Purchase Acts for such redemption money or any part thereof in like manner as if that money were the purchase money of a holding purchased by a tenant, and the provisions of the said Acts with respect to the advance and the repayment thereof shall apply with the necessary modifications.

(2.) When the Land Commission exercise the powers conferred on them by this Act then any rentcharge, rent, or other liabilities chargeable on or affecting the interest of the lessor or grantor, as the case may be, in such holding shall cease to be a charge upon the land and shall be transferred to the redemption money, and the powers conferred upon the Land Commission by section ten of the Purchase of Land (Ireland) Act, 1885, and by sections fourteen, fifteen, and sixteen of the Land Law (Ireland) Act, 1887, shall be exerciseable by them with respect to such redemption.

Definitions and construction.

3. In this Act the expression "Land Purchase Acts" means the Land Law (Ireland) Act, 1881, Part V., the Purchase of Land (Ireland) Act, 1885, and the Purchase of Land (Ireland) Amendment Act, 1888, and any Act amending the same; the word "prescribed" means prescribed by rules made in pursuance of this Act; and the words "grantor," "lessor," "grantee," and "lessee" include the successors in title of such persons respectively; and this Act shall be read and construed with the Land Law (Ireland) Acts, 1881 and 1887, and the Land Purchase Acts.

Short title.

4. This Act may be cited as the Redemption of Rent (Ireland) Act, 1891.

CHAPTER 58.

An Act to make provisions in regard to the Construction and Maintenance of certain Works of public and local utility in the Western Highlands and Islands of Scotland. [5th August 1891.]

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

Provision as to road between Carloway and Stornoway, &c.

1.—(1.) Out of moneys voted by Parliament a sum not exceeding fifteen thousand pounds shall be paid by the Secretary for Scotland to the county council of the county of Ross and Cromarty to defray the cost of constructing and improving the road between Carloway and Stornoway and certain other roads approved by the Secretary for Scotland in the Island of Lewis and county of Ross and Cromarty.

(2.) Payments out of the said sum shall be made from time to time on the certificate of an engineer appointed by the Secretary for Scotland, certifying that expenditure to the amount of any such payment has been made towards the construction and improvement

of the said roads on plans and specifications approved by and in a manner satisfactory to the said engineer.

(3.) After the said sum has been expended as herein-before provided the said roads shall in all time coming be deemed to be and be maintained by the said county council as highways within the meaning and subject to the provisions of the Roads and Bridges (Scotland) Act, 1878. 41 & 42 Vict. c. 51.

Provision as to piers, boat slips, &c.

2.—(1.) Out of moneys voted by Parliament sums may from time to time be distributed by the Secretary for Scotland among the county councils of the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney, and Zetland for the purpose of aiding in the construction and improvement of small harbours, piers, and boat slips within those counties respectively on the conditions, and subject to the provisions herein-after contained.

(2.) An application for a grant under this section may be made to the Secretary for Scotland by any of the county councils aforesaid, if so authorised at a meeting of the council called with special notice that it will be proposed to make such an application, and of the site of the small harbour, pier, or boat slip to which it relates, and of the estimated cost of constructing or improving and maintaining the works thereof.

(3.) Before the county council resolve to proceed with the application, they shall ascertain (*a*) the amount of local subscriptions (if any) towards the execution of the works for which sufficient legal obligations have been obtained; (*b*) the amount of free labour or labour at a reduced wage promised by the inhabitants; and (*c*) whether a free gift will be made of the site by the proprietor thereof. And it shall be lawful for any proprietor holding under a deed of entail or other limited title to make such free gift.

(4.) If the Secretary for Scotland, after such inquiry as he shall think necessary, resolves to entertain the application, he shall require the county council to procure from the persons locally interested and at the expense of such persons (*a*) plans and sections, with relative specifications, of the proposed works, and (*b*) an estimate of the cost, and shall cause the plans and sections, with relative specifications, and estimate of cost to be submitted to the Board of Trade, and unless the Board of Trade, with or without modifications, approve thereof, no grant shall be made. The Board of Trade, if they approve of any works as aforesaid, shall set forth in schedules annexed to their determination—

(*a*) a description of the works which they recommend should be authorised;

(*b*) a table of rates not exceeding the rates specified in the schedule annexed to the Burgh Harbours (Scotland) Act, 1853, which they recommend should be leviable in respect of the use of the works and conveniences connected therewith; and 16 & 17 Vict. c. 93.

(*c*) a definition subject to the provisions of this section of this Act of the area within which the said rates may be levied.

Provided that before issuing any such determination the Board of Trade may require such public notice, as they shall deem necessary,

to be given by the county council of the works proposed to be authorised and of the rates proposed to be leviable thereat, and may hear any objections thereto within such time as they shall fix.

