CHAPTER ii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Paisley Corporation (Cart Navigation). [22nd December 1938.]

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: 26 Geo. 5. & 1 Edw. 8. c. 52.

Be it therefore enacted by the King'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 Paisley Corporation (Cart Navigation) Order Confirmation Act 1938. **Short title.**

SCHEDULE.

PAISLEY CORPORATION (CART NAVIGATION).

Provisional Order to transfer to and vest in the provost magistrates and councillors of the burgh of Paisley the undertaking of the Cart Navigation Trustees and to confer upon the said provost magistrates and councillors all necessary powers for carrying on the said undertaking and for other purposes.

WHEREAS by an Act passed in the twenty-seventh year of the reign of His Majesty King George the Third chapter 56 intituled "An Act for enabling the "magistrates and town council of Paisley to improve "the navigation of the river Cart and to make a "navigable cut or canal across the turnpike road leading "from Glasgow to Greenock" (hereinafter called "the Act of 1787") the magistrates and town council of the burgh of Paisley were empowered to make and keep the river Cart which runs through the burgh of Paisley and falls into the river Clyde about two miles therefrom navigable in ordinary spring tides for vessels drawing seven feet of water from the Snedden Bridge in the said burgh to the river Clyde and also to make the navigable cut or canal and the drawbridge and other works therein mentioned:

27 Geo. 3. c. 56.

And whereas by an Act passed in the fifth year of the reign of His Majesty King William the Fourth chapter xxxii intituled "An Act to amend an Act for "improving the navigation of the river Cart and for "deepening and extending the harbour of Paisley in "the county of Renfrew" (hereinafter called "the Act of 1835") the magistrates and town council of the burgh of Paisley were appointed trustees for carrying into effect the purposes of that Act and of the Act of 1787 and were empowered not only to continue the works authorised by the Act of 1787 but to execute such additional works as they should think proper for the improvement of the navigation of the river Cart

5 Will. 4. c. xxxii.

from the Abbey Bridge or the Snedden Bridge of Paisley (now known as "the Abercorn Bridge") to the river Clyde until the river Cart should be twelve feet deep in all parts thereof within those limits at neap tides and for improving the harbour of Paisley and to execute other works therein mentioned including the erection of a new swing bridge across the said cut or canal:

And whereas by an Act passed in the seventh year of the reign of Her Majesty Queen Victoria chapter lxxxv intituled "An Act for appointing trustees for the "creditors of the burgh of Paisley and other purposes "relating to the financial affairs of the said burgh" (hereinafter called "the Act of 1843") it was provided that in consequence of the then financial embarrassments of the community of the burgh of Paisley the functions powers and privileges of the magistrates and town council of that burgh as trustees for the improvement of the said navigation and harbour should cease and be suspended until revived in manner therein mentioned and that the said functions powers and privileges should vest in the temporary trustees thereby appointed and certain provisions were made with respect to the debts then affecting the said navigation and harbour: **6 & 7 Vict. c. lxxxv.**

And whereas by the Paisley Burgh and Cart Navigation Act 1872 (hereinafter called "the Act of 1872") the office of the temporary trustees under the Act of 1843 was terminated and the Cart Navigation including the river Cart from the Abbey Bridge of Paisley to the river Clyde and the harbour of Paisley and works and property connected therewith and all the powers rights and privileges relating to the navigation which if the Act of 1843 had not been passed might have been exercised by the trustees appointed by the Act of 1835 were vested in persons to be appointed and elected in manner therein mentioned who were thereby incorporated under the name of the Trustees of the Cart Navigation and it was thereby provided that the navigation and the estates funds revenue and property under the management of the said trustees should remain charged with the payment to the several persons having right to the preferable debts (amounting to one thousand eight hundred pounds) ranked upon the Navigation Trust of interest at the rate of four per centum per annum **35 & 36 Vict. c. xxxii.**

thereon and that the said debts should remain a permanent preferable burden upon the navigation and the said estates funds revenue and property and that the said persons should not be entitled to call up the principal thereof but that the said trustees should be entitled to pay off the same as therein mentioned and that the navigation and the revenue and assets thereof should remain charged with the payment to the several persons having right thereto of the ordinary debts ranked upon the Navigation Trust (then amounting to nine thousand nine hundred and ninety-two pounds five shillings and ninepence) and the postponed debt due by the Navigation Trust to the burgh of Paisley was by the said Act extinguished :

24 & 25 Vict. c. 45. 44 & 45 Vict. c. civ.

And whereas an Order was made by the Board of Trade under the General Pier and Harbour Act 1861 and confirmed by the Pier and Harbour Orders Confirmation Act 1881 by which the limits of the navigation were defined and certain alterations were made in the rates leviable by the trustees thereof :

48 & 49 Vict. c. clxxiii.

