CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Stornoway Harbour. [10th December 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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

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

2. This Act may be cited as the Stornoway Harbour Order Confirmation Act 1947. Short title.

SCHEDULE.

STORNOWAY HARBOUR.

Provisional Order to amend the Stornoway Harbour Order 1926 *in relation to the constitution of the Stornoway Pier and Harbour Commission and the levying and collection of dues rates and charges to authorise the Commissioners to construct new works and to borrow money and for other purposes.*

16 & 17 Geo. 5. c. cviii. WHEREAS by the Stornoway Harbour Order 1926 (hereinafter referred to as "the Order of 1926") the Acts relating to the pier and harbour of Stornoway were consolidated with amendments the Stornoway Pier and Harbour Commission were re-incorporated the pier and harbour of Stornoway were vested in the Commissioners so re-incorporated (hereinafter referred to as "the Commissioners") and the Commissioners were empowered to construct the works authorised by that Order:

And whereas it is expedient that the provisions of the Order of 1926 relating to the constitution of the Commissioners should be amended as hereinafter provided in this Order:

And whereas by virtue of the powers conferred on the Commissioners by the Order of 1926 and Part III of the Harbours Piers and Ferries (Scotland) Act 1937 the Commissioners maintain work and use the said pier and harbour and levy charge and recover dues rates and charges in respect of the use thereof:

And whereas owing to the increase in the size and draught of vessels resorting to the harbour portions of the harbour have been found inadequate to meet present day needs:

And whereas it is expedient for the better administration of the pier and harbour undertaking that the Commissioners should be empowered to construct the new works hereinafter described and to acquire lands for the purposes of the undertaking:

And whereas in order to enable the Commissioners to carry out the said works and to meet the growing requirements of the traffic at the harbour it is expedient that the Commissioners should be authorised to borrow further money as provided in this Order:

And whereas it is expedient that further powers should be conferred on the Commissioners and that the other provisions contained in this Order should be enacted:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerk of the county of Ross and Cromarty:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936: 26 Geo. 5. & 1 Edw. 8. c. 52.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I.

PRELIMINARY.

Short title construction.

1.—(1) This Order may be cited as the Stornoway Harbour Order 1947.

(2) The Stornoway Harbour Order 1926 and this Order may be cited together as the Stornoway Harbour Orders 1926 and 1947.

Commencement of Order.

2. This Order shall come into force and have effect as from the date of the passing of the Act confirming this Order which date is in this Order referred to as " the commencement of this Order ".

Order divided into Parts.

3. This Order is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Constitution.
Part III.—Limits.
Part IV.—New works.
Part V.—Lands.
Part VI.—Rates.
Part VII.—Finance.
Part VIII.—Miscellaneous.

Incorporation of Acts.

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

The Lands Clauses Acts;

The Commissioners Clauses Act 1847 (except sections 16 to 35 both inclusive and sections 40 42 43 46 and 54); 10 & 11 Vict. c. 16.

The Harbours Docks and Piers Clauses Act 1847 except sections 12 13 and 16 to 19 (unless the Commissioners shall be required by the Minister of Transport to provide and maintain a tide and weather gauge) and except sections 25 and 26; 10 & 11 Vict. c. 27.

Part III of the Harbours Piers and Ferries (Scotland) Act 1937. 1 Edw. 8. & 1 Geo. 6. c. 28.

PART I. —*cont.*

(2) For the purposes of such incorporation the expression "special Act" in the said Acts respectively shall be construed to mean this Order the expression "undertakers" shall mean the Commissioners and the expressions used in the Harbours Docks and Piers Clauses Act 1847 to which meanings are assigned by subsection (2) of section 3 (Incorporation of Acts) of the Order of 1926 shall have the same respective meanings.

(3) The expression "vessel" in section 28 of the Harbours Docks and Piers Clauses Act 1847 shall for the purposes of the incorporation of that section with the Order of 1926 and this Order include any floating dock seaplane hydroplane airship and similar craft and any vessel of exceptional construction or method of propulsion belonging to or employed in the service of His Majesty.

Interpretation.

5. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction—

(*a*) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Order of 1926 have the same respective meanings; and

(*b*) the following words and expressions have the meanings assigned to them in this section (that is to say):—

"Order of 1926" means the Stornoway Harbour Order 1926;

"Burgh" means the burgh of Stornoway;

"Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 and by Part IV of the Town and Country Planning (Scotland) Act 1947.

