may borrow, on the security of a rate to be levied in terms of this Act upon the special pier and harbour district within which the works are situate, and such rate shall be chargeable with the principal and interest of the loan, the amount of such deficiency in the manner and subject to the provisions of section sixty-seven of the Local Government (Scotland) Act, 1889.

52 & 53 Vict. c. 50.

(7.) Where a special district has been formed under the provisions of this Act, the district committee may, subject to regulations to be from time to time made with the consent of the county council, appoint a sub-committee for the management and maintenance of the pier and harbour works, and such sub-committee shall, in whole or in part, consist of parish councillors of the parish or parishes in which the special district is situated, whether members of the district committee or not.

3. Upon a special pier and harbour district being formed as in this Act herein-before provided the enactments contained in (*a*) section two, sub-sections one to twenty-four, inclusive, and sub-section twenty-seven and (*b*) the enactments of sections three and six of the Western Highlands and Islands (Scotland) Works Act, 1891, shall apply for the purpose of aiding in the construction and improvement of small harbours, piers, and boatslips within the counties of Orkney and Zetland as if the words "District Committee" were in the said Act inserted in place of the words "County Council." Substitution of district for county council for certain purposes. 54 & 55 Vict. c. 58.

4. Section forty-five of the Local Government (Scotland) Act, 1894, shall be read as if the words "each special pier and harbour district formed under the Orkney and Zetland Small Piers and Harbours Act" were therein inserted after the words "section forty-four of this Act." Extension of 57 & 58 Vict. c. 58. s. 45 to special districts under this Act.

5. Nothing in this Act shall prejudice or affect the provisions of the Western Highlands and Islands (Scotland) Works Act, 1891, or the Local Government (Scotland) Act, 1894. Savings for 54 & 55 Vict. c. 58. 57 & 58 Vict. c. 58.

6. This Act shall apply only within the counties of Orkney and Zetland. Extent of Act.

CHAPTER 33.

An Act to amend the Laws with respect to the Royal Naval Volunteers. [14th August 1896.]

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

1.—(1.) The power under the Royal Naval Reserve Volunteer Act, 1859, to raise and pay volunteers may, subject to regulations of the Admiralty, be exercised outside the British Islands: Provided that a volunteer shall not be raised or paid outside the British Islands, unless he is a British subject serving on a vessel registered in the British Islands. Amendment of law as to raising and payment of royal naval volunteers. 22 & 23 Vict. c. 40.

(2.) In section one of the said Act the words "in the United Kingdom and the Islands of Man, Guernsey, Jersey, Alderney, and Sark, or any of them," and in section nine of the same Act the words "in the United Kingdom or in the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and nowhere else, and" are hereby repealed.

2. A person holding a deferred pension certificate or ticket shall be deemed to be a person in receipt of a pension within the meaning of section eleven of the Royal Naval Reserve Volunteer Act, 1859. Explanation of law as to service of pensioners.

3. This Act may be cited as the Royal Naval Reserve Volunteer Act, 1896. Short title.