And whereas by the Cart Navigation Act 1885 (hereinafter called "the Act of 1885") the Trustees of the Cart Navigation were reconstituted and authorised to pay off and redeem the said ordinary debts ranked upon the navigation as aforesaid by payment of a composition as therein provided and to execute certain works for the further improvement of the navigation and to levy certain rates and charges therein specified in lieu of those theretofore leviable by the said trustees and certain other powers were by the said Act conferred on the said trustees for the better management and regulation of the navigation the limits of which were thereby enlarged and it was by the same Act provided that the said trustees should not borrow any further sums of money under the provisions of the recited Acts but might in addition to the moneys then ranked and charged on the navigation (being the said preferable and ordinary debts hereinbefore referred to) borrow any sum or sums of money not exceeding in the whole one hundred thousand pounds in manner therein mentioned and that in the event of the revenues of the navigation (after providing for the ordinary expenditure and outgoings of the trust) being insufficient in any year or years to provide for the payment of the interest on the said

preferable debt and on the moneys at the time borrowed and owing by the said trustees the provost bailies treasurer and councillors of the burgh of Paisley should from time to time when and so often as such deficiency should arise assess and levy on all lands and heritages situate within the said burgh an annual rate or assessment to be called " the Cart Navigation guarantee rate " not exceeding threepence in the pound on the real rent or annual value of such lands and heritages in the manner subject to the exceptions and during the term of twenty-five years by the said Act prescribed and provisions were also made for the appointment of a judicial factor to render effectual the securities granted by the said trustees and for the formation of a sinking fund :

And whereas by the Cart Navigation Act 1890 (hereinafter called " the Act of 1890 ") the said trustees were authorised to borrow an additional sum of thirty thousand pounds and borrowed under the powers of that Act the sum of twenty-three thousand six hundred pounds and of that sum applied two thousand six hundred and five pounds in redeeming the mortgage debt of one hundred thousand pounds created by the Act of 1885 And the said mortgage debt was thereby reduced to ninety-seven thousand three hundred and ninety-five pounds : 53 & 54 Vict. c. xi.

And whereas in the year one thousand eight hundred and eighty-eight the provost magistrates and councillors of the burgh of Paisley (hereinafter called " the Corporation " and " the burgh " respectively) on the requisition of the said trustees levied for the first time the guarantee rate at the rate of one penny in the pound and thereafter until its termination in accordance with the Act of 1885 it was levied at the maximum rate of threepence in the pound :

And whereas in the year one thousand eight hundred and ninety-one the said trustees made default in the payment of interest on their mortgages and notwithstanding the guarantee rate the interest due on the mortgages issued under the Act of 1885 has never been since paid in full and only one year's interest has ever been paid on the mortgages issued under the Act of 1890 and the principal sum now owing in respect of the said preferable debt and the mortgage debt created under the Acts of 1885 and 1890 amounts to the sum of one

hundred and twenty-two thousand seven hundred and ninety-five pounds:

And whereas on the thirteenth day of November one thousand nine hundred and three a petition was presented to the court of session by John Wright for the appointment of a judicial factor and on the twenty-seventh day of February one thousand nine hundred and four the court appointed Charles Ker chartered accountant Glasgow to be judicial factor of the undertaking of the navigation and upon the property estate and effects thereof and on the rates and revenues accruing therefrom in terms of section 65 of the Act of 1885:

And whereas on the twelfth day of July one thousand nine hundred and six the judicial factor submitted to the accountant of court a report on the position of the undertaking and upon the value of the assets thereof and to the effect that he had ascertained that for a number of years no money had been expended on the undertaking beyond what was absolutely necessary and that certain portions of the works connected with the undertaking including the Carlile Quay and the Inchinnan Swing Bridge had fallen into serious disrepair and were unsafe:

And whereas on the eighth day of November one thousand nine hundred and six the court on the application of the judicial factor granted to him authority to spend certain sums of money and to apply for a Provisional Order to enable him to dispose of the undertaking and failing his being in a position to do so to abandon the undertaking:

And whereas the judicial factor duly made application to the Secretary for Scotland in the year one thousand nine hundred and ten for such a Provisional Order but the Commissioners appointed under the Private Legislation Procedure (Scotland) Act 1899 to inquire into the said Order found the preamble thereof had not been proved and the Secretary for Scotland accordingly refused to make the Order:

62 & 63 Vict. c. 47.

And whereas in the year one thousand nine hundred and fifteen the judicial factor applied to the court to be discharged from his factory and on the twentieth day of July one thousand nine hundred and fifteen the court recalled the appointment of the said Charles

Ker as judicial factor as from the thirty-first day of July one thousand nine hundred and fifteen since which date there has been no authority charged with the maintenance and management of the navigation and there are now no trustees of the navigation:

And whereas in the year one thousand nine hundred and twenty the Corporation promoted a Provisional Order for the purposes (inter alia) of having the navigation transferred to and vested in the Corporation and by the same application power was also sought to authorise the Corporation to make and maintain an opening bridge over the river White Cart to authorise the county council of the county of Renfrew and the town council of the royal burgh of Renfrew to make contributions to the expense of constructing such bridge and for other purposes:

And whereas by the said Order (intituled the Paisley Corporation (Inchinnan Opening Bridge) Order 1920) (hereinafter referred to as "the Order of 1920") that part of the navigation consisting of the swing bridge over the river White Cart known as the Inchinnan Swing Bridge and other subjects described in the Order of 1920 were transferred to and vested in the Corporation and powers were granted (inter alia) for the construction of an opening bridge over the river White Cart (which bridge has since been constructed) but the application for the transfer to the Corporation of the remaining portion of the navigation was withdrawn by the Corporation: 10 & 11 Geo. 5. c. clxi.

