



CHAPTER xlii.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Brightlingsea and Nairn. [29th July 1927.] A.D. 1927.

WHEREAS a Provisional Order made by the Minister of Transport 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 Provisional Orders made by the Minister of Transport under the said Act as amended 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 :—

1. The 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. Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1927. Short title.

A.D. 1927.

The SCHEDULE of Orders.

1. BRIGHTLINGSEA HARBOUR.—Constitution of harbour authority &c.
2. NAIRN HARBOUR.—Construction of works and revision of rates &c.

SCHEDULE.

A.D. 1927.

BRIGHTLINGSEA HARBOUR.

Order for the management and improvement of Brightlingsea Harbour in the County of Essex. *Brightlingsea Harbour.*

PRELIMINARY.

1. This Order may be cited as the Brightlingsea Harbour Order 1927. Short title.

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." Commencement of Order.

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

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

"The Commissioners" means the Brightlingsea Harbour Commissioners incorporated by this Order;

"The clerk" means the clerk to the Commissioners;

"The harbour" means Brightlingsea Harbour or (as the case may be) any part thereof within the limits prescribed in this Order and includes the lands buildings works plant and conveniences connected therewith;

"The harbour undertaking" means and includes the harbour and all rights conferred on and all property vested in the Commissioners by and under this Order for the purposes thereof;

"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;

"The urban council" means the Brightlingsea Urban District Council;

"The rural council" means the Tendring Rural District Council;

"The yacht club" means the Colne Yacht Club;

"The corporation" means the mayor aldermen and burgesses of the borough of Colchester;

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“The fishery board” means the Colne Fishery Board;

“The lord of the manor” means the person or persons in whom the manor or lordship or reputed manor or lordship of Brightlingsea for the time being is vested;

“The Colchester Harbour” means the navigation and harbour which is owned by and is under the jurisdiction of the Corporation comprising that part of the River Colne which extends from North Bridge in Colchester to Westnesse.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions “packet boat or Post Office packet” and “Post Office bag of letters” used in that Act shall 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 a mail bag as defined by the same Act:

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

INCORPORATION OF ACTS.

Incorpora-
tion of Acts.

4.—(1) For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be “the special Act” but the following sections thereof viz. 6 to 13 16 to 19 25 26 29 32 37 to 42 45 84 and 85 shall not be incorporated with this Order.

(2) The following enactments shall be incorporated with this Act:—

(a) The Commissioners Clauses Act 1847 (in so far as applicable and as the case may require not being inconsistent with this Order) except sections 6 to 35 and sections 75 to 88:

(b) 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 on lands by the promoters of the undertaking) and for this purpose this Order shall be deemed to be “the special Act.”

CONSTITUTION OF COMMISSIONERS.

Commis-
sioners
constituted
and incor-
porated.

5.—(1) The persons to be appointed or elected as Commissioners under this Order not exceeding fourteen in number are hereby constituted as a body of Commissioners which shall have power to act as soon as six persons have duly made and signed their declarations as Commissioners and thereupon shall be the undertakers for carrying this Order into execution.

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(2) Such Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "the Brightlingsea Harbour Commissioners" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of land and other property for the purposes of this Order.

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(3) The first meeting of the Commissioners shall be held at some convenient place at Brightlingsea within three months next after the commencement of this Order.

(4) An annual general meeting of the Commissioners shall be held in the month of October in every year thereafter at such place as the Commissioners may from time to time appoint and the Commissioners shall also hold meetings for the transaction of general business from time to time at such places and times and at such intervals as they may from time to time appoint.

(5) Proceedings of the Commissioners shall not be invalidated or be illegal by reason of any vacancy in their body or of the non-appointment or non-election of or any defect in the appointment or election of a Commissioner.

6. The Commissioners shall be appointed or elected as follows that is to say:—

As to ap-
pointment
and election
of Com-
missioners.

(1) Five to be appointed by the urban council :

(2) Two to be appointed by the rural council :

(3) One to be appointed by the yacht club :

(4) One to be appointed by the corporation :

(5) One to be appointed by the fishery board :

(6) One to be appointed by the lord of the manor :

(7) Two to be elected by fishermen who are ratepayers in the urban district of Brightlingsea and by oyster merchants owning leasing or occupying oyster beds within the limits of the harbour :

(8) One to be elected by the owners of land in and adjoining the harbour.

7.—(1) The urban council the rural council the yacht club the corporation the fishery board and the lord of the manor shall within two months after the commencement of this Order and on or before the first day of October in every third year thereafter appoint the Commissioners whom they are by this Order respectively authorised to appoint and each of those bodies shall on or before the expiration of such two months from the commencement of this Order or first day of October as the case may be intimate in writing to the clerk the names and

Mode of
appoint-
ment of
Commis-
sioners.

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A.D. 1927. addresses of the persons so appointed by them respectively as Commissioners.

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(2) Except as in this Order otherwise provided Commissioners appointed under this section shall hold office for a period of three years from the first day of October in the year of their appointment except in the case of the first Commissioners appointed whose period of office shall run from the date of their appointment respectively until the end of the thirtieth day of September one thousand nine hundred and thirty.

(3) The appointment of an appointed Commissioner may at any time be determined by the body by whom he was appointed.

Appoint-
ment by
more than
one body.