9 & 10 Geo. 5. c. 57.

21 Geo. 5. c. 11.

10 & 11 Geo. 6. c. 53.

Saving for charter of 1864.

6. The feu-charter granted by Sir James Matheson of Achany and the Lews baronet member of Parliament for the combined counties of Ross and Cromarty in favour of himself and others as Commissioners as therein mentioned dated ninth August and recorded in the particular register of sasines for Inverness etc. first October both in the year eighteen hundred and sixty-four (which feu charter is set forth in the First Schedule to the Order of 1926) shall remain in force and continue to have full effect except in so far as the same is altered or modified in or is at variance with the provisions of the Order of 1926 and this Order which provisions shall in all cases of variance be regulative.

PART II.

CONSTITUTION.

Disqualification of Commissioner ceasing to be member of town council.

7.—(1) If any person chosen as a Commissioner by the town council ceases to be a member of the town council during the period for which he was chosen a Commissioner such person shall thereupon become disqualified from continuing to act as a Commissioner and his office as Commissioner shall become vacant.

(2) Such vacancy shall be filled up in manner provided by this Order but a person chosen as a Commissioner by the town council shall not be held to be disqualified by reason only of the expiry of his term of office as a member of the town council provided he be re-elected as a member of the town council at the election immediately ensuing. PART II. —*cont.*

Provision for supplying vacancies.

8.—(1) If a Commissioner dies or refuses to act or is for a period of six consecutive months absent from all meetings of Commissioners without leave of absence having been granted by the Commissioners or resigns or is or becomes disqualified or incapacitated to act or becomes notour bankrupt the office of such Commissioner shall become vacant every such vacancy and any vacancy arising from any cause other than that provided for in subsection (2) of this section shall be filled up in manner following (that is to say):—

(*a*) Where the vacancy arises through the decease of the superior of the burgh the Commissioners shall at their first meeting following his death approve and confirm his successor (if any) in the superiority as a Commissioner;

(*b*) If the superiority of the burgh is at any time vested in a body of trustees and the vacating Commissioner was the representative appointed by such trustees or was the chamberlain of the superior duly nominated by him the Commissioners shall within one month after such vacancy has occurred appoint another person duly qualified in terms of paragraph (2) (first) of section 10 (Constitution of Commission) of the Order of 1926 to be a Commissioner in his stead;

(*c*) Where the vacating Commissioner was—

(1) one of the three Commissioners chosen by the town council;

(2) one of the two Commissioners nominated by the superior of the burgh;

(3) the Commissioner nominated by the sheriff; or

(4) one of the three Commissioners elected by the persons paying harbour dues or rates;

the Commissioners shall within one month after any such vacancy has occurred appoint another person duly qualified in terms of paragraph (2) (second) (third) (fourth) or (fifth) as the case may be of the said section 10 of the Order of 1926 to be a Commissioner in his stead.

(2) If there is a vacancy in the number of Commissioners by reason of any of the respective persons or bodies or town council mentioned in the said section 10 of the Order of 1926 failing refusing or neglecting to nominate or elect a Commissioner at the time fixed for such nomination or election the Commissioners on the expiry of one month after any such vacancy has occurred may at any meeting appoint a person qualified in the same manner and for the same period as the Commissioner whose office has not been filled up to be a Commissioner in his stead.

PART II. —*cont.*

(3) Paragraph (2) (fifth) (*b*) of the said section 10 of the Order of 1926 shall be read and construed as if the words " once at least in some newspaper or newspapers published or circulating in the burgh or by handbills posted in the burgh " were added at the end thereof.

Acts of Commissioners not invalidated by vacancy.

9. An act or proceeding of the Commissioners or of any committee of the Commissioners shall not be invalidated or be illegal in consequence of there being any vacancy in the number of Commissioners at the time of such act or proceeding or of the non-appointment or non-election of any Commissioner by any person or body or town council authorised by the Order of 1926 to appoint or elect a Commissioner or Commissioners.

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

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

Duration of office.

11. The Commissioners appointed from time to time under the Order of 1926 and this Order shall hold office from the first Tuesday in the month of May in the year of their appointment or from the date of their appointment to the end of the day next preceding the first Tuesday in the month of May following.

Meetings of Commissioners.