And whereas since the year one thousand nine hundred and twenty the condition of the said last mentioned portion of the navigation has progressively deteriorated and the navigation of the harbour and channel is seriously impeded by an accumulation of silt which also restricts the natural flow of the river Cart thereby further contributing to the present unsatisfactory condition of the navigation:

And whereas the maintenance and improvement of the harbour is of importance to the inhabitants of the burgh and it is expedient and in the public interest that the navigation should be transferred to and vested in the Corporation as in this Order provided and that the

powers in this Order contained should be conferred on the Corporation with respect to the navigation:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary of State 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.

1. This Order may be cited as the Paisley Corporation (Cart Navigation) Order 1938 and this Order the former Acts and the Paisley Corporation (Inchinnan Opening Bridge) Order 1920 may be cited together as the Paisley Corporation (Cart Navigation) Acts 1787 to 1938.

Commencement of Order.

2. This Order shall commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (namely):—

(1) The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking:

(2) The Harbours Clauses Act with the exception of sections 6 to 13 16 to 19 23 25 26 77 to 80 84 85 93 95 and 101 of that Act:

Any reference to a vessel in the provisions of the Harbours Clauses Act as applied by this subsection shall be deemed to include a reference to a seaplane when on the surface of the water and in section 28 of the said Act any reference to a vessel shall also include a floating dock and a vessel of exceptional construction or method of propulsion belonging to or employed in the service of His Majesty:

Provided that nothing in the Harbours Clauses Act shall in any circumstances authorise the harbour master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alterations whatever of the structure or equipment of a seaplane:

(3) This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated herewith.

Interpretation.

4. Subject to the provisions of this Order in this Order unless there be something in the subject or context repugnant to such construction—

(*a*) The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings;

(*b*) The several words and expressions to which meanings are assigned by the former Acts shall have the same respective meanings Provided that the word "vessel" in the former Acts shall have the meaning assigned to it by this Order; and

(*c*) "The Act of 1787" "the Act of 1835" "the Act of 1843" "the Act of 1872" "the Order of 1881" "the Act of 1885" and "the Act of 1890" respectively mean the Acts and Order of those respective years relating to the navigation;

"Authorised rates" and "authorised rate" mean respectively the rates or rate which the Corporation are for the time being authorised to levy demand and recover in pursuance of the section of this Order of which the marginal note is "Power to levy rates" and subsection (1) of section 28 (Power to levy charges) of the Order of 1920;

"The burgh" means the burgh of Paisley;

"The Corporation" means the provost magistrates and councillors of the burgh for the time being;

"The former Acts" means the Act of 1787 the Act of 1835 the Act of 1843 the Act of 1872 the Order of 1881 the Act of 1885 and the Act of 1890;

10 & 11 Vict. c. 27.

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

"Minister" means the Minister of Transport;

"The navigation" means the Cart Navigation as defined by the Act of 1885 (other than that part of the undertaking authorised by the former Acts which was by virtue of the Order of 1920 transferred to and vested in the Corporation) and includes all lands and buildings acquired by the trustees and all other property heritable and moveable belonging to the trustees and all other rights powers and privileges conferred on or vested in the trustees by or in virtue of the former Acts or any of them or otherwise or forming part of the undertaking authorised by the former Acts Provided that both for the purposes of this Order and of the former Acts the boundary between the river Cart and the river Clyde shall be a straight line across the river Cart coinciding with the southmost limit of deviation for the works authorised by sub-sections (5) and (6) of section 6 of the Clyde Navigation Act 1904 and shown on the plans deposited in connection therewith and the lands buildings property rights powers and privileges of the Corporation shall not extend to the north of the said line;

4 Edw. 7. c. ccxlii.

"Order of 1920" means the Paisley Corporation (Inchinnan Opening Bridge) Order 1920;

"Owner" or "owners" as applied to the ownership of any vessel or goods includes the broker charterer master agent and consignee thereof respectively;

"Seaplane" includes a flying boat and any other aircraft designed to manœuvre on the water;

"The trustees" means the trustees of the Cart Navigation incorporated by the Act of 1872 and reconstituted by the Act of 1885;

"Vessel" includes ship boat lighter and craft of any kind however navigated or propelled and any seaplane on the surface of the water.

Vesting of navigation in Corporation.

5. As from the commencement of this Order the navigation shall subject to the provisions of this Order be deemed to have been and is by virtue of this Order and without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing hereby transferred to and vested in the Corporation freed and discharged from all claims debts including debentures debenture stock mortgages and money due from and other pecuniary contracts and obligations of the trustees.

Cancellation of debts in respect of navigation.

6. As from the commencement of this Order the whole mortgage debenture preferable or funded debt of the trustees in respect of the Cart Navigation as defined by the Act of 1885 is by virtue of this Order entirely and absolutely cancelled and extinguished and the Corporation are by virtue of this Order released and discharged from all claims and demands by any persons corporation or company in respect of any sum or sums of money or other claims on account of principal or interest arising or to arise under or by virtue of the former Acts or any of them.

Acts &c. relating to trustees to apply to Corporation.