8. If any person shall be appointed as Commissioner by more than one body he shall within seven days of receiving notice in writing thereof from the clerk choose and notify to the said clerk which body he will represent and in default thereof the Commissioners at their next meeting shall declare which body he shall represent and he shall thereupon be deemed to have been appointed by that body only which he shall so choose or which the Commissioners shall so declare and the vacancy so occasioned shall be filled up in like manner as a casual vacancy is directed by this Order to be filled up.

Mode of
election of
Commis-
sioners.

9. With respect to the election of Commissioners by fishermen who are ratepayers and oyster merchants owning leasing or occupying oyster beds in the harbour and by owners of land in and adjoining the harbour the following provisions shall have effect :—

(1) A company shall have the same powers of voting as an individual and shall vote by its secretary or other duly appointed nominee :

(2) In every case of several persons in partnership being entitled to vote at the election of Commissioners then the member of the firm agreed upon by the members of the firm in writing or failing this the member whose name stands first in the firm shall alone be entitled to exercise on behalf of the firm the right of voting at such election :

(3) As to the election of the first Commissioners—

(a) The meetings for their election are to be held at Brightlingsea within two months after the commencement of this Order ;

(b) The persons elected are to take office as soon as may be and are to go out of office at the end of the thirtieth day of September one thousand nine hundred and thirty :

- (4) As to the election of Commissioners subsequent to A.D. 1927.
the first—

(a) The meetings for their election are to be held at a convenient place to be appointed by the Commissioners in the month of and not later than the thirtieth day of September one thousand nine hundred and thirty and so in every subsequent third year;

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(b) The persons elected are to take office on the first October one thousand nine hundred and thirty and on the first October in every third subsequent year and are to go out of office at the end of the day before the day on which their successors are to take office:

- (5) As to the election of the first and subsequent Commissioners—

(a) The clerk is to give notice of the day and place of meetings by affixing the same on the door of the office of the Commissioners and in any other convenient manner four days at least and not more than ten days before the day of the meeting;

(b) Any fisherman who is a ratepayer and any oyster merchant owning leasing or occupying oyster beds in the harbour or any owner of land in and adjoining the harbour as the case may be may attend the respective meetings and vote;

(c) Any elector may at the meeting propose any person as a candidate and if the number of persons proposed do not exceed the number of Commissioners to be elected the chairman of the meeting is to declare them elected without taking a vote;

(d) The Commissioners to be from time to time elected shall be elected by a majority of the votes of the persons present and entitled to vote at the meeting for the election such votes to be given in such manner as may be directed by the chairman but a proxy is not in any case to be admitted Provided that in every case of an equality of votes the chairman of the meeting shall have an additional or casting vote;

(e) At every meeting a person appointed by the meeting shall preside as chairman and the person so presiding shall receive the votes of the electors and shall act in all other respects as chairman of the meeting and the only business to be transacted

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or discussed at such meeting shall be the election by the meeting of the persons to be elected Commissioners thereat;

(f) The chairman of the meeting is within seven days after the meeting to report to the clerk in writing the name or names of the persons elected.

Vacancies.

10.—(1) Whenever a vacancy arises by death resignation or otherwise in the office of a Commissioner the body or person or authority by whom such Commissioner was appointed or elected shall appoint or elect another person to fill the vacancy.

(2) Each person appointed or elected to fill such vacancies as are referred to in this section shall hold office so long only as the person in whose place he is appointed or elected would have been entitled to continue in office.

Clerk to
Commissioners.

11. The clerk to the Commissioners shall be the clerk for the time being to the urban council.

Expenses of
election.

12. All reasonable expenses properly incurred of or incidental to an election of Commissioners under this Order shall be paid by the Commissioners out of the dues or other income of the Commissioners.

LIMITS.

Limits of
harbour.

13.—(1) The limits within which the Commissioners shall have authority and within which the powers of the harbour master and the power to levy rates may be exercised shall comprise so much of Brightlingsea Creek in the county of Essex as is situate within the area bounded on the west by an imaginary straight line drawn from Martello Tower Number 1 at Saint Osyth Point to Bateman's Tower at West Marsh Point Brightlingsea and on the east by an imaginary straight line drawn due north from the high water mark of ordinary tides at the westernmost point of the larger of the islands known as Cindery Islands and an imaginary straight line drawn in a south-westerly direction from a point on the south side of the said island situate 800 feet from the westernmost point thereof to a point on the south bank of Saint Osyth's Creek 245 feet measured in a westerly direction from Bench March 14.4 thereon.

(2) A map or plan showing the limits of the harbour having been signed in quadruplicate by an assistant secretary to the Ministry of Transport and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the clerk of the peace for the county of Essex and another copy thereof shall be deposited at the office of the Commissioners.

ACQUISITION OF LANDS.

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14. For the purposes of this Order the Commissioners may purchase by agreement and use such lands as they may think requisite for those purposes. Provided that the Commissioners shall not under this section purchase any lands exceeding in the aggregate ten acres without the consent of the Ministry of Transport. Provided also that nothing contained in this section shall empower the Commissioners to create or permit a nuisance. Provided further that no lands purchased by the Commissioners under this section shall be so used as to cause injury or damage to Colchester Harbour or the fishery of the corporation.

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Power to
take lands
by agree-
ment.

15. 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 easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
take ease-
ments by
agreement.

16. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they may think fit or may sell 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 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 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 lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to
retain and
sell lands.

WORKS AND POWERS.

