CHAPTER cxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Nairn and Saltcoats. A.D. 1914.

[31st July 1914.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

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:—

Confirmation of Orders in schedule.

1. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force.

Short title.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 4) Act 1914.

A.D. 1914.

The SCHEDULE of Orders.

1. NAIRN.—Construction of additional harbour works &c.
2. SALTCOATS.—Transfer of harbour to Town Council &c.

NAIRN HARBOUR.

A.D. 1914.

Nairn.

Order for empowering the Provost Magistrates and Councillors of the Royal Burgh of Nairn in the County of Nairn to construct new Works at Nairn Harbour to borrow money for the purposes thereof to levy a special harbour rate to charge loans on their funds or rates and for other purposes.

Short title.

1. This Order may be cited as the Nairn Harbour Order 1914.

Commencement of Order.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpretation.

3.—(1) In this Order unless the context otherwise requires—

"The burgh" means the burgh of Nairn;

"The Council" means the provost magistrates and councillors of the burgh;

"The town clerk" means the town clerk of the burgh and includes any depute acting for him;

"The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act or Acts amending the same;

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

"The Order of 1863" means the Nairn Harbour Order 1863;

"The harbour" means the Nairn Harbour as defined by this Order;

"The harbour undertaking" means and includes the harbour and the conveniences connected therewith and the right to levy rates tolls and all other rights conferred on or vested in the Council by the Order of 1863 or this Order and the entire undertaking of the Council in connexion with the harbour;

"The harbour revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of the Order of 1863 or this Order;

"The works" means the works authorised by this Order.

A.D. 1914.

Nairn.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act:

Provided that nothing in the Harbours Clauses Act 1847 or in the Order of 1863 or this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Council shall be the undertakers for carrying this Order into execution.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

5. 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) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

Power to take lands by agreement.

6. For the purposes of the works the Council may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Limits.

Limits of harbour.

7.—(1) The limits within which the Council shall have authority and within which the powers of the harbour master may be exercised (and which shall except when otherwise provided be deemed the limits to which the Order of 1863 and this Order extend) shall comprise the River Nairn below the Nairn Bridge and the piers quays and other works constructed before the commencement of this Order and authorised to be constructed under this Order and also so much of the Moray Firth below high-water mark as lies within a distance of five hundred yards from any part of the east or west pier.

(2) The limits within which the power to levy tolls rates dues or charges may be exercised under the Order of 1863 and this Order shall comprise the River Nairn below the Nairn Bridge and the piers quays and other works constructed before the commencement of this Order and authorised to be constructed under this Order and also so much of the Moray Firth as lies within a distance of two hundred yards from any part of the east or west pier.

Works and Powers.

Power to make works.

8. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited for the purposes of this Order as the Board of Trade may require before completion of the works the Council for the purposes of the harbour may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the said plan and sections make and maintain the works.

Description of works.

9. The works authorised by this Order are—

Work No. 1—A drifter dock or shelter with an entrance thirty feet or thereby in width from the existing Nairn Harbour the centre line of the said dock or shelter commencing at a point at the toe or bottom of the east pitched slope of Nairn Harbour seventeen feet or thereby southwards from the south end of the East Quay Wall then extending first in a south-easterly direction for a distance of sixty-five feet or thereby and then in an easterly direction for a distance of six hundred and thirty-five feet or thereby and terminating at a point six hundred and seventy-six feet or thereby measuring in an easterly direction from the south end of the East Quay Wall above mentioned and three hundred and thirty-three feet or thereby measuring in a north-easterly direction from the north-east corner of the fence of the inclosure numbered 67 on the 25-inch Ordnance Sheet No. 1–12 of Nairnshire (2nd edition 1905):

Work No. 2—A sea wall of solid work along the seaward side of the east pier commencing at a point one hundred and eighty-one feet or thereby northwards from the south end of the east pier extending in a northerly direction two hundred and sixty-four feet or thereby and terminating at a point four hundred and forty-five feet or thereby measuring in a northerly direction from the said south end of the east pier:

Work No. 3—A reconstruction of the outer portion of the east pier of solid work commencing at the termination of Work No. 2 above described and extending in a north-westerly direction for a distance of three hundred and ten feet or thereby and terminating at a point eight feet or thereby measuring in a north-westerly direction from the seaward termination of the existing east pier.

Powers to deviate.

10. In constructing the works the Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

A.D. 1914.

Nairn.

Power to make subsidiary works.

11. The Council may with the consent in writing of the Board of Trade and subject to the provisions of this Order make and maintain on in over or in connexion with the harbour all necessary footways carriageways approaches roads communications steps slips slipways sewers drains sluices culverts embankments slopes pitched slopes gangways bridges retaining walls walls fences railings groynes sea defences piling sheet piling aprons dams cuts jetties landing-places quays wharves graving docks gates basins stages staithes gantries gridirons channels booms locks beacons buoys dolphins moorings pontoons floating docks dredgers lights warehouses sheds cellars store-houses toll-houses shelters cranes hoists lifts machinery engines tramways railway sidings junctions turntables reclamations deepenings dredgings excavations conveniences works and appliances necessary or convenient for or ancillary or incidental thereto.

Power to make road connexions &c.

12. Subject to the provisions of this Order and within the limits shown on the deposited plan the Council for the purposes of the works or any of them or works connected therewith may make and maintain junctions and communications with any existing roads streets quays or footways which may be intersected or interfered with by any of the said works or be contiguous thereto and for the purposes of any such junctions or communications may alter the line or level of any existing road street quay or footway and may remove alter divert stop up enclose use or appropriate all or any part of any road street quay footway stream watercourse sewer drain gas water or other main or pipe telegraph telephone or other wire work or apparatus within the limits aforesaid the Council first providing all proper substituted works and making reasonable compensation to any person who suffers damage from the exercise of the powers in this section contained Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section Provided also that the Council shall not remove alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

Tramways to be certified by Board of Trade.

13. A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

Consent of Board of Trade to works below high-water mark.

14. No part of the works below high-water mark shall be commenced without the consent in writing of the Board of Trade and

those works shall be executed only in accordance with the terms of such consent.

Penalty for obstructing works.

15. Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof shall for each such offence be liable to a penalty not exceeding five pounds and shall in addition be liable to repay to the Council any expenses incurred by them in making good such damage.

Powers to cease in certain events.

16.—(1) If within two years from the commencement of this Order the works are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

(2) If the works after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Power to dredge &c.