7. As from the commencement of this Order the former Acts shall subject to the provisions of this Order remain in full force and all powers authorities privileges rights jurisdictions and obligations may be held used exercised enjoyed and fulfilled by the Corporation in relation to the navigation and every such Act or Order shall subject to the provisions of this Order be read and construed as if the name of the Corporation had been used therein in relation to the navigation instead of the name of the trustees or any of their predecessors as the case may be.

Navigation and Inchinnan Opening Bridge to be public utility undertakings. 1 & 2 Geo. 6. c. vii.

8.—(1) The navigation and the undertaking vested in the Corporation in pursuance of the Order of 1920 shall respectively be deemed to be public utility undertakings for the purposes of the Paisley Corporation (General Powers) Order 1938.

(2) Subject to the provisions of the section of this Order of which the marginal note is " Revision of rates " the Corporation shall from time to time fix the rates and charges to be received by them in respect of the navigation and the said undertaking respectively in such manner that so far as possible the revenue from the navigation and the said undertaking respectively shall be sufficient and not more than sufficient for the respective purposes thereof.

Contracts of trustees to be binding on Corporation.

9. Except as is by this Order otherwise provided all purchases sales conveyances deeds contracts and agreements entered into or made by the trustees and in force at 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 Corporation and may be enforced as fully and effectually as if instead of the trustees the Corporation had been a party thereto.

Dissolution of trustees.

10. The Trust constituted by the former Acts is hereby dissolved.

Power to levy rates.

11. After the commencement of this Order the Corporation may subject to the provisions of this Order demand take and recover any rates not exceeding the following (that is to say) :—

(1) In respect of goods articles and things conveyed shipped unshipped or transhipped on the navigation the rates specified in the First Schedule to this Order :

(2) In respect of animals and vehicles conveyed shipped unshipped or transhipped on the navigation the rates specified in the Second Schedule to this Order :

(3) In respect of vessels entering or using or departing from the navigation the rates specified in the Third Schedule to this Order :

Provided always that no rates in excess of the rates leviable previously to the passing of the Act of 1885 shall be leviable under this section in respect of any vessels passing to or from any lands abutting on the river Black Cart and belonging to the Earl of

Home or to Baron Blytheswood which do not pass through any part of the navigable cut constructed under the powers of the Act of 1787 and of the Act of 1835 or in respect of any goods articles things animals or vehicles conveyed in such vessels Provided also that the rates leviable under the First Schedule and the Third Schedule to this Order in respect of goods articles and things conveyed shipped or unshipped in along or upon that part of the navigation which is situated below the swing bridge over the said navigable cut and the adjoining bridge over the river Cart and in respect of the vessels conveying such goods articles and things and on all new vessels using that part of the navigation shall not exceed one third part of the highest rates levied by the Corporation at the time in respect of goods articles and things conveyed shipped or unshipped in along or upon that part of the navigation which is situated above the said bridges and the vessels conveying the same and new vessels using that part of the navigation under the schedules hereinbefore mentioned:

(4) For the use of sheds warehouses weighing machines planks stages rhones and cranes provided by the Corporation the rates specified in the Fourth Schedule to this Order:

(5) For the use of quays or jetties for goods articles and things conveyed thereto and afterwards removed therefrom without being shipped and for the use of the rails of the Corporation the rates specified in the Fifth Schedule to this Order.

Rates on seaplanes. 10 & 11 Geo. 5. c. 80. 26 Geo. 5. & 1 Edw. 8. c. 44.

12. Subject to the provisions of the Air Navigation Acts 1920 and 1936 or of any Order made in pursuance thereof the Corporation may demand levy collect and receive on and in respect of seaplanes entering or using the navigation such reasonable rates as may from time to time be approved by the Minister which rates shall be in lieu of the rates leviable by the Corporation on and in respect of vessels.

Revision of rates.

13.—(1) If it is represented by application in writing to the Minister—

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(*b*) by the Corporation;

that in the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them 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 section.

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

(3) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall 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 cause an inquiry to be held in reference thereto and the provisions of the section of this Order of which the marginal note is " Inquiries by Minister " shall apply to such inquiry as if it were an inquiry held in pursuance of that section Provided that in cases in which no objection has been made to the application or in which any objection which has been made has either been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

Application of certain provisions of

14. The following sections of the Order of 1920 shall extend and apply in respect of the navigation and for the purposes of this Order in the same way and manner as if the navigation were the undertaking referred to in

the said sections and the purposes of this Order were purposes of the Order of 1920 and as if the said sections were with any necessary modifications re-enacted in this Order (that is to say):— Order of 1920 to navigation.

Section 16 (Power to dredge);

Section 17 (Persons under disability may grant servitudes);

Section 18 (Power to alter roads &c. temporarily);

Section 19 (Lights on works during construction);

Section 20 (Permanent lights on works);

Section 21 (Provision against danger to navigation);

Section 22 (Survey of works by Board of Trade);

Section 23 (Abatement of works abandoned or decayed);

Section 24 (Works below high-water mark to be subject to approval of Board of Trade);

Section 29 (Power to town council to provide moneys for purposes of Order);

Section 30 (Power to town council to impose and levy special rate):

Provided that in the application of the said section 30 to the navigation and for the purposes of this Order the expression "rateable value" shall be substituted for the expression "yearly rent or value" occurring in the said section 30.

15.—(1) The Corporation may borrow— Power to borrow.