12. The Commissioners shall hold a meeting once in every month or at such other period as the Commissioners shall think fit on such day and at such hour as they shall from time to time by resolution appoint and the Commissioners shall hold an annual general meeting on the first Tuesday of May in each year Provided that in the event of any general meeting of the Commissioners falling to be held on a public or local holiday the Commissioners may by resolution alter the date of such meeting.

Quorum of Commissioners and adjournment on failure of meeting.

13. At all meetings of the Commissioners three shall be a quorum and business shall not be transacted at any meeting unless the said quorum shall be present at such meeting and if at any such meeting the said quorum is not present within fifteen minutes after the time appointed for such meeting the Commissioner present or the secretary in the absence of a Commissioner shall adjourn such meeting to another time and notice shall be given of the time place and purpose of such adjourned meeting in manner provided by this Order and so from time to time until such adjourned meeting shall be duly constituted by the said quorum being present.

Adjourned meetings.

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

Special meetings.

15. The Commissioners may hold special meetings and the chairman or any three of the Commissioners may require the secretary to call a special meeting but a special meeting shall not be held unless one day's notice thereof is given.

PART II. —*cont.*

How meetings to be called.

16. All meetings of the Commissioners or of any committee of the Commissioners shall be called by cards letters or circulars issued by the secretary and delivered to each of the Commissioners or left at his usual place of abode or place of business or posted at Stornoway addressed to his usual place of abode or place of business one day at least before such meeting.

Orders and resolutions not to be altered without notice.

17. Any order made and any resolution adopted by the Commissioners at any of their meetings shall not be altered or revoked unless at some meeting called for that special purpose or unless notice of the intention to propose such alteration or revocation be—

(*a*) given by a Commissioner at some previous meeting; or

(*b*) received by the secretary from a Commissioner in writing not less than seven days before the day on which the meeting is held;

and be intimated in the card letter or circular calling the meeting at which it is intended to propose such alteration or revocation.

Power to appoint committees.

18. The Commissioners may at any meeting from time to time appoint committees of any of their number for carrying into effect any of the provisions of the Order of 1926 and this Order and may delegate such powers to any such committee as to the Commissioners may seem proper and the Commissioners shall fix the quorum of any such committee and name the convener and may continue alter or discontinue such committee.

Meetings of committees.

19. Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment and at all meetings of such committees the convener and in his absence one of the members present to be appointed by the meeting shall preside and all questions shall be determined by a majority of the votes of the members present and in the case of equality the convener or in his absence the person appointed to preside shall in addition to his own vote have a second or casting vote.

Appointment of officers.

20. The Commissioners shall appoint a secretary treasurer collector of rates factor and harbourmaster and may appoint a manager engineer dockmaster or such of these officers as may be required and such other officers and servants as they shall judge necessary and may prescribe their respective duties and may remove such officers and servants or any of them from time to time and may appoint others in their place and may pay such reasonable fees salaries or remuneration to such officers and servants as the Commissioners think proper.

PART III.

LIMITS.

Limits of harbour.

21.—(1) The limits of the harbour shall for the purposes of the Order of 1926 and this Order comprise extend to and include the Bay of Stornoway and shall be deemed to extend along the shore thereof from Holm Point on the east following the high-water mark to the junction of the seaward face of the wall situated south of the

PART III. —*cont.*

Bayhead embankment thence along the seaward face of the said wall and the weir westwards to high-water mark on the west side of Bayhead thence southwards along high-water mark to Arnish Point on the west and seawards along a straight line drawn from Arnish Point on the west to Holm Point on the east side of the said Bay of Stornoway and all accesses buildings works lands and conveniences and property rights powers and privileges at present appertaining thereto and the piers works quays wharves warehouses and lands connected therewith and all lands above high-water mark acquired or held by the Commissioners and also all approaches roads works accommodation and conveniences connected therewith and all additions to and improvements in the harbour from time to time lawfully made by the Commissioners.

(2) A map or plan showing the limits of the harbour having been signed in quadruplicate by Archibald Henderson M.Inst.C.E. Aberdeen and two copies thereof having been deposited at the office of the Minister of Transport another copy thereof shall be deposited at the office of the sheriff clerk and another copy thereof shall be deposited at the office of the secretary to the Commissioners.

Limits of Order.

22. The limits of the Order of 1926 and this Order shall extend to the limits of the harbour as hereinbefore defined and to the gifted properties but the powers to exact rates in virtue of the Order of 1926 and this Order shall extend only to the limits of the harbour as hereinbefore defined.

PART IV.