17.—(1) The Council may from time to time excavate dredge deepen scour and improve the harbour and the approaches thereto and all channels waterways and anchorages therein or adjacent thereto and all rock stone shingle sand mud and other materials so excavated dredged up or removed as aforesaid shall be the property of the Council and they may use appropriate sell or otherwise dispose of the same or lay down and use the same for the purposes of the harbour and the harbour undertaking as they think fit Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

(2) All money arising from any sale or other disposition of any rock stone shingle sand mud and other materials under this section after payment of any expenses connected therewith shall be applied as part of the harbour revenue.

A.D. 1914.

Nairn.

Works to be deemed to be part of harbour undertaking.

18. The works shall subject to the provisions of this Order for the purposes of tolls rates dues and charges which may be demanded recovered and received by the Council and for all other purposes be and be deemed to be part of the harbour undertaking and the powers and provisions of the Order of 1863 shall extend and apply mutatis mutandis to the works and all byelaws rules and regulations of the Council for the time being in force relating to the harbour undertaking shall be applicable and apply to the works and shall and may be enforced by the Council accordingly.

Rates.

Rates for use of drifter dock &c.

19. Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order and the Council may in addition to the rates and charges which they are authorised to levy under the Order of 1863 levy demand recover and receive--

(*a*) For steam or motor drifters laid up in or using the drifter dock (Work No. 1) by this Order authorised or laid up at or using any quays piers or works of the Council any sum not exceeding the sum of ten pounds per annum or for any shorter period :

Provided always that at the expiration of the period of thirty years from the commencement of this Order the Board of Trade may on the representation of the owners of steam or motor drifters using the said drifter dock reduce the said rate of ten pounds per annum to such sum as the Board of Trade may determine :

(*b*) For sail fishing boats laid up in or using the said dock or laid up at or using any quays piers or works of the Council any sum not exceeding the sum of three pounds per annum or for any shorter period.

Certain fishing vessels under stress of weather exempt from rates.

20. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

21. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Council.

Board of Trade may reduce rates.

22.—(1) The rates to be received by the Council under the Order of 1863 or this Order shall be adjusted by them in such manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Council on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of the Order of 1863 and of this Order the Board may if in their discretion they think fit reduce the rates leviable to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the Order of 1863 and this Order.

Finance.

Council may impose and levy special rate.

23.—(1) Subject to the provisions of this Order the Council may from and after the fifteenth day of May in the year one thousand nine hundred and fourteen for the purposes of the harbour the harbour undertaking the working management and maintenance of the harbour the construction and maintenance of the works the borrowing of money including the costs of this Order and the repayment of money already borrowed or which may hereafter be borrowed for the purposes of the harbour the payment of interest on borrowed money and for the other purposes of this Order or for all or any one or more of such purposes charge in equal proportions all owners and occupiers of lands or premises within the burgh with a special harbour rate or assessment (in this Order called "the Nairn Harbour rate") which shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the Nairn Harbour rate Provided that the Council shall levy the Nairn Harbour rate whenever the harbour revenue is insufficient for the purpose of providing for the payment of interest on and repayment of any moneys borrowed under the powers of this Order.

(2) The Nairn Harbour rate shall be in addition to any assessments levied by the Council under the Police Acts but shall not exceed (except with the consent of the Board of Trade) in any one year eightpence in the pound nor with such consent in any one year tenpence in the pound on the assessable value of all lands or premises within the burgh Provided that the Highland Railway Company shall not be called upon to pay in any one year in respect of their property within the burgh

A.D. 1914.

Nairn.

by way of the Nairn Harbour rate a sum greater than eightpence in the pound calculated upon the amount of the valuation of their property for ordinary burgh purposes.

Power to Council to charge loans from the Treasury or the Public Works Loan Commissioners on their funds or rates.

24.—(1) The Council may charge any fund or rate under their control leviable in the burgh (including the Nairn Harbour rate) for the purpose of raising a loan towards the construction of the works from the Treasury out of the Development Fund or the Public Works Loan Commissioners.

(2) The Council shall not give any charge under the powers conferred upon them by this section except in pursuance of a special resolution for the purpose passed at one meeting of the Council and published once at least in each of two successive weeks in a local newspaper circulating in the burgh and confirmed at a second meeting of the Council held not less than fourteen days after the first publication of notice of such resolution and not less than three months after the meeting at which the resolution is passed.

(3) The Council shall provide out of the burgh assessments or the Nairn Harbour rate as they may think fit any sums from time to time required for the repayment of loans secured by any charge given under the powers of this section and the payment of interest on such loans and shall from time to time raise and levy such sums as may be necessary for that purpose as part of the burgh assessments or as part of the Nairn Harbour rate as they may think fit.

(4) All charges existing at the commencement of this Order on the burgh assessments shall during the continuance thereof have priority over any charge given by the Council under the authority of this Order.

Power to accept contributions.

25. The Council may accept and apply towards or for the benefit of the harbour undertaking any moneys which may be contributed by gift to them for those purposes.

Power to borrow.

26.—(1) The Council may (in addition to any other sums already borrowed) from time to time borrow and re-borrow at interest not exceeding five pounds per centum per annum—

(*a*) For the construction of the works any sum or sums of money not exceeding in the whole twenty-three thousand pounds Provided that of the said sum of twenty-three thousand pounds not more than fourteen thousand pounds shall be borrowed except with the consent of the Board of Trade; and

(*b*) For paying the costs of this Order the amount necessary.

(2) Any money may be so borrowed on the security of the harbour revenue or on the security of the Nairn Harbour rate or subject to

the provisions of this Order on the security of the charge by this Order authorised or any one or more of them as the Council may from time to time determine.

(3) For the purpose of raising the money which may be so borrowed the Council may accept and take from any bank or banking company credit to such amount as they think expedient on a cash account to be opened and kept with such bank or banking company in the name of the Council according to the usage of bankers in Scotland and the Council may make and grant mortgages or other securities of and may assign the harbour revenue or the Nairn Harbour rate or both of them in security for the repayment of the sum or sums so borrowed or of the amount of the credit or of the sums advanced on the cash account with interest thereon Provided always that the whole sums due and owing by the Council on such cash account and borrowed on mortgage bond or otherwise under the powers conferred by this Order shall never when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed.

Periods for repayment of money borrowed.

27. The Council shall pay off all moneys borrowed by them under this Order within the respective periods following (in this Order respectively referred to as "the prescribed periods") (that is to say):—

(*a*) As to money borrowed for the construction of the works within forty years from the date or dates of borrowing the same; and

(*b*) As to money borrowed for paying the costs of this Order within five years from the commencement of this Order.