(i) With the sanction of the Secretary of State (but not otherwise) such sums as may be requisite for the purposes of this Order and for the general purposes of the navigation; and

(ii) Such sum as may be required for the payment of the costs charges and expenses of or in connection with the obtaining and confirming of this Order.

(2) In relation to any sanction to be given by the Secretary of State to the borrowing of money by the Corporation under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purpose of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

52 & 53 Vict. c. 50.

Periods of repayment of borrowed money.

16. The Corporation shall pay off all moneys to be borrowed by them for the purposes and under the powers of this Order within the respective periods following (that is to say):—

As to moneys borrowed with the sanction of the Secretary of State within such period and by such methods as the Secretary of State may prescribe;

As to money borrowed for paying the costs charges and expenses of and in relation to this Order and the confirmation thereof within five years from the commencement of this Order.

Application of provisions of Order of 1920 to borrowed money.

17. The provisions contained in the sections of the Order of 1920 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to money borrowed under the authority of this Order and to the repayment thereof as if the said provisions were with the necessary modifications re-enacted in this Order (that is to say):—

Section 33 (Power to reborrow);

Section 34 (Sinking funds and borrowing for current expenses);

Section 35 (Town council may borrow on cash account);

Section 37 (Sinking fund);

Section 38 (Annual return to Secretary for Scotland with respect to sinking fund);

Section 39 (Application of moneys borrowed);

Section 40 (Protection of lenders);

Section 41 (Contingency fund):

Provided that in the application of the said section 41 as aforesaid the sum of two thousand pounds shall be substituted for the sum of ten thousand pounds mentioned in the said section 41.

Annual accounts to be sent to Minister.

18. The Corporation shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts in respect of the navigation kept by the Corporation in pursuance of section 11 (Accounts) of the Paisley Corporation (General Powers) Order 1938.

Power to accept contributions.

19. The Corporation may accept and apply towards the purposes of the navigation any moneys which may be granted or contributed to them for those purposes or any of them.

Byelaws.

20.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act may provide for the imposing of a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has been confirmed by the confirming authority.

(3) The confirming authority shall be the Minister:

Provided that in the case of any byelaws which in the opinion of the Minister and the Board of Trade primarily concern the interests of navigation the provisions of this subsection shall apply as if the said Board were substituted for the Minister.

Removal of stranded or sunk vessels.

21.—(1) Whenever any vessel is stranded or sunk in the navigation or is laid by in the navigation or neglected as unfit for sea service the Corporation may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the navigation therefrom.

(2) The Corporation may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or salved and also all or any part of the cargo goods or effects which may be raised or salved from any such vessel to

be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) 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 watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto Provided that the Corporation shall before selling any such cargo goods or effects as aforesaid pay all duties charges or payments which may be payable to His Majesty in respect of the cargo goods or effects to be sold and they may retain the amount of the duties charges or payments so paid out of the proceeds arising from the sale of such cargo goods or effects.

57 & 58 Vict. c. 60.

(3) If the proceeds of sale are insufficient to reimburse the Corporation for the aforesaid expenses and duties the Corporation may recover as a civil debt 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 person who at the time of the sinking or stranding of the vessel was the registered owner thereof (or in the case of any aircraft the owner thereof) or from the executors or administrators of such owner.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade 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 Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties The expenses of the appeal and the award may be recovered in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Corporation under subsection (1) of this section shall not be exercised if the registered owner of the vessel (or in the case of any aircraft the owner thereof) stranded or sunk shall

within twenty-four hours after the vessel has been stranded or sunk take such steps as may in the opinion of the harbour master be necessary for the raising or removal thereof and shall thenceforth continuously and diligently and to the satisfaction of the harbour master prosecute and do all such works and things as may in the opinion of the harbour master be necessary and proper for the raising and removal of the vessel as speedily as possible.

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

(7) Except for the purposes of removing any obstruction in the navigation nothing in this section shall entitle the Corporation to remove any wreck (as defined by 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 Corporation 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.

Local lighthouse authority.

22. The Corporation shall within the limits of the navigation be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

For protection of Clyde Navigation Trustees.

23. The following provisions shall unless otherwise agreed in writing between the Corporation and the trustees of the Clyde Navigation (in this section referred to as "the Clyde Trustees") apply and have effect for the protection of the Clyde Trustees (that is to say):—

(1) Nothing in this Order contained shall prejudice take away diminish alter or abridge any statutory or other rights powers or privileges conferred on vested in or enjoyed by the Clyde Trustees at the commencement of this Order and in particular but without prejudice to the foregoing generality the powers conferred

on the Clyde Trustees by the Clyde Navigation Acts 1858 to 1929 with respect to the area immediately to the north of the navigation as herein defined to remove wrecks or other obstructions and to dredge deepen or improve the river Clyde Provided that in the event of any silting or obstruction arising or occurring to such extent as to interfere with reasonable access to the navigation the Corporation shall be entitled to take such steps as may be necessary to remove such silting or obstruction within an area extending northward from the navigation to the dredged channel of the river Clyde all under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Clyde Trustees:

(2) If in consequence of the exercise by the Corporation of the powers conferred on them by this Order or by the former Acts any obstruction or injury by silting deposit or otherwise is caused to the navigation of the river Clyde or to the works or operations authorised by the Clyde Navigation Acts 1858 to 1929 within half a mile below the junction of the river Cart with the river Clyde or within quarter of a mile above such junction or within the area under the jurisdiction of the Clyde Trustees northward of the navigation the Clyde Trustees may require the Corporation to remove such obstruction or to remedy such injury or to take such steps as may be necessary to remove the silt or obstruction as the case may be Provided that in the event of any failure on the part of the Corporation to comply with any requirement of the Clyde Trustees as aforesaid the Clyde Trustees may themselves carry out the works at the expense of the Corporation:

(3) In the event of any dispute arising between the Corporation and the Clyde Trustees under this section such dispute shall be determined by an engineer to be appointed by the sheriff of Renfrew and Bute or his substitute at Paisley whose decision shall be final.