17.—(1) The Commissioners may (with the consent of the Minister of Agriculture and Fisheries and subject to such conditions as he may prescribe after giving the Corporation and the Fishery Board an opportunity to be heard) deepen dredge scour and excavate any portion of the harbour to the extent necessary to secure a sufficient waterway within the harbour for the vessels using the same. Provided that the

Power to
dredge.

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A.D. 1927. Commissioners shall not deepen dredge scour and excavate any portion of the harbour occupied or used for the purpose of oyster beds or pits or do any thing which may injuriously affect or interfere with the occupation and use of any oyster beds or pits either within or outside the harbour for the purposes for which they are so occupied and used.

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(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud 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 or within or so as to fall or flow into Colchester Harbour without the consent in writing of the Corporation 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 under this Order is to be applied.

(4) The powers of the Commissioners under this section shall be exerciseable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Commissioners to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high water mark and sold by the Commissioners under this section or in respect of any place below high water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

Commis-
sioners may
provide
dredgers
and engines
&c.

18. The Commissioners may from time to time purchase take on lease provide or hire such dredgers engines vessels lighters tools plant or other materials as they think fit and may from time to time let the same on hire subject to such terms and conditions and demand and receive such sums for the use of the same as they think fit or may sell and dispose of the same and the money realised by any such sale or disposition shall be applied for carrying into effect any of the purposes of this Order to which capital is properly applicable.

Works au-
thorised.

19. Subject to the provisions of this Order the Commissioners may within the harbour construct maintain and improve all necessary or existing embankments walls stairs landing places

approaches roads jetties piers wharves warehouses sheds cranes
 buoys lights lighthouses towpaths bridges and other works and
 conveniences in connection with the harbour or the approaches
 thereto. A.D. 1927.
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20. The Commissioners may place and provide in the harbour
 moorings buoys and like apparatus and conveniences for vessels. Mooring
 buoys.

21. Any person who wilfully obstructs any person acting
 under the authority of the Commissioners 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 these works shall for every such offence be liable to a penalty
 not exceeding five pounds. Penalty for
 obstructing
 works.

RATES.

22. The Commissioners may demand receive and recover in
 respect of vessels using any of the moorings buoys or like apparatus
 in the harbour provided by the Commissioners rates not exceeding
 such maximum rates as may from time to time be approved by
 the Minister of Transport. Rates.

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

24. The rates to be received by the Commissioners shall be
 adjusted by them in such a manner that as far as possible the
 revenue therefrom shall be sufficient and not more than sufficient
 for the purposes of this Order If at any time it appears to the
 Minister of Transport from the annual account to be sent to him
 under this Order that the clear annual income derived from the
 rates leviable by the Commissioners on the average of the then
 three last preceding years after payment of all expenses and
 outgoings is less than or exceeds the amount sufficient for the
 purposes of this Order the Minister may if in his discretion he
 thinks fit modify the rates to such amounts as will be sufficient
 to provide the amount aforesaid. Variation of
 rates.

25. The harbour master may prevent the removal or sailing
 from within the limits of this Order of any vessel in respect of
 which any rates are payable until evidence has been produced
 to him of the payment of such rates to the collector. Harbour
 master may
 prevent
 sailing of
 vessels.

26. 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
 under stress
 Certain
 fishing
 vessels
 under stress

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Harbour.*

of weather
exempt
from rates.

Exemption
of lifeboat
crew.

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.

27. 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 coast-guard 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 harbour.

FINANCE.

Power to
borrow.

28. The Commissioners may with the consent of the Minister of Transport borrow on mortgage and on the security of the harbour revenue at interest not exceeding seven per centum per annum or such higher rate (if any) as the said Minister may from time to time allow such sum or sums as may from time to time be required. A mortgage may be according to the form in the schedule to this Order annexed so far as that form is applicable or to the like effect.

The Commissioners shall not be bound to see to the execution of any trust whatsoever expressed implied or constructive to which a mortgage may be subject and the receipt of the party in whose name a mortgage stands in the register of mortgages or if it stands in the name of more persons than one the receipt of any one of the persons named in the register shall be a sufficient discharge to the Commissioners for any interest or other sum payable in respect of such mortgage notwithstanding any trusts to which such mortgage is then subject and whether or not the Commissioners have had notice of such trusts and the Commissioners shall not be bound to see to the application of any money paid upon any such receipt.

Period for
repayment.

29. All moneys borrowed by the Commissioners under the section of this Order of which the marginal note is "Power to borrow" shall be repaid within such period or periods as the Minister may prescribe (in this Order referred to as "the prescribed period").

Mode of
repayment.

30. The Commissioners shall pay off all money borrowed by them under the powers of this Order either by means of a sinking fund or by equal yearly or half-yearly instalments of principal or principal and interest combined or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of

borrowing or when the money is repayable by half-yearly instalments within six months.

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Harbour.*

Power to
re-borrow.

31.—(1) The Commissioner shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Commissioners in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Commissioners shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Commissioners shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

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

Sinking
fund.

(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 hereinafter 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 by way of compound interest at a rate not exceeding three and a half pounds per centum per annum will

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be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter 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 as defined by section 34 of the Local Loans Act 1875 and the Commissioners shall be at liberty from time to time to vary and transpose the investments.

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

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Commissioners 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 the sinking fund or the 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) 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 equal annual payments to the fund are based any deficiency shall be made good by the Commissioners.

(6) 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 equal annual payments to the fund are based any such excess may be applied towards such annual payments.