Mode of repayment of money borrowed.

28.—(1) The Council shall pay off all moneys borrowed by them under this Order either by means of equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and such sum as will be sufficient to make the required payment shall be set apart out of the harbour revenue and out of the proceeds of the Nairn Harbour rate or either of them as the Council may think fit in each year and paid either as an instalment or to the sinking fund as the case may be.

(2) Any money borrowed under this Order which shall be discharged otherwise than by means of instalments or the sinking fund may be re-borrowed by the Council from time to time if required for the purposes of this Order for which borrowing is sanctioned.

(3) The provisions of the Police Acts as to the borrowing of money for the general purposes of those Acts shall in so far as applicable and not inconsistent with the provisions of this Order apply to the borrowing by the Council of the money which they are

A.D. 1914. *Nairn.*

by this Order authorised to borrow and the mortgages or bonds to be granted by the Council for the purposes of this Order shall refer to the title of this Order.

Sinking fund.

29.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed under the powers of this Order such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest trust moneys or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Council the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per

annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund until the Secretary for Scotland shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council may determine.

A.D. 1914.

Nairn.

(12) The period at which the payments into the sinking fund shall commence shall not be later than one year after the date or dates of borrowing.

Annual return to Secretary for Scotland with respect to sinking fund.

30.—(1) The town clerk shall within two months after the expiration of each year during which any instalment is required to be paid in respect of money borrowed under this Order or any sum is required to be paid to a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by him and verified by statutory declaration if so required by him showing the amount which has been paid as an instalment or invested for the purposes of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year.

(2) The town clerk in the event of any default in making the return shall be liable to a penalty not exceeding twenty pounds.

(3) If it appears to the Secretary for Scotland by the return under this section or otherwise that the Council have failed to pay any instalment or to pay the sum required for the sinking fund or to make any increased payment thereto under this Order or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and that order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Application of money borrowed.

31. All money borrowed under this Order shall be applied only for the purposes of this Order for which the money is authorised to be borrowed and to which capital money may properly be applied and not otherwise.

Proceeds of sale of surplus lands to be treated as capital.

32. The proceeds of sale of any surplus lands of the Council under the powers of this Order shall be applied only for the purposes of this Order to which capital is properly applicable and the powers of borrowing conferred upon the Council by this Order shall be reduced to the extent of the net amount of any such proceeds from time to time received by the Council but without prejudice to anything done or suffered to be done under such powers previously to the receipt.

Protection of lenders.

33. Any person lending or paying money to the Council under this Order shall not be bound to inquire as to the observance by the

Council of any provision of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or paid or of any part thereof.

Securities to rank pari passu.

34. All mortgages bonds or other securities granted under the section of this Order of which the marginal note is "Power to borrow" and the amounts due under the same for the time being shall rank pari passu without any preference among such mortgages bonds or other securities by reason of priority in the dates thereof or the dates of advancing the moneys for which the same shall have been granted.

For appointment of a judicial factor.

35.—(1) The mortgagees of the Council in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than two thousand pounds in the whole.

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "commissioners" shall mean the Council the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Contingency fund.

36. The Council may if they think fit form and maintain a contingency fund not exceeding the sum of five hundred pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour undertaking and for that purpose appropriate and set apart subject to the provisions of this Order as to application of harbour revenue any amount which they may think fit in any year out of the harbour revenue and shall deposit any such amount in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or invest the same in securities in which trustees in Scotland may lawfully invest trust money (but not in securities of the Council) until required for any of the aforesaid purposes.

Application of harbour revenue.

37. Section 4 (Application of rates) of the Order of 1863 is hereby repealed and from and after the commencement of this Order the Council shall apply the harbour revenue for the purposes and in the order following and not otherwise (that is to say):—

(1) In paying the costs of and connected with the preparing obtaining and confirming of this Order so far as those costs are not paid out of money borrowed under this Order:

A.D. 1914.

Nairn.

(2) In paying the expenses properly chargeable to revenue of the working management and maintenance of the harbour undertaking:

(3) In paying year by year the interest on money borrowed before the commencement of this Order for the purposes of the harbour undertaking and the interest on money borrowed under this Order:

(4) In providing for instalments for repayment of money borrowed under this Order and in creating and maintaining any sinking fund required for the purpose of paying off the money so borrowed:

(5) In providing for the repayment of any money borrowed before the commencement of this Order for the purposes of the harbour undertaking:

(6) In making such payments (if any) as the Council think fit to the contingency fund authorised by this Order:

(7) In repaying to the burgh all sums which have been provided out of any funds or rates under the control of the Council (including the Nairn Harbour rate) and have been applied for the purposes of the harbour undertaking whether in respect of money borrowed or otherwise.

Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Council in the general improvement of the harbour undertaking.

Separate account of harbour undertaking to be kept.

38.—(1) The Council shall keep an account of the harbour undertaking separate from the other accounts of the burgh showing all moneys received on account of the harbour undertaking and all moneys expended thereon or in connection therewith.

(2) In the application of section 96 of the Town Councils (Scotland) Act 1900 to such separate account as forming part of the yearly account of the Council each of the expressions "person assessed" "elector" and "ratepayer" occurring therein shall be deemed to include any person who has during the year to which such separate account relates paid any rates tolls or dues for or in respect of the user of the harbour.

Annual account to be sent to Board of Trade.

39.—(1) The Council shall within one month after the date when a copy of their annual account or an abstract thereof is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary for Scotland send to the Board of Trade a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week during which they refuse or neglect to comply with this section.

Life-saving Apparatus.

Provision for life-saving apparatus.

40.—(1) Sections 16 to 19 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site in or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving apparatus may be attached to harbour.

41. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Lifebuoys to be kept.

42. The Council shall at all times keep at convenient places on the works and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights during construction of works.

43.—(1) Before commencing the works the Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

Lights after completion of works.

44.—(1) After completion or permanent discontinuance or abandonment of the works the Council shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the require-

A.D. 1914.

Nairn.

ments of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Provision against danger to navigation.

45.—(1) In case of injury to or destruction or decay of the works or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

Exclusion of sections 79 and 80 of Act 10 & 11 Vict. c. 27.

46. Sections 79 and 80 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Application of Act 10 & 11 Vict. c. 27.

47. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

Recovery of penalties.

48. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers exempt from rates.

49. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour and the works without payment.

Local lighthouse authority.

50. The Council shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Nothing to exempt harbour or Council from provisions of Merchant Shipping Act.