For protection of Clyde Valley Electrical Power Company and Strathclyde Electricity Supply Company Limited.

24. The following provisions for the protection of the Clyde Valley Electrical Power Company and the Strathclyde Electricity Supply Company Limited (who for their respective interests are hereinafter referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) Subject as hereinafter in this section provided the company may from time to time maintain repair renew and relay the electric lines placed by them below ground across the navigation prior to the commencement of this Order:

(2) Before the company commence any work or operations with respect to the said electric lines or any of them they shall (unless in the case of a breakdown of the electric lines or any of them requiring immediate attention in which case notice shall be given as soon as practicable) give to the Corporation not less than one month's notice in writing of their intention and such work or operations shall so far as affecting the navigation be carried out under the superintendence (if given) of the Corporation and in carrying out such work or operations the company shall comply with all reasonable requirements of the Corporation for the protection of the navigation and for avoiding unnecessary interference with or interruptions of the traffic thereon:

(3) In the event of it being necessary on account of any dredging or other operations of the Corporation under the powers of this Order to lower or alter the position of the said electric lines or any of them the company shall at their own expense carry out such lowering or alteration with all reasonable dispatch after being requested so to do by the Corporation:

(4) In the event of any difference or dispute arising between the Corporation and the company under this section the same shall be determined by an engineer appointed on the application of either party by the sheriff of Renfrew and Bute or his substitute at Paisley whose decision shall be final:

(5) Neither the Corporation nor any persons or vessels using the navigation shall (unless where negligence is proved) be liable for any injury done to the said electric lines or any of them or be under any obligation or responsibility in connection therewith.

Inquiries by Minister.

25.—(1) The Minister may cause to be held such local inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Order.

(2) For the purpose of any such inquiry the person appointed to hold the inquiry may require any person to attend to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry and may take evidence on oath and for that purpose administer oaths or may instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that—

(*a*) no person shall be required to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him; and

(*b*) nothing in this section shall empower the person holding the inquiry to require the production of the title or any instrument relating to the title of any land not being the property of the Corporation.

(3) Every person who refuses or wilfully neglects to attend when required to do so in pursuance of this section or to give evidence or who wilfully alters suppresses conceals destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(4) Where the Minister causes any such inquiry to be held the costs and expenses incurred by him in relation to that inquiry (including such reasonable sum

not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by the Corporation or party to the inquiry as the Minister may direct and he may certify the amount of the costs and expenses so incurred and any amount so certified and directed by the Minister to be paid by the Corporation or person shall be recoverable from the Corporation or person as a debt to the Crown.

(5) The Minister may make orders as to the costs and expenses of the parties to any such inquiry and as to the parties by whom such costs and expenses shall be paid.

Repeal.

26. The provisions of the former Acts and of the Order of 1920 set out in the Sixth Schedule to this Order are to the extent specified in the third column of the said schedule and so far as not already repealed hereby repealed.

Crown rights.

27. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation 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 His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Order.

28. All 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 Corporation out of the rates and revenues by this Order authorised to be levied and charged or out of money to be borrowed under the authority of this Order.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

RATES ON GOODS CONVEYED SHIPPED UNSHIPPED OR TRANSHIPPED ON THE NAVIGATION.

	Oversea. Per ton. £ s. d.	Coastwise. Per ton. £ s. d.
On all goods articles or things except those otherwise specified - - -	Two shillings per ton.	
On all coal or coke of any description -	Tenpence per ton.	
On all chemical manure - - - - -	– 2 –	– 1 6
On all lime dung marl or other common manure - - - - - - -	– – 8	– – 6

Goods conveyed to or from any place out of Great Britain Northern Ireland Eire and the Channel Islands shall be treated as oversea and other goods as coastwise.

Goods brought to Paisley for transhipment shall pay the rates for one way only either inward or outward at the option of the Corporation provided previous notice be given at the harbour office by the owner before the goods are unloaded.

THE SECOND SCHEDULE.

RATES ON ANIMALS AND VEHICLES CONVEYED SHIPPED UNSHIPPED OR TRANSHIPPED ON THE NAVIGATION.