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

(8) If it appears to the Commissioners 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 Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister of Transport that any such increase is necessary the Commissioners shall increase the payments to such extent as that Minister may direct.

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Harbour.*

(9) If the Commissioners desire to accelerate the repayment of any loan they may with the approval of the Minister of Transport increase the amounts payable to any sinking fund.

(10) 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 Minister of Transport be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Minister may approve.

(11) 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 Minister of Transport be sufficient without any further payments thereto to repay the loan in respect of which it is formed within the prescribed period the Commissioners may with the consent of that Minister discontinue the equal annual payments to the sinking fund until that Minister otherwise direct.

(12) 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 Commissioners with the consent of the Minister of Transport may determine.

33.—(1) The clerk shall if and when he is requested by the Minister of Transport so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Commissioners under the authority of this Order.

Return to
Minister of
Transport
with
respect to
repayment
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Transport may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Commissioners and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable

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A.D. 1927. to a penalty not exceeding twenty pounds to be recovered by the
Minister in a court of summary jurisdiction and notwithstanding
Brightlingsea the recovery of such penalty the making of the return shall be
Harbour. enforceable by writ of mandamus to be obtained by the Minister
out of the High Court.

(3) If it appears to the Minister of Transport by such a return as aforesaid or otherwise that the Commissioners have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Order in pursuance of which the moneys are raised or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Application
of money
borrowed.

34. The 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.

Protection
of lenders.

35. Any person advancing money to the Commissioners shall not be bound to require any further or other evidence of the power of the Commissioners to borrow the money advanced by such person than such as is afforded—

(a) by a certificate signed by the clerk and two of the Commissioners that the Commissioners are not exceeding the powers of borrowing conferred upon them by this Order; and

(b) by an inspection of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the undertakers.

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

36. The proceeds of sale of any surplus lands of the Commissioners under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Commissioners and shall be applied in discharge of moneys borrowed by the Commissioners 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 a sinking fund except to such extent and upon such terms as may be approved by the Minister of Transport.

[17 & 18 GEO. 5.] *Pier and Harbour* [Ch. xlii.]
Orders Confirmation (No. 2) Act, 1927.

37.—(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 receiver. A.D. 1927.
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Brightlingsea Harbour.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole. Appoint
ment of
receiver.

38. It shall not be obligatory on the Commissioners under section 90 of the Commissioners Clauses Act 1847 as incorporated with this Order to cause the statement and accounts therein mentioned to be printed and notwithstanding anything in that Act contained the same person may be both clerk and treasurer to the Commissioners. As to
annual
statement
and
treasurer.

39. The Commissioners may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of two hundred pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Commissioners or to meet any extraordinary claim or demand in respect of the harbour undertaking or for payment of the cost of renewing any part of the works forming part thereof appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Commissioners) until required for any of the purposes aforesaid. Reserve
fund.

40. The harbour revenue shall be applied for the purposes and in the order following and not otherwise :— Application
of harbour
revenue.

- (1) In paying the costs charges and expenses of or incidental to preparing and obtaining this Order :
- (2) In paying or contributing jointly with any person persons or corporation to the expense of the maintenance repair management and regulation of the harbour and the works connected therewith :
- (3) In paying year by year the interest accruing on money borrowed under this Order :
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order :

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(5) In making such payments (if any) as the Commissioners think fit into a reserve fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall be applied for the general purposes of the harbour undertaking.

Auditor.

41.—(1) The Minister of Transport may appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and may fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this Order.

(2) The Minister of Transport may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents and furnish him with all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

Annual
accounts
to be sent
to Ministry
of Transport.

42.—(1) The Commissioners shall within two months after the date to which their annual accounts and balance sheets are made up send a copy of the same to the Ministry of Transport and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and any and all of such accounts.

(2) The Commissioners shall as from the expiration of that period 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 section.

(3) The accounts shall be made up to the end of the thirty-first day of March in each year.

(4) In addition to the account lodged with the clerk of the peace in accordance with section 50 of the Harbours Clauses Act 1847 the Commissioners shall also lodge with him a full and detailed statement showing the capital expenditure made by the Commissioners during the year covered by the said account.

BYELAWS &C.

A.D. 1927.

43.—(1) The byelaws which may from time to time be made by the Commissioners 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.

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*Brightlingsea
Harbour.*

Byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes.

44. Subject to the provisions of this Order and without prejudice to the provisions of the section of this Order of which the marginal note is "Crown rights" any person other than a grantee from the Crown who at any time digs carries away or removes any sand gravel shingle rock soil or other material not belonging to such person from the foreshore or bed of the harbour or deposits the same thereon without first having obtained the licence in writing of the Commissioners or who having obtained such licence so digs carries away removes or deposits any sand gravel shingle rock soil or other material or does so at any place or in any quantity or manner other than the place quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds.

Sand &c.
not to be
removed
from or
deposited in
harbour
without
licence.

45. The Commissioners may appoint officers for securing the observance of the byelaws and regulations made by the Commissioners 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 shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Appoint-
ment of
officers to
enforce
byelaws and
regulations.

LIFE-SAVING APPARATUS.

46. The officers of the coastguard and all other persons for the time being actually employed in connection 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 works.

Life-saving
apparatus
may be
attached
to harbour.

LIGHTS.

47.—(1) After the completion of any work constructed by the Commissioners under the powers of this Order the Commissioners shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take

Permanent
lights on
works.