NEW WORKS.

Power to construct works.

23.—(1) Subject to the provisions of this Order the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described or some part or parts thereof with all proper approaches works and conveniences connected therewith.

(2) The works hereinbefore referred to and authorised by this Order will be situated in the burgh and are—

Work No. 1. An extension of King Edward Wharf as an open structure commencing at the south end of said wharf and extending in a southerly direction for a length of 300 feet or thereabouts from the point of commencement;

Work No. 2. A causeway consisting of an embankment and roadway on surface thereof commencing at a point on the south side of Newton Street 400 feet or thereabouts north from the junction of Newton Street and Battery Road extending thence in a curved line to the point of termination near the northern extremity of Goat Island 2,030 feet or thereabouts from the point of commencement and the removal of the surface of Goat Island by excavation to a level of 12 feet or thereabouts above the level of ordnance datum;

Work No. 3. An embankment commencing at a point 600 feet or thereabouts measured along the centre line of Work No. 2

from the point of commencement of that work and extending thence in a south-easterly direction and terminating at a point near high water mark on the foreshore at Battery Point 380 feet or thereabouts from the point of commencement;

Work No. 4. A slipway for the repair of vessels commencing at a point 20 feet or thereabouts below the level of low water of ordinary spring tides 500 feet or thereabouts north of high-water mark of ordinary spring tides on the extreme north-westerly point of Goat Island extending thence in a south-easterly direction for a distance of 180 feet or thereabouts at an upright slope and terminating at a point 680 feet or thereabouts from the point of commencement;

Work No. 5. A jetty commencing at a point 140 feet or thereabouts north-west of the termination of Work No. 4 and 25 feet or thereabouts south-west of and at a right-angle to the centre line of Work No. 4 extending thence in a north-westerly direction and terminating at a point 400 feet or thereabouts from the point of commencement.

Application of provisions of Order of 1926 with reference to works &c.

24. The sections of the Order of 1926 of which the numbers and marginal notes are as follows shall apply and have effect as if the expression " this Order " therein meant this Order and the expressions " limits of the harbour " and " limits of this Order " meant the limits respectively defined by the sections of this Order of which the marginal notes are " Limits of harbour " and " Limits of Order " (namely):—

Section 22 (Power to deviate);

Section 23 (Subsidiary works);

Section 24 (Complementary powers etc.);

Section 29 (Penalty for obstructing works);

Section 30 (Works below high-water mark to be subject to approval of Board of Trade);

Section 31 (Lights on works during construction);

Section 32 (Permanent lights on works);

Section 33 (Survey of works by Board of Trade);

Section 34 (Abatement of work abandoned or decayed);

Section 35 (Provision against danger to navigation);

Section 36 (Authority and jurisdiction of Commissioners and harbourmaster);

Section 37 (Meters and weighers).

Period for completion of works.

25. If the works referred to in the section of this Order of which the marginal note is " Power to construct works " are not completed by the first day of October one thousand nine hundred and fifty-seven then as from that date the powers granted by this Order to the Commissioners for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

PART IV. —*cont.*

Power to provide dredgers &c.

26.—(1) The Commissioners may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of the Order of 1926 and 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.

(2) 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 applied towards carrying into effect any of the purposes of the Order of 1926 and this Order to which capital is properly applicable.

PART V.

LANDS.

Power to acquire lands.

27. Subject to the provisions of this Order the Commissioners may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Order.

Persons under disability may grant servitudes &c.

28. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may (if they think fit) subject to the provisions of those Acts and of this Order grant to the Commissioners any servitude right or privilege (not being a servitude right or privilege of water in which persons other 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 respectively.

Extinction of private rights of way.

29.—(1) All private rights of way over any lands which the Commissioners by this Order may acquire shall as from the date of the acquisition of such lands by the Commissioners be extinguished.

(2) The Commissioners shall make compensation to all persons interested in respect of any such rights and such compensation shall in the case of difference be determined by official arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919.

Period for compulsory purchase of lands.

30. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Order shall cease on the first day of October one thousand nine hundred and fifty.

Correction of errors in deposited plans and book of reference.

31. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is mis-

PART V. —*cont.*

stated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk and a duplicate thereof shall also be deposited with the town clerk of the burgh and such certificate and duplicate shall be kept by such sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands and exercise the works in accordance with such certificate.

PART VI.

RATES.

Rates &c.