		£	*s.*	*d.*
Animals—				
Horses	each	–	2	–
Mules ponies or asses	each	–	1	–
All cattle (Oversea)	each	–	1	–
All cattle (Coastwise)	each	–	–	6
Pigs calves goats and dogs	each	–	–	1
Sheep	per score	–	3	–
Lambs	per score	–	1	6
All other animals not enumerated	each	–	–	2
Mechanically propelled vehicles—				
Four-wheeled vehicles—				
(*a*) not exceeding 1 ton unladen	each	–	2	6
(*b*) exceeding 1 ton and not exceeding $2\frac{1}{2}$ tons unladen	each	–	3	6
(*c*) exceeding $2\frac{1}{2}$ tons unladen	each	–	5	–
Motor-cycles	each	–	1	–
Motor-cycles with side-car	each	–	1	6
Other three-wheeled vehicles	each	–	2	–
Other vehicles—				
Horse-drawn vehicles—				
Two-wheeled	each	–	1	6
More than two-wheeled	each	–	2	6
For each additional horse	each	–	–	6
For a bicycle	each	–	–	3
For a tricycle	each	–	–	3
For a tandem cycle	each	–	–	4
Vehicles not specified in this schedule—Tolls as nearly as may be equivalent to the tolls for the most similar description of vehicle specified in this schedule.				

Cattle conveyed to or from any place out of Great Britain Northern Ireland Eire and the Channel Islands shall be treated as oversea.

THE THIRD SCHEDULE.

Rates on vessels for each time of entering or using or departing from the navigation.

	£	s.	d.
1. On all vessels except as after mentioned entering or departing from the navigation from or to any place in Great Britain Northern Ireland Eire and the Channel Islands - - per register ton	–	–	3
2. On all vessels entering or departing from the navigation from or to any place within a line drawn from east to west across the channel of the river Clyde at Pladda - - per register ton	–	–	1½
3. On all vessels entering or departing from the navigation from or to any place out of Great Britain Northern Ireland Eire and the Channel Islands - - - - - per register ton	–	–	8
4. On all vessels remaining in the navigation over and above the first twenty-four lawful days for every week or part of a week - per register ton	–	–	2
5. On all vessels entering or using or departing from the navigation and not trading with cargo liable for rates under the First or Second Schedule in lieu of the rates leviable under articles 1 2 and 3 of this schedule - - - per register ton	–	1	–
Vessels proceeding empty for a cargo or returning empty having discharged a cargo to or from any place beyond the limits of the navigation shall not be liable to pay any rates for the empty trip under article 5.			
The above rates shall not be exigible in respect of vessels harbouring or sheltering in that portion of the navigation situate between the river Clyde and the junction of the river Black Cart with the navigation for a period not exceeding seventy-two consecutive hours and not landing or embarking cargo or passengers in the navigation.			
6. On all new vessels using the navigation in lieu of the other rates mentioned in articles 1 2 3 and 5 of this schedule - - - per register ton	–	1	–
In the case of a new vessel one payment of the rate under article 6 together with the payment of the rate under article 4 (if incurred) shall cover all use of the navigation until such vessel shall commence plying with cargo or passengers.			

THE FOURTH SCHEDULE.

PART 1.

RATES FOR USE OF SHEDS AND WAREHOUSES.

	Per ton per day or part of a day. £ s. d.
Description of goods using the sheds—	
For bricks cement shell chalk china stones clay coal coal dust copper dross draff drain-pipes flint gravel kelp salt or waste lime limestone manure (common) pan scales pavement stones peat and turf pyrites salt salt dross sand slag soap waste stones tiles (drain) turnips whiting - - - -	– – 6
For bath brick chromate of iron coal tar coke guano iron (pig and scrap) manure (chemical) potatoes scrap tin soot staves tiles (roofing) - - - -	– 1 6
For barley and barley dust beans bones and bone dust bran cast-iron gas and water pipes chairs (railway) chimney-cans clay retorts farina flour Indian corn and meal lathwood linens locust beans oats and oatmeal peas plaster of Paris puncheon packs rice and rice flour rye sago and sago flour saltpetre slates straw stucco sugar moulds tar vent linings wheat - - - - - - - - - -	– 2 –
For timber—teak oak elm ash birch or other similar hardwood per ton of 40 cubic feet - - - -	– 2 –
For timber—fir or pine deals battens or scantling per ton of 50 cubic feet - - - - - - - -	– 2 –
For naphtha - - - - - - - - - -	– 13 –
For all other goods - - - - - - - -	– 3 –

PART 2.

RATES FOR USE OF WEIGHING MACHINES.

	£ s. d.
For each cart lorry spring van or other vehicle when the load does not exceed one ton - - - -	– – 1
When the load exceeds one ton - - - - - -	– – 2

No weighing rates are to be exigible where the weighing is required by the collector or other officer of the Corporation and the weight declared by the owner is found equal to or greater than the real weight.

Weighing rates for coals to be paid only when weighed on the application of the owner.

4th Sch. —*cont.*

Part 3.

Rates for the use of planks stages and rhones.

	£	s.	d.
1. For planks or stages for loading or discharging vessels—			
For each plank or stage per week - - - -		1	–
2. For rhones—			
For each waggon of coal loaded therewith - - -			2
For each cart of manure - - - - - -			1

Two shillings extra on each cargo for removing the rhone to and from the vessel.

Part 4.

Rates for the use of cranes capable of lifting not more than five tons.