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A.D. 1927. such other steps for the prevention of danger to navigation as
— the Corporation of Trinity House Deptford Strond shall from time
Brightlingsea to time direct.
Harbour.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision
against
danger to
navigation.

48.—(1) In case of injury to or destruction or decay of any work constructed by the Commissioners under the powers of this Order or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commissioners 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 Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Power to
contribute
to lights.

49. The Commissioners may contribute annually or otherwise towards the expenses incurred by the corporation in providing and maintaining lights and buoys for the assistance of and the prevention of danger to navigation in that part of the Colchester Harbour which lies between the entrance to the harbour and the sea and also at or near to the entrance to Colchester Harbour such sum or sums as they may from time to time determine.

MISCELLANEOUS.

Sunk or
stranded
vessels.

50.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the harbour or the approaches to the same the Commissioners may cause the vessel to be raised or in the case of any vessel which it is not reasonably practicable to remove to be blown up or otherwise destroyed in such manner as to clear the harbour therefrom.

Provided that the powers of this section shall not be exercised in respect of any vessel which may be sunk stranded or abandoned in any part of the approaches to the harbour

unless the Commissioners shall have given not less than one month's notice to the corporation of their desire to exercise such powers and unless the corporation shall have failed for such period of one month to cause such vessel to be removed or to be blown up or otherwise destroyed.

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Harbour.

(2) The Commissioners may recover from the owner all expenses incurred by the Commissioners under this section in connection therewith or in raising or saving any furniture tackle and apparel of the said vessel or any goods chattels and effects raised or saved from such vessel or in marking lighting watching buoys or otherwise controlling such vessel either summarily as a civil debt or as a debt in any court of competent jurisdiction. Provided always that the Commissioners may if they think fit and shall if so required by the owner cause any vessel furniture tackle apparel goods chattels and effects or any part of the same respectively so raised or saved as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise which shall be payable in respect of the said goods chattels and effects reimburse themselves for any such expenses and shall hold the surplus if any of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Commissioners such expenses the deficiency may be recovered by the Commissioners in manner aforesaid.

(3) The Commissioners shall (except in case of emergency) give to the owner of the vessel twenty-four hours' previous notice in writing before raising blowing up or destroying the vessel and the owner shall on giving twelve hours' notice after the expiration of such notice be at liberty forthwith himself to raise and remove the vessel.

(4) The Commissioners shall (except in case of emergency or when required by the owner to sell) before selling under the provisions of this section any such vessel give to the owner of the vessel seven days' notice of their intention to sell the same by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Commissioners then before selling the vessel a like notice shall be exhibited by the Commissioners for seven days at the head office of the Commissioners.

(5) Nothing in this Order shall have effect so as to prejudice any powers or duties of the receiver of wrecks under Part IX of the Merchant Shipping Act 1894.

(6) The provisions of this section shall not apply to any ship vessel or boat belonging to His Majesty or for the time being employed by any department of His Majesty's Government.

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- (7) In this section the word "owner" in relation to any vessel sunk stranded or abandoned in the harbour means the owner of that vessel at the time of the sinking stranding or abandonment thereof.
- Recovery of penalties.
51. 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.
52. Officers of the Board of Trade and Ministry of Transport 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 without payment.
- Berthing of fishing vessels.
53. In exercising the powers conferred on the harbour master by section 52 of the Harbours Clauses Act 1847 he shall so far as reasonably possible regulate the harbour so as to permit of the allotment to fishing vessels of berths at which they will lie afloat and from which they will be able at all states of the tide to leave the harbour and he shall also so far as the navigation of the harbour and the safe accommodation of vessels therein permits allot such berths to such fishing vessels.
- Saving rights of corporation and fishery board and Colne Fishery Company.
54. Nothing contained in this Order or in any byelaw made in pursuance thereof or in any incorporated enactment shall take away lessen alter or prejudice any of the rights powers privileges or authorities now exercised or enjoyed by the corporation or the fishery board or the Colne Fishery Company nor shall prevent any boats or vessels belonging to the corporation or to the fishery board from being anchored or moored in such position or positions in the harbour as to be afloat and able to gain exit from the harbour at low water.
- Saving for existing rights in connection with oyster beds.
55. Nothing in this Order or in any byelaw made in pursuance thereof shall interfere with prejudice or affect the full enjoyment and use of any rights in respect of any existing oyster beds or pits.
- Saving rights of lord of manor.
56. Nothing in this Order affects prejudicially any right power privilege or exemption of the lord of the manor and in particular nothing herein contained authorises 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 or creek or any land or hereditaments belonging to the lord of the manor without his consent in writing Provided that nothing contained in this section shall be held to recognise or confirm any right title or claim of the lord of the manor to any foreshore or bed of the River Colne Brightlingsea Creek or of any of the tributaries of the river and creek and the right and title to such foreshore or bed shall remain in the same state as if this Order had not been made.

57. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

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 Harbour.*
 Crown
 rights.

58. All costs and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the urban council and reimbursed to them by the Commissioners.

Costs of
 Order.

The SCHEDULE referred to in the foregoing Order.

FORM OF MORTGAGE.

The Brightlingsea Harbour Commissioners.

Mortgage No..... £.....