(5.) If with or without modifications the Board of Trade approve of the plans and sections, the Secretary for Scotland may intimate to the county council that a grant will be made of such amount and on such conditions as shall have been approved by the Treasury.

(6.) After receiving intimation of the amount of a grant as herein-before provided, the county council shall again meet with special notice of the business to be transacted, and shall determine finally whether they are to proceed with the execution of the proposed works; and if they so determine, they shall forthwith transmit to the Secretary for Scotland an extract from their minutes setting forth such determination, and such extract shall be signed by the county clerk, and sealed with the common seal of the county council. Thereupon the county council shall be deemed to be within the meaning, and subject to the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, (which Act is herewith incorporated except in so far as hereinafter provided), the undertakers for the works described in the schedule to the determination of the Board of Trade, and which shall thereafter be deemed to be the authorised works, and this section of this Act shall be deemed to be the "special Act."

10 & 11 Vict. c. 27.

(7.) The provisions of the Lands Clauses Acts in regard to the taking of land by agreement are hereby incorporated with this Act, and if the proprietor of the site of the authorised works shall not make a free grant thereof as herein-before provided, a valid title to such site shall be obtained, and in every case the title to the site shall be recorded in the appropriate division of the General Register of Sasines for Scotland before the commencement of the authorised works.

(8.) The limits within which the county council as undertakers shall have authority, and which shall be deemed the limits to which the power to levy rates extends, shall comprise the authorised works with the roads, accesses, and conveniences connected therewith, and the whole area below the line of high water mark of ordinary spring tides within such a distance from any part of the authorised works as may be prescribed by the Board of Trade, which limits (and all additions to and improvements on the said works from time to time made by the county council as undertakers aforesaid) are to be deemed the limits of this section of this Act.

(9.) Subject to the provisions of this section of this Act, and subject also to such alterations, if any, in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the county council as undertakers aforesaid, may, in the lines and situation and according to the levels shown on the deposited plans and sections, so far as the same are shown thereon, and within the limits of deviation shown on the plans, make and maintain the

authorised works and accesses thereto. They may also, with the approval in writing of the Board of Trade, deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding ten feet.

(10.) The county council, as undertakers aforesaid, may dredge, scour, deepen, widen, enlarge, improve and maintain the entrances and channels of the said works; provided that works below high water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.

(11.) Every person who wilfully obstructs any person acting under the authority of the county council as undertakers aforesaid in setting out the lines of the works authorised as aforesaid, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds recoverable summarily before the sheriff.

(12.) The county council as undertakers aforesaid may also construct and maintain or take on lease all warehouses, offices, sheds, weighing-machines, cranes, and other public buildings and conveniences which may be found necessary in connexion with the authorised works for the accommodation of vessels thereat, and of traffic landed at or embarked at the same, and may demand and receive such rates or other consideration as they think reasonable for the use thereof, in so far as such rates or other consideration are not specially fixed in the schedule annexed to the determination of the Board of Trade.

(13.) When a certificate has been obtained from the Board of Trade (who shall have power to vary as they shall think fit with reference to the authorised works the provisions of section twenty-five of the Harbours, Docks, and Piers Clauses Act, 1847,) that all consents and approvals on the part of the Board of Trade necessary to the due construction of the works authorised as aforesaid have been given, the county council as undertakers aforesaid may, subject and according to the provisions of this section of this Act, for the use of the said works demand and receive in respect of vessels or boats, passengers, animals, goods, matters, and things described in the schedule annexed to the determination of the Board of Trade any sum not exceeding the several rates specified in that schedule.

(14.) If at any time and from time to time the clear annual income derived from the authorised works, on the average of the then three last preceding years, ending the fifteenth day of May, after payment of all expenses and outgoings, shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the county council as undertakers aforesaid in executing the authorised works, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this section of this Act to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, and the rates shall thereupon be reduced

accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule annexed to the determination of the Board of Trade as aforesaid.

(15.) The county council as undertakers aforesaid, within one month after sending to the sheriff clerk the copy of their annual accounts in abstract, shall send a copy of the same to the Board of Trade. If the county council as undertakers aforesaid refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

25 & 26 Vict. c. 19.

(16.) Fishing vessels belonging to countries with which for the time being treaties exist, exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the authorised works, and not breaking bulk while making use thereof, be exempt from rates leviable under this section of this Act.

(17.) Any person authorised by the Secretary for Scotland, and all officers of Customs, of the coastguard, of the Board of Trade, and of the Fishery Board for Scotland, being in the execution of their duty, and also all persons going to or returning from any lifeboat, or using or exercising any lifeboat or apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress to and passage and egress on, along, through, and out of the authorised works by land, and with their vessels and otherwise, without payment.