		£	s.	d.
On mahogany and all other timber	for each ton or part of a ton		1	–
On castings and light machinery	for each ton or part of a ton		1	–
On cast-iron pipes -	for each ton or part of a ton			6
On freestone - -	for each ton or part of a ton			6
On marble - -	for each ton or part of a ton		2	–
On all other articles if weighing less than one ton	each			6
On all other articles if weighing one ton and less than two tons - - - - - -	each			8
On all other articles if weighing two tons or upwards	each		1	–
For the use of any crane for loading or unloading minerals - -	for each ton or part of a ton			4

In addition to the above rates 2*s*. per hour to be paid for the wages of the craneman attending while the crane is being used If the crane is used between the hours of 5 p.m. and 8 a.m. 3*s*. per hour.

PART 5.

RATES FOR THE USE OF CRANES CAPABLE OF LIFTING SIX TONS AND NOT MORE THAN FIFTEEN TONS.

	£	*s.*	*d.*
For each hoist not exceeding one ton	–	1	8
For each hoist above one ton and not exceeding two tons	–	3	4
For each hoist above two and not exceeding three tons	–	6	8
For each hoist above three and not exceeding four tons	–	14	8
For each hoist above four and not exceeding five tons	1	4	–
For each hoist above five and not exceeding six tons	1	12	–
For each hoist above six and not exceeding eight tons	2	8	–
For each hoist above eight and not exceeding ten tons	3	4	–
For each hoist above ten and not exceeding twelve tons	4	–	–
For each hoist above twelve and not exceeding fifteen tons	5	4	–

When the crane is used for loading or unloading any of the articles specified in Part 4 of this schedule weighing less than three tons the same rates may in the option of the Corporation be charged as are therein specified.

PART 6.

RATES FOR THE USE OF CRANES CAPABLE OF LIFTING FIFTEEN TONS AND UPWARDS AND FOR PUTTING IN OR TAKING OUT OF STEAM VESSELS MACHINERY ENGINES AND BOILERS.

	£	*s.*	*d.*
For each ton or part of a ton	–	9	–

But no charge for any single employment of a crane to be less than for three tons.

Putting into or taking out of vessels machinery engines and boilers (not being cargo) including fitting up per ton 9*s.* but if the rates for any single day of eight hours during the employment of the crane do not amount to £4 4*s.* then the charge for such day to be £4 4*s.* and in proportion for a shorter period and no charge to be less than for half a day.

All necessary use of the crane from the lifting of a piece of machinery off its carriage until stowed or adjusted in the vessel or from the lifting of a piece of machinery from the vessel until placed on the carriage shall be included in one hoist.

THE FIFTH SCHEDULE.

RATES ON GOODS USING QUAYS WITHOUT BEING SHIPPED AND ON GOODS USING RAILS.

	£	s.	d.
On all goods articles and things conveyed to any quays or jetties on the navigation and afterwards removed therefrom without being shipped for every day or part of a day during which such goods articles and things shall remain on such quays or jetties - - - - - - - -		–	2
For all goods articles and things conveyed to or from any such quays or jetties and using the rails of the Corporation - - for the use of such rails per ton		–	1

THE SIXTH SCHEDULE.

PROVISIONS OF FORMER ACTS REPEALED.

Session and chapter.	Title of Act.	Extent of repeal.
27 Geo. 3. c. 56.	An Act for enabling the magistrates and town council of Paisley to improve the navigation of the river Cart and to make a navigable cut or canal across the Turnpike Road leading from Glasgow to Greenock.	Sections 3 to 9 inclusive sections 11 to 15 inclusive and sections 17 to 33 inclusive.
5 Will. 4. c. xxxii.	An Act to amend an Act for improving the navigation of the river Cart and for deepening and extending the harbour of Paisley in the county of Renfrew.	Section 2 (so far as relating to the appointment of Trustees) sections 12 and 14 sections 18 to 34 inclusive sections 41 to 43 inclusive sections 48 to 57 inclusive sections 60 to 66 inclusive section 68 and Schedules A B and C.

6TH SCH. —*cont.*

Session and chapter.	Title of Act.	Extent of repeal.
6 & 7 Vict. c. lxxxv.	An Act for appointing trustees for the creditors of the burgh of Paisley and other purposes relating to the financial affairs of the said burgh.	The whole Act.
35 & 36 Vict. c. xxxii.	The Paisley Burgh and Cart Navigation Act 1872.	Sections 65 to 101 inclusive sections 103 to 121 inclusive sections 125 and 129 and the Seventh Eighth Ninth Tenth Eleventh Twelfth and Thirteenth Schedules.
44 & 45 Vict. c. civ.	Pier and Harbour Orders Confirmation Act 1881.	Sections 2 4 and 5 sections 7 to 12 inclusive sections 16 to 20 inclusive section 23 and the schedule of the Cart Navigation Order 1881 scheduled thereto.
48 & 49 Vict. c. clxxiii.	The Cart Navigation Act 1885.	Sections 5 to 11 inclusive sections 16 to 21 inclusive sections 24 29 38 39 49 and 50 sections 52 to 68 inclusive sections 70 71 and 75 and the First Schedule to the Ninth Schedule inclusive.
53 & 54 Vict. c. xi.	Cart Navigation Act 1890.	The whole Act.
10 & 11 Geo. 5. c. clxi.	Paisley Corporation (Inchinnan Opening Bridge) Order Confirmation Act 1920.	Subsection (2) of section 28 of the Order scheduled thereto.

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SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

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