By virtue of the Brightlingsea Harbour Order 1927 we the Brightlingsea Harbour Commissioners in consideration of paid to us for the purposes of the Brightlingsea Harbour Order by *A.B.* of (or as the case may be) do assign unto the said *A.B.* or unto *C.D.* of the nominee of the said *A.B.* his executors administrators and assigns the Brightlingsea Harbour Fund and all the rates dues and other moneys from time to time to be paid to the credit of that fund to hold unto the said *A.B.* or *C.D.* his executors administrators and assigns until the sum of with interest for the same at the yearly rate of per centum be satisfied (the principal sum to be repaid at the end of years from the date hereof).

Dated this day of 19 .

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NAIRN HARBOUR.

*Nairn
Harbour.*

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 tolls rates and charges and for other purposes.

Short and
collective
titles.

1.—(1) This Order may be cited as the Nairn Harbour Order 1927.

(2) The Nairn Harbour Order 1863 and the Nairn Harbour Order 1914 and this Order may be cited together as the Nairn Harbour Orders 1863 to 1927.

(3) The Nairn Harbour Order 1863 and the Nairn Harbour Order 1914 as amended by this Order and this Order shall be construed and read together as one Order except as far as might be inconsistent with or repugnant to the purposes thereof.

Commence-
ment 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."

Interpre-
tation.

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 or joint town clerks of the burgh and includes any depute acting for him or them;

"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 Order of 1914" means the Nairn Harbour Order 1914;

"The harbour" means the Nairn Harbour or as the case may be any part thereof within the limits prescribed in this Order and includes the lands buildings works plant and conveniences connected therewith;

"The harbour undertaking" means and includes the harbour and the right to levy rates tolls dues rents and all other rights conferred on or vested in the

Council by the Order of 1863 the Order of 1914 or this Order and the entire undertaking of the Council in connection with the harbour;

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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 the Order of 1914 or this Order;

“Authorised rates” and “authorised rate” mean respectively the rates or rate which the Council are for the time being authorised to levy demand and recover in pursuance of this Order;

“The works” means the works authorised by this Order or as the case may require any part thereof.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions “packet boat or Post Office packet” and “Post Office bag of letters” used in that Act shall 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 a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in the Order of 1863 the Order of 1914 or this Order shall extend to exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

UNDERTAKERS.

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

ACQUISITION OF LANDS.

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. Incorporation of Lands Clauses Acts.

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. Power to take lands by agreement.

7. The Council may (in addition to the lands by the last preceding section authorised to be taken by them) purchase by agreement and hold for the purposes of the harbour undertaking Lands for extraordinary purposes.

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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
by agree-
ment.

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 rentcharges 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.

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 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 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 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 lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Limits of
harbour.

10.—(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 the Order of 1914 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 seven hundred and fifty yards from any part of the East or West Pier which limits are in this Order termed "the limits of the harbour."

(2) The limits within which the power to levy tolls rates dues or charges may be exercised under this Order (hereinafter termed "the rating limits") 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.

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Harbour.*

(3) A map or plan showing the limits of the harbour having been signed in quadruplicate by an assistant secretary to the Ministry of Transport and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the sheriff clerk for the county of Nairn and another copy thereof shall be deposited at the office of the Council.

WORKS AND POWERS.

11. 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.

Power to
make works.

12. The works authorised by this Order are—

Description
of works.

Work No. 1 A tidal basin or shelter with an entrance twenty-eight feet or thereabouts in width from the existing Nairn Harbour the centre line of the said basin or shelter commencing at a point one hundred feet or thereabouts measured in a westerly direction from and at right angles to the east side of the West Pier from a point seven hundred and forty feet or thereabouts south of the northern extremity of the said West Pier extending thence in a south-south-westerly direction for a distance of five hundred and eighty-five feet or thereabouts and terminating at a point one hundred and sixty feet or thereabouts measured in a westerly direction and at right angles to the quay wall forming the landward continuation of the existing West Pier the said work being composed of the following On the east a solid breastwork (except for the entrance from the existing Nairn Harbour) on the north a solid pitched slope and roadway on the west a wharf partly of open and partly of solid work and on the south a solid pitched slope and roadway:

Work No. 2 An open jetty commencing at a point on the existing quay forming the landward continuation of the West Pier one thousand one hundred and five

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feet or thereabouts south of the northern extremity of the said West Pier extending thence in a south-westerly direction for a distance of fifty-five feet or thereabouts and there terminating :

Work No. 3 The excavation to a depth of eight feet or thereabouts below the level of Ordnance datum of the area of two and three-quarter acres or thereabouts enclosed by Work No. 1 the centre line of the said excavation commencing at a point one hundred and seven feet or thereabouts measured in a westerly direction from and at right angles to the east side of the West Pier from a point seven hundred and sixty feet or thereabouts south of the northern extremity of the said West Pier extending thence in a south-south-westerly direction for a distance of five hundred and thirty feet or thereabouts and terminating at a point one hundred and fifty-seven feet or thereabouts measured in a westerly direction from and at right angles to the quay wall forming the landward continuation of the east side of the West Pier with the exception of approximately one-seventh of said area at its northern end and approximately one-sixth of said area at its southern end and the formation of slopes thereon including the removal of the sheds buildings yards paths walls fences and other works now existing on the said area :

Work No. 4 The pulling down and removal to a depth of seven feet six inches or thereabouts below Ordnance datum of a portion of the existing quay wall commencing at a point on the existing quay wall forming the landward continuation of the east side of the West Pier one thousand one hundred and five feet or thereabouts south of the northern extremity of the said West Pier extending thence in a south-south-westerly direction for a distance of forty-three feet or thereabouts and there terminating :