51. Nothing contained in this Order shall be deemed to exempt the harbour undertaking or the Council from the provisions of the Merchant Shipping Act 1894 or from any general Act relating to merchant shipping harbours or docks or to dues on shipping or on goods carried in vessels now in force or which shall 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 this Order.

Crown rights.

52. 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 Council 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Crown minerals.

53. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Council authorised to be taken or constructed under this Order but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 relating to notice and compensation shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one-half the depth of such workings below the surface level of such lands.

Works to be in burgh of Nairn.

54. The harbour and the works shall be deemed to be for all purposes situate in the burgh and in the parish of Nairn and county of Nairn.

Costs of Order.

55. All costs charges and expenses of or incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Council.

A.D. 1914.

SALTCOATS HARBOUR.

Saltcoats.

Order for the transfer to the provost magistrates and councillors of the burgh of Saltcoats in the county of Ayr of the undertaking known as Saltcoats Harbour and lands and heritages to confer powers on the Town Council with reference to holding maintenance management and improvement of the harbour to authorise the Town Council to borrow money for the purposes of the harbour and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Saltcoats Harbour Order 1914.

Commencement of Order.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpretation.

3.—(1) In this Order unless the context otherwise requires—

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

"The burgh" means the burgh of Saltcoats in the county of Ayr;

"The Council" means the provost magistrates and councillors of the burgh;

"The proprietor" means Captain Cuninghame Glencairn Robertson Cuninghame of Auchenharvie in the county of Ayr and his successors in title to the estate of Auchenharvie;

"The harbour" means and includes the existing harbour of Saltcoats together with all lands and works by this Order authorised to be transferred to the Council and all lands acquired by the Council under the provisions of this Order and the area below high-water mark defined in the section of this Order the marginal note whereof is "Limits";

"The harbour undertaking" means and includes the harbour and the conveniences connected therewith and the right to levy rates tolls and all other rights conferred on or vested in the Council by this Order and the entire undertaking of the Council in connection with the harbour;

"The harbour revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of this Order;

"The works" means and includes the piers quays roads buildings and works and all conveniences connected therewith by this Order authorised to be transferred to or constructed by the Council.

(2) In this Order the following expressions used in the Harbours Clauses Act 1847 shall have the following meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act:

Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Council shall be the Undertakers for carrying this Order into execution.

Transfer of Harbour.

Power to Council to acquire existing harbour. Transfer of existing harbour.

5. The Council may by agreement acquire or may accept a transfer of the right of harbour vested in the proprietor and the subjects known as the Braes and the lands works buildings rights and conveniences connected with the harbour and the Braes and the salmon fishings in the sea ex adverso of the estate of Auchenharvie and in so far as the proprietor has right thereto the foreshores in and adjoining the harbour and the Braes and as from the date of the completion of such transfer such harbour and such other rights as aforesaid and such fishings and foreshores or such of them as shall be included in such transfer shall be held and used by the Council for the purposes of and according to the provisions of this Order:

Provided always that nothing in any such agreement as before mentioned or the provisions of this section shall be held to recognise or confirm any right title or claim of the proprietor to the foreshores before mentioned but such right title or claim shall remain in the same state as if this Order had not been made.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

6. 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) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

A.D. 1914.

Saltcoats.

Lands for extraordinary purposes.

7. The Council may purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole ten acres but nothing in this section shall exempt the Council from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take servitudes &c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any servitude right or privilege (not being a servitude right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid.

Power to retain and sell lands.

9. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell feu let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual feu-duty or rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any feu-duties created or rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale feu lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Limits.

Limits.

10.—(1) The limits within which the Council shall have authority to levy rates and within which the powers of the harbour-master may be exercised shall comprise the harbour and an area within the boundaries described by lines drawn from the north side of the retaining wall at the termination of the disused railway leading to the harbour in a south-easterly direction to a point seventy-six yards seawards of low-water mark thence in a south-westerly direction for eight hundred and twenty-three yards to a point one hundred and ninety-two yards south of the end of the new pier thence in a westerly direction for five hundred and fifty yards to a point situated south-west of the ridge of rocks known as the "Long Rocks" thence in a north-easterly direction for three hundred and thirty-seven yards and following the line of low-water mark on the north side of the said ridge to high-water mark thence along the line of high-water mark to

the point at Harmony Place at which high-water mark first touches the sea wall protecting Windmill Street from the sea thence along the south-eastern side of Windmill Street (but excluding the properties of the Trustees of the late Dr. John Ritchie Brown and Mrs. Helen Easdale) to the south-western boundary of the property of John Sweenie and William Ramsay thence along said boundary and the south-east boundary of said property thence along the sea wall forming the south-east and southern boundaries of the properties in Windmill Street and Dockhead Street to Victoria Place thence along the north boundary of the part of the "Braes" acquired by the Council from the Earl of Eglinton and Winton and the north and east boundaries of the part thereof acquired by the Council from the proprietor until it reaches high-water mark thence along the south-western and south-eastern boundaries of the property of John Murray's Trustees to the gateway entering into said property thence across the entrance to the harbour to the said disused railway and thence along the north-west side of the said railway to the point of commencement which limits are in this Order termed "the limits of this Order."

(2) A map showing the limits of this Order having been signed in triplicate by an assistant secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited at the office of the sheriff clerk for the county of Ayr and another copy thereof shall be deposited at the office of the Council In case of any discrepancy between the limits of this Order as shown on the said map and the limits of this Order as described in this section the said map shall be deemed to be correct and shall prevail.

Maintenance &c.

Power to maintain and improve works.

11.—(1) Subject to the provisions of this Order the Council may maintain and with the consent in writing of the Board of Trade from time to time restore reconstruct alter improve enlarge and extend the works and may in connexion with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and lands connected therewith and may provide motive power for tramways.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

A.D. 1914.

Saltcoats.

For protection of Postmaster-General.

12. Any electric lighting or other apparatus and any motive power for tramways constructed and provided under the powers of this Order shall be so constructed provided and used as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Consent of Board of Trade to works.

13. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Power to reclaim lands.

14. Subject to the provisions of this Order the Council may with the consent in writing of the Board of Trade construct and carry out such works as may be necessary for reclaiming or filling in any portion of the foreshore within the limits of this Order and may dredge from the bed of the sea in the Firth of Clyde the material required for filling up such reclaimed land Provided that such dredging shall only be carried out in accordance with such restrictions and regulations as may be prescribed by the Board of Trade.

Powers to erect pavilions and other buildings.