32. The Commissioners may levy such rates dues and charges as may from time to time be fixed in terms of section 12 of Part III of the Harbours Piers and Ferries (Scotland) Act 1937 on and in respect of—

(1) all vessels entering or departing from the harbour or using the works in or connected with the harbour;

(2) all animals and goods shipped unshipped or transhipped within the harbour;

(3) goods which remain in any shed or on the pier and for the weighing of goods;

(4) the use of any warehouses buildings waiting rooms hurdles for the drying of fishing nets fences cranes lifting gear and conveniences;

(5) the use of the facilities provided within the limits of the harbour for the parking of motor vehicles;

(6) all persons (not being bona fide travellers embarking or disembarking at any of the quays or piers of the harbour) desiring to pass any barricade or barrier erected by the Commissioners in accordance with the provisions of the section of this Order of which the marginal note is "Power to erect barricades".

Collection of rates and charges from carriers under discount.

33.—(1) Notwithstanding anything contained in the Order of 1926 or in this Order the Commissioners may by agreement recover any rates or charges in respect of animals or goods shipped unshipped or transhipped within the harbour from the carriers of such animals or goods and the said carriers shall be entitled to recover such rates or charges from the owner consignee or other person in charge of such animals or goods.

(2) The Commissioners may allow the said carriers on payment of any such rates or charges a discount not exceeding five per cent. of the amount due in respect thereof.

Power to require shipowners to use cranes.

34. When the Commissioners provide or possess cranes or other lifting gear they shall have power to require the owners carriers or other persons in charge of any vessel or goods to make use of such cranes or lifting gear on every occasion when they are available for the loading or discharging of cargo.

PART VI. —*cont.*

Commissioners may act as warehouse-keepers.

35. The Commissioners may set apart and use by themselves or others any of their sheds yards or buildings and may provide and erect sheds yards or buildings at the harbour for the purpose of warehousing goods and fit up the same with all necessary appliances and plant including refrigerating machinery appliances and other equipment for the processing or preserving of fish and may as warehouse-keepers wharfingers and store-keepers on such terms and conditions as may be prescribed by them render such services as are usually rendered by such persons on payment by the owners of the goods warehoused or the persons in charge of such goods of such reasonable charges as shall be fixed by the Commissioners.

Commissioners liability and lien on goods.

36.—(1) The Commissioners shall have no responsibility for or in regard to the safety of any goods deposited in their sheds yards buildings quays or other premises except goods warehoused by the Commissioners in any shed yard or building specifically set apart by the Commissioners for the purpose of so warehousing (in this Part of this Order referred to as "warehouse") and goods except goods so warehoused shall not be deemed to be in their custody so as to be attachable by arrestment or otherwise Provided always that the Commissioners shall have a lien over all goods deposited in premises belonging to the Commissioners whether for the purpose of warehousing or otherwise for all rents rates and charges payable to them for or in respect of such goods in priority to any claim or lien for freight or other claims or liens of the owner or master of the vessel discharging such goods or any other person interested in such goods or in the freight of the same or entitled to or claiming the benefit of any claim or lien to which such goods were subject while on board such vessel before being deposited as aforesaid.

(2) Except as in this section otherwise provided nothing contained in this section shall prejudice any claim or lien for freight or other claims or liens whatsoever competent to a shipowner claiming lien for freight or other charges in terms of section 494 of the Merchant Shipping Act 1894.

57 & 58 Vict. c. 60.

Commissioners may issue certificates of warehoused goods.

37. The Commissioners may if they think fit at the request of any person warehousing any goods at or in a warehouse of the Commissioners or entitled to any goods so warehoused issue and deliver to him a certificate or warrant of such goods having been so warehoused on payment of such reasonable charges for each certificate or warrant as the Commissioners think fit.

Certificates &c. may be signed by officers.

38. All certificates and other documents relating to goods warehoused at or in a warehouse of the Commissioners if signed and properly issued by any officer duly authorised by them in that behalf shall be effectual in law and binding on the Commissioners and on all other parties interested without any other signature and without any seal.

As to payment of rates on warehoused goods.

39. The owner or person having the charge of any goods warehoused at or in a warehouse of the Commissioners shall before the removal of such goods from any warehouse of the Commissioners and at such date or dates as shall be fixed by the Commissioners

PART VI. —*cont.*

pay such rates and charges as shall be then due and payable on such goods and if such owner or person shall fail or neglect to pay such rates and charges the Commissioners or such person as may be appointed by them shall have the same powers for recovery thereof as are conferred upon the Commissioners for the recovery of rates on goods by the Harbours Docks and Piers Clauses Act 1847.