Work No. 5 The deepening of a channel about fifty feet wide in the bed of the River Nairn to a depth of one foot six inches or thereabouts below the level of low water of ordinary spring tides commencing at a point forty-five feet or thereabouts measured in an easterly direction from and at right angles to the east side of the West Pier from a point fifty feet or thereabouts south of the northern extremity of the said West Pier and extending in a south-south-westerly direction for a distance of one thousand one hundred and seventy-five feet or thereabouts and there terminating :

Work No. 6 A solid pitched slope commencing at a point four hundred and forty feet or thereabouts south of the southern extremity of the East Pier extending thence in a south-easterly and southerly direction for a distance of two hundred and eighty-five feet or thereabouts and there terminating including the excavation and removal to the level of three feet six inches or thereabouts above the level of low water of ordinary spring tides of so much of the existing earth embankment and stone pitching as lies to the west of the proposed solid pitched slope :

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Work No. 7 A solid breastwork commencing at a point on the West Pier eighteen feet or thereabouts south of the northern extremity of the said West Pier extending thence in a northerly direction for a distance of twenty-two feet or thereabouts thence in an easterly direction for a distance of twenty-eight feet or thereabouts thence in a southerly direction for a distance of twenty-two feet or thereabouts and there terminating :

Work No. 8 A reconstruction (of solid work) of a portion of the existing East Pier commencing at a point four hundred and twenty-five feet or thereabouts north of the southern extremity of the said East Pier extending thence in a north-north-westerly direction for a distance of one hundred and ninety feet or thereabouts and there terminating including the removal of the damaged portion of the existing East Pier which lies to the north of the said proposed reconstruction of the East Pier :

Work No. 9 A reclamation and filling in of foreshore and other lands adjoining bounded on the north by the low-water mark of ordinary spring tides on the east by the West Pier and Work No. 1 hereinbefore described on the south by a straight line drawn from the westmost point of the said Work No. 1 to a point in line with the east side of Links Place one hundred and sixty-five feet or thereabouts north of the north side of Firth Street at its junction with said Links Place and on the west by an imaginary line drawn in a north-north-westerly direction to low-water mark of ordinary spring tides :

Work No. 10 A solid wall or groyne commencing at a point one hundred and ten feet or thereabouts measured in a north-north-westerly direction from the north-west corner of Work No. 1 extending thence in a north-westerly direction for a distance of four hundred and eighty-five feet or thereabouts

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and there terminating on the foreshore or bed of the sea :

Work No. 11 A solid wall or groyne commencing at a point three hundred and fifty-five feet or thereabouts measured in a north-westerly direction from the south-west corner of Work No. 1 extending thence in a north-westerly direction for a distance of seven hundred and fifteen feet or thereabouts and there terminating on the foreshore or bed of the sea.

Powers to deviate.

13. In constructing the works the Council may deviate laterally from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Application of provisions of Order of 1914 with reference to works &c.

14. The following provisions of the Order of 1914 shall extend and apply to the exercise of the powers of this Order as if the same were with all necessary modifications expressly re-enacted in this Order (namely) :—

- Section 11 (Power to make subsidiary works);
- Section 12 (Power to make road connections &c.);
- Section 13 (Tramways to be certified by Board of Trade);
- Section 15 (Penalty for obstructing works);
- Section 16 (Powers to cease in certain events).

Power to maintain and improve works.

15.—(1) Subject to the provisions of this Order the Council may within the limits of the harbour maintain widen alter improve and extend the harbour works and construct maintain alter and improve embankments landing-places piers quays jetties slips wharves buoys moorings cranes lights beacons roads sewers drains watercourses cuts gas and water pipes electric light and power 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 piers quays and other works of the Council and any such works and conveniences as aforesaid which at the commencement of this Order have been constructed or provided or are in course of construction or provision shall be deemed to have been constructed or provided under the powers conferred by this section.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until it has been inspected and certified by the Minister of Transport to be fit for that use.

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(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

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Harbour.*

(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 and section 17 of the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections.

16.—(1) The Council may deepen dredge scour excavate and improve the harbour and the approaches thereto and all rivers channels waterways and anchorages therein or adjacent thereto and 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.

Power to
dredge.

(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 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 under this Order is to be applied.

(4) The powers of the Council under this section shall be exerciseable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation that any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Council to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Council under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

17. The Council 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

Power to
purchase
dredgers &c.

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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 applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Works to
be deemed
to be part
of harbour
undertaking.

18. The works shall subject to the provisions of this Order for all purposes be and be deemed to be part of the harbour and the harbour undertaking and subject to the provisions of this Order the powers and provisions of the Order of 1863 and the Order of 1914 shall extend and apply mutatis mutandis to the works and the expressions "the harbour" "the harbour undertaking" and "the harbour revenue" where used in the Order of 1863 in the Order of 1914 and in this Order shall be construed and apply and have effect accordingly 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.

Power to
levy rates.

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

(2) From and after the commencement of this Order the Council may within the rating limits subject and according to the provisions of this Order demand receive and recover for the use of the harbour 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 and all the provisions of the Order of 1863 relating to the schedule to that Order (other than section 1 of the said Order) shall subject to the provisions of this Order be read and have effect as if the schedule to this Order had formed the schedule to the Order of 1863.

(3) All dues rates and moneys leviable and becoming due before the commencement of this Order may be levied recovered and received in like manner as if this Order had not been made.

Power to
vary exemp-
tions 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 works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

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

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Harbour.