15. The Council may construct and maintain on the works and may furnish manage equip and make such reasonable charges as they think fit for the use of and admission to warehouses sheds stores fishing platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria water-closets urinals lavatories baths and sanitary and other conveniences.

Power to dredge.

16.—(1) The Council may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the harbour revenue is to be applied.

Power to purchase dredgers &c.

17. The Council may provide purchase take on lease hire and use such steam and other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such

sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order the marginal note whereof is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.

Rates.

Power to levy rates.

18.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) From and after the transfer to the Council of the harbour the Council may within the limits of this Order subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Existing rates to cease when new rates leviable.

19. When and so soon as the Council are entitled to demand and take the rates specified in the schedule to this Order or any part thereof all other rates tolls dues or duties shall cease to be demanded in respect of the harbour and the conveniences connected therewith but without prejudice to the right of the proprietor to recover any money legally due to him in respect thereof at the time of the cesser.

Power to vary exemptions and compound for rates.

20. The Council may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the harbour and works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for warehouses &c.

21. The Council may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any buildings yards mooring posts buoys works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connexion with the harbour undertaking.

Supply of and rate for water.

22. If and so long as the Council shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that

A.D. 1914.

Saltcoats.

purpose in the schedule to this Order for pure and wholesome water supplied by them.

Master of fishing vessel to report take of fish.

23.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each such offence be liable to a penalty not exceeding ten pounds.

Harbour-master may prevent sailing of vessels.

24. The harbour-master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

Certain fishing vessels under stress of weather exempt from rates.

25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew.

26. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the works.

Power to charge higher rates at certain times.

27.—(1) Notwithstanding anything contained in this Order the Council may charge for every person entering upon and using the works between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment (lasting for at least one hour between the said hours of 6 p.m. and 10 p.m.) is held on the works or in any pavilion building or room for the time being on the works any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the works remains thereon after 6 p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Council shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the works for all persons landing or embarking at the works and that reserve passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the works as a passage only and do not remain thereon.

(4) A copy of this section shall be exhibited in print at the entrance to the works and in some conspicuous place or places on the works.

Power to close works on special occasions.

28.—(1) The Council may on any special occasions but not exceeding twelve days in any one year or for more than three days consecutively close the works against the public and may if they think fit on such occasions admit any persons to the works on payment of such special rates of admission not exceeding one shilling for each person as the Council may think fit.

(2) On all such occasions the Council shall reserve a sufficient passage along the works from the landing steps to the shore for any persons landing or embarking at the works the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the works as a passage and do not remain thereon.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the works on the day for which the special rate is charged.

(4) The Council shall give notice of their intention to close the works under this section by exhibiting the notice conspicuously at the entrance to the works during at least two days before the day on which the works are to be closed.

Pass and family tickets.

29.—(1) The Council may grant to passengers and promenaders or others for the use of the works (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Council may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Council shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

A.D. 1914.

Saltcoats.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each such offence be liable to a penalty not exceeding twenty shillings.

Board of Trade may reduce rates.

30.—(1) The rates to be received by the Council shall be adjusted by them in such a manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour.

(2) If at any time it appears to the Board of Trade that the clear annual income derived from the rates leviable by the Council on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Powers of Sale and Leasing.

Power to sell.

31.—(1) The Council with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Board of Trade sell the harbour undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Council by this Order or which the Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Order.

(2) The Council shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month 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 this subsection.

A.D. 1914.

Saltcoats.

Power to lease undertaking or rates.

32.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any company corporation or person (A) the entire harbour undertaking of the Council or (B) the rates and other charges authorised to be taken by this Order.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Council by this Order which the Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Board of Trade.

(4) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month 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 this subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to lease pavilions &c.

33. The Council may let for hire or lease for any term not exceeding fourteen years the salmon fishings by this Order authorised to be transferred to the Council and for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Finance.

Power to Council to provide moneys for purposes of Order.

34. The Council may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the harbour undertaking and the maintenance management and improvement thereof and the payment of expenses in connexion there-

A.D. 1914.

Saltcoats.

with out of the harbour revenue or if that shall be insufficient out of moneys to be raised by means of the assessment by this Order authorised to be imposed and levied.

Power to Council to impose and levy special rate.

35.—(1) Subject to the provisions of this Order the Council shall as from and after the fifteenth day of May first occurring after the commencement of this Order if and so far as may be necessary for the purposes mentioned in the last preceding section of this Order or any of such purposes and for the purpose of paying any expense of and connected with the provision of the moneys therein referred to charge in equal proportion all owners and occupiers of lands or premises within the burgh with an assessment which shall be levied and recovered in the same manner as the general improvement rate authorised by the Burgh Police (Scotland) Acts 1892 to 1911 is levied and recovered and all the provisions of those Acts with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised.

(2) The said assessment so leviable shall be in addition to any assessments levied by the Council under the Burgh Police (Scotland) Acts 1892 to 1911 but shall not exceed one shilling in the pound of the rateable value of the burgh.

Power to borrow.

36.—(1) The Council may from time to time borrow at interest not exceeding five per centum per annum—

(*a*) for the purchase of the harbour and works lands and fishings any sum or sums not exceeding two thousand two hundred pounds;

(*b*) for restoring and improving the harbour for the purchase of land required for the purposes of the harbour and for embanking or reclaiming lands any sum or sums not exceeding in the whole twenty thousand pounds;

(*c*) with the consent of the Secretary for Scotland such further sum or sums as may from time to time be required for the purposes of this Order;

(*d*) for paying the costs of this Order the amount necessary.

(2) In order to secure the repayment of money borrowed under this section and the payment of interest thereon the Council may mortgage or charge the assessment by this Order authorised to be levied or the harbour revenue or both of them subject always as to the harbour revenue to any existing mortgage or charge thereon.

Power to take credit from bank.

37. The Council for the purpose of raising any money by this Order authorised to be borrowed may accept and take from any bank or banking company credit to such amount as they think expedient (not exceeding in the whole taken together with any sums borrowed

on mortgage or charge under the last preceding section for the time being remaining unpaid the sum of thirty thousand pounds exclusive of interest) on a cash account to be opened and kept with such bank or banking company in the name of the Council according to the usage of bankers in Scotland.

Application of borrowed money.

38. All money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and not otherwise.

Periods for repayment of money borrowed.