Power to erect barricades.

40. The Commissioners in order to control traffic on the quays and piers of the harbour on occasions when there may be an assembly of people may erect such barricades or crush barriers as they deem necessary to prevent obstruction or may barricade off any area which they consider should be kept clear.

PART VII.

FINANCE.

Power to borrow.

41.—(1) The Commissioners may in addition to the sums already borrowed or authorised to be borrowed by them from time to time borrow—

(*a*) for the purposes of the harbour undertaking and this Order such sum or sums of money as may be required for those purposes not exceeding in the whole two hundred and twenty-five thousand pounds;

(*b*) with the sanction of the Secretary of State such further sum or sums as may from time to time be required for the purposes of the harbour undertaking; and

(*c*) for paying the costs charges and expenses of this Order the sum requisite for that purpose.

(2) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

52 & 53 Vict. c. 50.

Periods for repayment of borrowed money.

42. All moneys borrowed by the Commissioners under this Order shall be repaid within the respective periods following (that is to say):—

(*a*) As to moneys borrowed under paragraph (*a*) of subsection (1) of the section of this Order of which the marginal note is "Power to borrow" within forty years from the date or dates of borrowing the same;

(*b*) As to moneys borrowed under paragraph (*b*) of the said subsection within such period from the date or dates of borrowing the same and by such method as the Secretary of State may prescribe;

(*c*) As to moneys borrowed under paragraph (*c*) of the said subsection within five years from the commencement of this Order.

PART VII. —*cont.*

Application of provisions of Order of 1926 with reference to borrowing &c.

43. The sections of the Order of 1926 of which the marginal notes are as follows shall apply and have effect (viz.):—

Section 50 (Reborrowing);
Section 52 (Mode of repayment of borrowed money);
Section 53 (Application of borrowed money);
Section 54 (Enforcement of bonds);
Section 55 (Sinking fund);
Section 56 (Annual return to Secretary of State with respect to sinking fund);
Section 57 (Formation of contingency fund);
Section 58 (Application of revenue).

Saving for powers of Treasury. 9 & 10 Geo. 6. c. 58.

44. It shall not be lawful to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of any Order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Donations to hospitals &c.

45. The Commissioners may give donations or pay subscriptions not exceeding in the whole two hundred and fifty pounds in any one year to the funds of any hospital or nursing or other institution or services of a similar character within the burgh.

PART VIII.

MISCELLANEOUS.

Parking places.

46.—(1) The Commissioners may provide facilities within the limits of the harbour for the parking of motor vehicles and for this purpose may erect barricades or fencing on the harbour property with relative offices waiting rooms and other conveniences.

(2) The Commissioners may reserve a portion or portions of the harbour property for use as an omnibus station or stance.

Power to feu or lease the gifted properties.

47.—(1) Subsection (1) of section 17 (Power to lease) of the Order of 1926 is hereby amended by the substitution of the words " excluding the gifted properties " for the words " including the gifted properties."

(2) The Commissioners may feu or lease for any period not exceeding seven years all or any part of the gifted properties separately from any other part of the undertaking on such terms and under such restrictions and conditions as they may think fit.

Crown rights.

48. Except as hereinafter expressly provided nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Commissioners 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

PART VIII. —*cont.*

the management of the Commissioners of Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown minerals.

49. 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 His Majesty in right of His Crown under or adjacent to lands and works of the Commissioners authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Order and as if the Commissioners were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mineowners or royalty owners as the case may be so that any compensation payable by the Commissioners to or for the benefit of His Majesty as the mineowner or royalty owner or payable to the Commissioners by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

8 & 9 Vict. c. 33.
13 & 14 Geo. 5. c. 20.

Repeal.

50. The following provisions of the Order of 1926 are hereby repealed (viz.):—

Subsection (4) of section 10 (Constitution of Commission);
Section 18 (Limits of harbour);
Section 19 (Limits of this Order);
Section 39 (Power to levy rates);
Section 41 (Rates for warehouses);
Section 43 (Revision of dues or rates);
The Third Schedule.

Costs of Order.

51. All costs charges and expenses of or incidental to the preparing for and obtaining of this Order and the Confirming Act or otherwise in relation thereto shall be paid by the Commissioners.

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