(18.) The county council as undertakers aforesaid may from time to time lease the rates authorised by this section of this Act for any period not exceeding ten years, on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and receiving rates as the county council as undertakers aforesaid have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this section of this Act, and shall be subject to all the same provisions as to accounts and otherwise to which the county council as undertakers aforesaid are made subject by this section of this Act.

(19.) The county council as undertakers aforesaid may make byelaws for the regulation and control of vessels and boats within the limits of this section of this Act, and for the regulation and control of the fishermen and others, and goods and traffic on the authorised works and approaches thereto, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

(20.) The rates received under this section of this Act shall be applicable for the purposes and in the order following, and not otherwise:

(*a.*) In paying the costs of and in connexion with the bringing into operation of the provisions of this section of this Act;

(*b.*) In paying the expenses of the maintenance, repair, improvement, management and regulation of the works authorised under this section of this Act;

(*c.*) The surplus revenue (if any) of the authorised works, after providing for the purposes aforesaid, shall be paid to the credit of the general purposes rate of the county council.

(21.) Sections six to nineteen inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this section of this Act.

(22.) No vessel or boat, except steamboats or pleasure boats embarking or disembarking passengers and their luggage, shall be moored alongside the authorised works without the consent of the county council as undertakers aforesaid or of their officers.

(23.) The county council, as undertakers aforesaid, shall have power to appoint and pay pier masters, collectors of rates and dues, meters and weighers, and other necessary officers within the limits of this section of this Act.

(24.) Before commencing the authorised works the county council, as undertakers aforesaid, shall apply to the Board of Trade for directions as to the lights to be exhibited during the construction of the works, and shall exhibit thereon such light or lights as shall from time to time be directed by the Board of Trade, and after the completion or permanent discontinuance or abandonment of the authorised works, or in case of injury to or destruction or decay of the works or any part thereof, the county council, as undertakers aforesaid, shall exhibit thereon such light or lights, and shall lay down such buoys and take such other means for preventing, as 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 such lights, buoys, and other means; and if the county council, as undertakers aforesaid, shall omit so to apply to the Board of Trade or Commissioners of Northern Lighthouses, as the case may be, or shall refuse or neglect to obey any direction as aforesaid, they shall for each offence be liable to a penalty not exceeding ten pounds, which may be recovered summarily before the sheriff, for every calendar month during which they omit so to apply or refuse or neglect to obey any direction as aforesaid.

(25.) If in any year ending the fifteenth day of May the rates received by the county council, as undertakers aforesaid, shall be insufficient to defray the expenses of the maintenance, repair, management, and regulation of the authorised works, it shall be lawful for and incumbent on the county council, in order to meet such deficiency, to impose and levy, as part of the general purposes rate under the Local Government (Scotland) Act, 1889, an assessment not exceeding one penny in the pound upon all lands and heritages within the county, and the amount leviable by the full

rate of one penny in the pound shall be the limit of the power and duty of the county council to meet any deficiency occurring as aforesaid. Provided that no part of the said assessment shall fall upon lands and heritages subject, during the same year, to an assessment levied for harbour purposes under any statute other than this Act.

(26.) If from any cause the local subscriptions herein-before mentioned (if any) received by the county council, together with the grant out of moneys voted by Parliament as herein-before provided, shall be insufficient to defray the cost of constructing the authorised works, the county council shall be bound to pay and provide for such deficiency, and for that purpose may borrow on the security of the general purposes rate aforesaid, which shall be chargeable with the principal and interest of the loan, the amount of such deficiency, in the manner and subject to the provisions of section sixty-seven of the Local Government (Scotland) Act, 1889.

52 & 53 Vict. c. 50.

(27.) This section of this Act shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works hereunder be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

29 & 30 Vict. c. 62.

Inspection of authorised works.

3. Any person appointed by the Secretary for Scotland shall from time to time either during or after the construction of the authorised works be entitled to inspect the same in order to his reporting thereon to the Secretary for Scotland.

Amendment of 52 & 53 Vict. c. 50. s. 22.

4. Sub-section (1) of section twenty-two of the Local Government (Scotland) Act, 1889, is hereby amended to the effect of authorising county councils in receipt of the annual grant of ten thousand pounds to apply the proportion effeiring to them respectively or any portion thereof to the purposes of section two, sub-sections (25) and (26) of this Act, or in relief of local taxation for the purposes of the Local Government (Scotland) Act, 1889, in such counties.

Short title.

5. This Act may be cited for all purposes as the Western Highlands and Islands (Scotland) Works Act, 1891.

Application of Act.

6. This Act shall not apply in any case where the estimated cost of the proposed works exceeds the sum of two thousand pounds, unless the Secretary for Scotland, in communication with the Board of Trade, shall determine that on account of the exceptional circumstances of the case the provisions of the Act shall be applicable.