39. All moneys borrowed by the Council under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

(*a*) As to money borrowed for the purpose (*a*) mentioned in the section of this Order the marginal note whereof is "Power to borrow" within forty years from the date of borrowing the same;

(*b*) As to money borrowed for the purpose (*b*) mentioned in the same section within forty years from the date of borrowing the same;

(*c*) As to money borrowed for the purpose (*c*) mentioned in the same section within such period from the date of borrowing the same as the Secretary for Scotland may prescribe;

(*d*) As to the money borrowed for the purpose (*d*) mentioned in the same section within five years from the commencement of this Order.

Power to re-borrow.

40. Any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of a sinking fund or instalments may be re-borrowed by the Council from time to time if required for the purposes of this Order.

Incorporation of provisions of Burgh Police (Scotland) Acts.

41. The provisions of the Burgh Police (Scotland) Acts 1892 to 1911 and of any Acts amending the same as to the borrowing of money for the general purposes of those Acts shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the Council of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Council for the purposes of this Order shall refer to the title of this Order Provided always that in the event of repayment of money borrowed being made by way of instalments the annual instalments shall be sufficient to pay off the whole of such money so borrowed within the prescribed periods.

Sinking fund.

42.—(1) The Council shall in the event of their borrowing otherwise than on the terms of repayment by instalments within the prescribed periods appropriate and set apart in every year out of the

A.D. 1914.

Saltcoats.

harbour revenue and out of the assessments to be levied as hereinbefore mentioned such a sum by way of sinking fund as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed under this Order within the prescribed periods.

(2) Every sum so appropriated and set apart to and for a sinking fund as aforesaid and the interest on the investments thereof shall unless applied in repayment of the loan in respect of which such sinking fund is formed be immediately deposited in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise invested in securities in which trustees in Scotland may lawfully invest trust money (not being securities of the Council) the Council being at liberty from time to time to vary and transpose such investments.

(3) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the loan for the repayment of which the fund is formed Provided that if and whenever they avail themselves of this power they shall thereafter pay into the sinking fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the whole or part as the case may be of such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) If and so often as the income of a sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(5) If and so often as the income of a sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of a sinking fund shall be paid by the Council in addition to the payments provided for by this Order.

(7) If at any time it appears to the Secretary for Scotland or to the Council that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of

which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause such fund to be sufficient for that purpose.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon will in the opinion of the Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Secretary for Scotland reduce the payments either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon will in the opinion of the Council be sufficient to repay within the prescribed period the loan in respect of which it is formed the Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund until the Secretary for Scotland shall otherwise direct.

(11) The period at which the payments into the sinking fund shall commence shall not be later than one year after the date or dates of borrowing.

(12) Any surplus of a sinking fund remaining after the discharge of the whole of the loan for the repayment of which it was formed shall be applied to such purpose or purposes as the Council may determine.

Annual return to Secretary for Scotland with respect to sinking fund.

43.—(1) The town chamberlain of the burgh shall within two months after the expiration of each year during which any instalment is required to be paid in respect of money borrowed under this Order or any sum is required to be appropriated and set apart to and for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by him and verified by statutory declaration if so required by him showing the amount which has been paid as an instalment or deposited or invested for the purposes of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining deposited or invested at the end of the year.

(2) The town chamberlain of the burgh in the event of any default in making the return under this section shall be liable to a penalty not exceeding twenty pounds.

A.D. 1914.

Saltcoats.

(3) If it appear to the Secretary for Scotland by the return under this section or otherwise that the Council have failed to pay any instalment or to appropriate and set apart the sum required for the sinking fund or to make any increased payment thereto under this Order or have applied any portion of the moneys appropriated and set apart to and for that fund or any interest thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be appropriated set apart and deposited or invested as part of the sinking fund and that order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland on a summary application presented for that purpose.

Protection of lenders.

44. Any person advancing money to the Council shall not be bound to require any further or other evidence of the power of the Council to borrow the money advanced by such person than such as is afforded by a certificate signed by the town chamberlain of the burgh that the Council are not exceeding the powers of borrowing conferred on them by this Order.

Securities to rank pari passu.

45. All mortgages bonds or other securities granted under the section of this Order the marginal note whereof is "Power to borrow" and the amounts due under the same for the time being shall rank pari passu without any preference among such mortgages bonds or other securities by reason of priority in the dates thereof or the dates of advancing the moneys for which the same shall have been granted.

Appointment of a judicial factor.

46.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "commissioners" shall mean the Council the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Proceeds of sale of surplus lands to be treated as capital.

47. The proceeds of sale of any surplus lands of the Council under the powers of this Order shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council under this Order Provided that such

proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Secretary for Scotland.

Contingency fund.

48. The Council may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of two thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or the works appropriate and set apart subject to the provisions of this Order as to the application of harbour revenue any amount which they think fit in any year out of the harbour revenue and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise invested in trust securities until required for any of the aforesaid purposes.

Application of harbour revenue.

49. The harbour revenue and all moneys received for or in respect of the assessment by this Order authorised to be made shall be applied for the purposes and in the order following and not otherwise:—

(1) In payment of the costs of and connected with the preparation and making of this Order:

(2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the harbour undertaking:

(3) In payment year by year of the interest accruing on money borrowed under this Order:

(4) In payment of the instalments of principal as they become due in respect of any moneys borrowed under this Order and repayable by instalments and in the creation and maintenance of a sinking fund for the repayment of moneys so borrowed and not repayable by instalments:

(5) In making such payments (if any) as the Council think fit into a contingency fund established under the provisions of this Order:

(6) In repaying to the burgh all sums which have been provided by means or out of the assessment authorised by this Order to be levied and have been applied for the purposes of the harbour undertaking whether in respect of money borrowed or otherwise.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Council in the general improvement of the harbour and the works.

A.D. 1914.

Saltcoats.

Separate account for harbour undertaking.

50.—(1) The Council shall keep an account of the harbour undertaking separate from the other accounts of the burgh showing all moneys received on account of the harbour undertaking and all moneys expended thereon or in connexion therewith.

(2) In the application of section 96 of the Town Councils (Scotland) Act 1900 to such separate account as forming part of the yearly account of the Council each of the expressions "person assessed" "ratepayer" and "elector" occurring therein shall be deemed to include any person interested in such separate account.

Annual account to be sent to Board of Trade.

51.—(1) The Council shall within one month after the date when a copy of their annual account or an abstract thereof is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary for Scotland send to the Board of Trade a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week during which they refuse or neglect to comply with this section.

Byelaws.

Byelaws.

52.—(1) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing 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 received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(3) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Life-saving Apparatus.

Provision for life-saving apparatus.

53.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) The Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the works and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. *Saltcoats.*

Life-saving apparatus may be attached to works.

54. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Lifebuoys to be kept.

55. The Council shall at all times keep at convenient places on the works and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights on works.

56.—(1) The Council shall exhibit at the outer extremity of the harbour or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

As to buoys and lights in case of decay of works.

57.—(1) In case of injury to or destruction or decay of the works or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken.

(2) The Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such directions.

Miscellaneous.

Meters and weighers.

58. The Council shall have the appointment of meters and weighers within the limits of this Order.

Appointment of officers to enforce bye-laws and regulations.

59. The Council may appoint officers for securing the observance of the byelaws and regulations made by the Council under this Order in respect of the harbour and may from time to time procure such officers to be sworn as constables for that purpose but no such officers

A.D. 1914.

Saltcoats.

pigs shall be computed as equal to one ton of goods and so in proportion for any less or broken number.

Proviso 2.—In the case of other vessels belonging to owners engaged in a regular trade to the harbour and making not less than fifty calls between the first day of April in any year and the thirty-first day of March next following at the harbour there shall be charged per registered ton in respect of each such vessel or of any vessel the property of or chartered by the same owner substituted for such vessel on any trip not more than one-half of the actual tonnage rates for the time being in force Provided always that up to fifty calls the rates shall be paid in full and on the completion of fifty calls one moiety of such rates already paid shall be repaid to the owners.

III.—Rates on Pleasure Yachts within the Limits of this Order.

	£	*s.*	*d.*
For all pleasure yachts not carrying goods or passengers for hire per week or part of a week per registered ton - -	0	0	3
For each pleasure boat licensed to be let within the harbour per annum - - - - - - - - - -	0	5	0

Pleasure yachts when laid up 1*s.* 6*d.* per registered ton per annum or 3*d.* per registered ton per month.

IV.—Rates on Fishing Vessels within the Limits of this Order.

	£	*s.*	*d.*
A. For every vessel under 15 tons engaged in the herring fishery for the period of the fishing season payable in advance - - - - - - - - -	1	0	0
Or per month in advance - - - - -	0	2	6
But the first payment to be for not less than two months.			
For every such vessel not compounding as above loading or unloading herrings each time - -	0	1	0
B. For every vessel over fifteen tons engaged in the herring fishery for the period of the fishing season payable in advance - - - - - - - - -	2	0	0
Or per month in advance - - - - -	0	5	0
But the first payment to be for not less than two months.			
For every such vessel not compounding as above loading or unloading herrings - - - -	0	2	0

	£	s.	d.
C. For every vessel engaged in any fishing other than the herring fishery for the fishing season payable in advance—			
Propelled by steam or other mechanical power whether such power is principal or auxiliary -	0	15	0
Not so propelled - - - - - - - -	0	5	0
For every such vessel not compounding as above loading or unloading fish each time - - -	0	2	0

NOTE.—The fishing season shall from time to time be fixed by the Council and notice thereof shall be posted on some conspicuous place at the harbour and works.

NOTE.—Applying to Parts II. III. and IV.—Any vessel entering the limits of this Order through stress of weather and not breaking bulk while remaining within those limits shall be exempt from rates.

V.—RATES ON GOODS SHIPPED UNSHIPPED OR TRANSHIPPED AT THE WORKS OR IN ANY PART OF THE HARBOUR.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Aerated waters all kinds - - - -	per ton - - -	1	8
Ale beer and porter - - - -	per 54 gallons -	0	6
Ale beer and porter - - - -	per 9 gallons - -	0	1
Ale beer and porter (bottled in pint bottles) -	per dozen - -	0	$0\frac{1}{2}$
Anchors - - - - - -	per cwt. - -	0	9
Ashes of all kinds - - - -	per ton - - -	1	0
Bark - - - - - -	per ton - - -	2	0
Barley (pot shelled or pearl) - - -	per cwt. - -	0	1
Bedding - - - - - -	per cwt. - -	0	3
Beef or pork - - - - -	per cwt. - -	0	2
Bicycles or tricycles - - - -	each - - -	0	3
Biscuits or bread - - - - -	per cwt. - -	0	3
Bones and bone dust - - - -	per cwt. - -	0	1
Bottles - - - - - -	per gross - -	0	6
Bran - - - - - -	per cwt. - -	0	1
Bricks - - - - - -	per 1000 - -	1	4
Butter and lard - - - - -	per cwt. - -	0	2
Cables (iron or hempen) - - - -	per ton - - -	1	6
Candles - - - - - -	per cwt. - -	0	2
Canvas - - - - - -	per 56 lbs. - -	0	1
Carrots - - - - - -	per cwt. - -	0	$0\frac{1}{2}$
Casks and barrels (empty not being returned packages) - - - - -	each - - -	0	1
Carriages :—			
Chaises and other four-wheeled carriages -	each - - -	2	6
Gigs and other two-wheeled carriages -	each - - -	1	0
Carts - - - - - - -	each - - -	1	0
Handcarts and perambulators - -	each - - -	0	2

A.D. 1914.

Saltcoats.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Cattle :—			
Bulls	each	1	0
Cows and oxen	each	0	6
Calves	each	0	3
Horses asses and mules	each	1	0
Ponies under 12 hands	each	0	6
Pigs	each	0	3
Sheep	each	0	$0\frac{1}{2}$
Lambs	each	0	$0\frac{1}{2}$
Cement	per ton	1	0
Cheese	per cwt.	0	2
Chimney cans	each	0	3
Cinders and charcoal	per ton	0	6
Clay (manufactured)	per ton	0	3
Clay (common)	per ton	0	1
Cloth haberdashery &c.	per cwt.	0	2
Coals	per ton	1	0
Copper	per ton	2	0
Copper (old)	per cwt.	0	1
Cordage	per cwt.	0	3
Cork	per cwt.	0	6
Crabs	per dozen	0	1
Crystal	per cwt.	0	2
Cutch	per ton	0	10
Dogs	each	0	2
Drugs (in casks hampers or boxes)	per cwt.	0	$2\frac{1}{2}$
Earthenware or chinaware (in casks hampers or boxes)	per cwt.	0	2
Earthenware or chinaware (in crates)	per cwt.	0	2
Eggs	per cwt.	0	1
Fish (dried and salted)	per cwt.	0	2
Fish (fresh in bulk)	per cwt.	0	$1\frac{1}{2}$
Flax	per cwt.	0	$1\frac{1}{2}$
Flour	per $2\frac{1}{2}$ cwt.	0	$2\frac{1}{2}$
Fruit	per cwt.	0	6
Furniture (household)	per cwt.	0	2
Game of all kinds	per cwt.	0	6
Glass of all descriptions	per cwt.	0	2
Groceries viz. :—			
Tea coffee confections dried fruit spices rice tobacco snuff &c.	per cwt.	0	3
Guano	per ton	1	0
Gunpowder	per 100 lbs.	0	3
Haddocks (smoked)	per 300	0	4
Ham bacon or tongues	per cwt.	0	4
Hardware	per cwt.	0	1

Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Hay and straw	per ton	1 6
Hemp	per cwt.	0 2
Herrings (cured)	per $26\frac{2}{3}$ gallons	0 2
Herrings (fresh)	per $37\frac{1}{2}$ gallons	0 2
Hides—ox cow or horse (wet or dry)	each	0 2
Hoops of wood	per 1500	1 0
Hoops of iron	per cwt.	0 2
Husbandry implements	per cwt.	0 2
Iron :—		
Bar bolt and rod plate sheet and forged iron gates stoves nails and other ironmongery and rails	per cwt.	0 2
Old	per cwt.	0 $0\frac{1}{2}$
Pig and unmanufactured	per ton	1 0
Lead	per ton	0 10
Leather (tanned and dressed)	per cwt.	0 6
Lime	per ton	0 8
Limestone	per ton	1 0
Lobsters	per dozen	0 1
Machinery of all kinds	per cwt.	0 1
Manure not enumerated	per ton	1 6
Masts and spars 10 inches in diameter and upwards	each	1 6
Meal	per $2\frac{1}{2}$ cwt.	0 $2\frac{1}{2}$
Meat (fresh)	per cwt.	0 4
Milk	per 3 gallons	0 1
Musical instruments	per cubic foot	0 1
Oils	per cwt.	0 1
Oilcake	per cwt.	0 1
Oranges and lemons	per cwt.	0 2
Ores	per ton	1 0
Paint	per cwt.	0 3
Pitch	per cwt.	0 2
Potatoes	per ton	1 0
Poultry	each	0 $0\frac{1}{2}$
Rabbits	per cwt.	0 8
Rags and old rope	per cwt.	0 1
Sails	per cwt.	0 6
Salmon grilse sea trout or bull trout	each	0 1
Salmon grilse sea trout or bull trout	per cwt.	1 0
Salt	per ton	0 9
Sand and gravel	per ton	0 8
Seeds	per quarter	0 3

A.D. 1914.

Saltcoats.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Sheepskins with wool	per cwt.	0	3
Slates	per ton	1	0
Soap	per cwt.	0	1
Spirits	per gallon	0	0½
Stones :—			
Rubble	per ton	1	0
Hewn ashlar	per ton	1	0
Rough	per ton	1	0
Pavement	per ton	1	0
Kerb	per ton	1	0
Paving and causeway stones	per ton	1	0
Grindstones	each	1	0
Millstones	each	1	0
Gravestones	each	2	6
Sugar of all kinds	per cwt.	0	1
Tallow	per cwt.	0	2
Tar	per cwt.	0	2
Tiles (roofing)	per ton	0	6
Tin	per cwt.	0	1
Tow	per cwt.	0	2
Turnips	per ton	1	0
Turpentine	per cwt.	0	1
Varnish	per cwt.	0	1
Vegetables (not enumerated)	per cwt.	0	2
Vitriol	per cwt.	0	1
Wheels (coach or cart)	per pair	0	3
Wine	per 54 gallons	1	0
Wine (bottled)	per dozen quarts	0	2
Wine (bottled)	per dozen pints	0	1
Wood—Fir beech oak ash elm and other hard woods rough and round or in plank or sided	per 50 cubic feet	1	6
Wool	per cwt.	0	2
Yarn :—			
Cotton lint and worsted	per cwt.	0	2
Other kinds	per cwt.	0	1
Zinc	per cwt.	0	1
All other goods not enumerated above :—			
Light goods	per cubic foot	0	1
Heavy goods	per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single package shall be one penny.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from rates.

VI.—Rates for Use of Cranes Weighing Machines Sheds &c.

(1) *Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - -	0	6
Exceeding 2 tons and not exceeding 3 tons - -	0	8
Exceeding 3 tons and not exceeding 4 tons - -	0	10
Exceeding 4 tons and not exceeding 5 tons - -	1	0
Exceeding 5 tons and not exceeding 6 tons - -	1	2
Exceeding 6 tons and not exceeding 7 tons - -	1	4
Exceeding 7 tons and not exceeding 8 tons - -	1	6
Exceeding 8 tons and not exceeding 9 tons - -	1	10
Exceeding 9 tons and not exceeding 10 tons - -	2	4
Exceeding 10 tons - - - - - -	3	6

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton - -	0	2

The expression "goods" in this subsection shall not include goods in parcels not exceeding fourteen pounds in weight.

(3) *Warehouses &c.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any warehouse or shed or on the works for a longer time than 48 hours the sum of 8*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each 24 hours or part thereof during which such goods shall remain after the first 48 hours.

	s.	*d.*
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day after the first 24 hours per article - - - - - -	0	2

(4) *Cattle Yards.*

For cattle each per day - - - - - -	0	$1\frac{1}{2}$
For horses each per day - - - - - -	0	1
For pigs each per day - - - - - -	0	$0\frac{1}{2}$
For sheep each per day - - - - - -	0	$0\frac{1}{2}$

(5) *Mooring Anchors Lights and Ballast Charges.*

For every vessel made fast to mooring anchor - - -	1	0
All vessels above 20 tons register using the harbour or works per vessel for light dues - - - - - -	1	0
All fishing boats using the harbour or works per boat per season for light dues - - - - - -	2	6
For ballast supplied to any vessel per ton - - -	2	0
For ballast put out of any vessel per ton - - -	1	0

Dues for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

A.D. 1914.

Saltcoats.

(6) *Charges for use of Beaching Ground.*

	£	s.	d.
For every fishing or other boat beached or laid up on ground provided for the purpose by the Council payable in advance per off season as same may be fixed by the Council - - - - - - -	0	10	0
Each additional month or part thereof beyond said off season or at any other time - - - - -	0	2	0
For every other vessel beached or laid up for repairs or other purposes payable in advance for every month or part thereof—			
Vessels under 20 tons - - - -	0	5	0
Vessels over 20 tons and under 50 tons of registered tonnage - - - - -	0	10	0
Vessels over 50 tons of registered tonnage -	1	0	0

VII.—RATE FOR SUPPLYING WATER.

For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel -	0	0	1½

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