Rates for
 warehouses
 &c.

22.—(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 rating limits 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.

Master of
 fishing
 vessel to
 report
 take of
 fish.

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

23.—(1) The Council may demand levy recover and receive the rates for white fish and for fresh or salt sprinkled herrings direct from the sea transhipped or unshipped within the rating limits or brought to the harbour by carriers or others by land for the purpose of disposal thereat (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesman or auctioneers who dispose of the fish or from persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel or vehicle.

Rates for
 fish re-
 coverable
 from sales-
 men &c.

(2) Any such fish salesman auctioneer purchaser or receiver respectively who shall pay such rates to the Council shall be entitled to deduct the amount of the rates from the price at which the fish were sold or purchased and shall when required furnish the Council or their collector of rates with an account under their hands of the quantity of fish disposed of by them respectively and verify the account by the production of their books accounts and other documents to the Council or to their collector of rates.

(3) If any such fish salesman auctioneer purchaser or receiver when so required refuses or fails to give and verify an account under this section or gives or subscribes a false account he shall for each offence be liable to a penalty not exceeding ten pounds.

24. The harbour master may prevent the removal or sailing from within the limits of the harbour 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.

Harbour
 master may
 prevent
 sailing of
 vessels.

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Harbour.*
Certain
fishing
vessels under
stress of
weather
exempt from
rates.

Exemption
of lifeboat
crew.

Revision of
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.

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 harbour.

27.—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")—

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

(b) By the Council;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an Order revising the authorised rates referred to in the application or any of them and may fix the date as from which such Order shall take effect and thenceforth such Order shall remain in force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this section. Provided that before making an Order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an Order has been made or the Minister has decided not to make an Order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such Order or decision as the case may be.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee

constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an Order of the Minister under section 2 of the said Act of 1874; and

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Harbour.

- (c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

28.—(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. Byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport 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.

FINANCE AND MISCELLANEOUS.

29.—(1) As from the fifteenth day of May one thousand nine hundred and twenty-seven section 23 (Council may impose and levy special rate) of the Order of 1914 shall be and the same is hereby repealed. Council may impose and levy special rate.

(2) 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 twenty-seven for the purposes of the harbour the harbour undertaking the working management and maintenance of the harbour the borrowing of money (including money required for the construction and maintenance of the works and the payment of the costs of this Order) the

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repayment of money already borrowed or which may hereafter be borrowed the payment of interest on borrowed money and 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.

(3) 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 Minister of Transport) in any one year two shillings in the pound nor with such consent in any one year two shillings and six pence in the pound on the assessable value of all lands or premises within the burgh.

Power to
borrow.

30.—(1) The Council may (in addition to any other sums already borrowed) from time to time borrow and re-borrow—

- (a) For the purposes of the harbour undertaking and this Order such sum or sums as may be required for those purposes not exceeding in the aggregate forty-seven thousand pounds. Provided that of the said sum of forty-seven thousand pounds not more than twenty-six thousand pounds shall be borrowed except with the consent of a Secretary of State;
- (b) For paying certain fees and expenses incurred by the Council in connection with the Order of 1914 the sum of one thousand four hundred and seventeen pounds ten shillings; and
- (c) For paying the costs charges and expenses of this Order the sum requisite for that purpose.

(2) Any money may be so borrowed on the security of the harbour revenue and on the security of the Nairn Harbour rate or either 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.

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 Harbour.*

(4) The Secretary of State shall have and may exercise in relation to any such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

31. The Council shall pay off all moneys borrowed by them under this Order within the respective periods following (that is to say) :—

Periods for
 repayment
 of money
 borrowed.

- (a) As to moneys borrowed under paragraph (a) of subsection (1) of the section of this Order the marginal note whereof is "Power to borrow" within fifty years from the date or dates of borrowing the same. Provided that any moneys borrowed with the consent of the Secretary of State shall be repaid within such period and subject to such conditions as he may prescribe:
- (b) As to money borrowed under paragraph (b) of the said subsection within twenty-five years from the commencement of this Order:
- (c) As to money borrowed under paragraph (c) of the said subsection within five years from the commencement of this Order.

32. 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.

Securities
 to rank
pari passu.

33. The Council may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of two thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the undertakers or to meet any extraordinary claim or demand in respect of the harbour undertaking or for payment of the cost of renewing any part of the works forming part thereof.

Reserve
 fund.

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Harbour.*

appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Council) until required for any of the purposes aforesaid.

Application
of harbour
revenue.

34. 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 charges and expenses of and connected with the preparing obtaining and confirming of this Order so far as those costs charges and expenses are not paid out of money borrowed under this Order :
- (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 into a reserve fund established under the provisions of this Order :
- (7) In repaying all sums which have been provided by the Council out of any funds or rates under their control 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.

Annual
account to
be sent to
Ministry of
Transport.

35.—(1) The Council shall on or before 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 of State send to the Ministry of Transport and to the Fishery Board for Scotland a copy of the separate

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account required by section 38 (Separate account for harbour undertaking to be kept) of the Order of 1914 and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Council and any and every such separate account.

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Harbour.*

(2) The Council shall as from the said date 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 the foregoing provisions of this section.

36. The following provisions of the Order of 1914 shall extend and apply to the exercise of the powers of this Order as if the same were with all necessary modifications expressly re-enacted in this Order (namely):—

Application of provisions of Order of 1914 with reference to financial and other matters.

- Section 28 (Mode of repayment of money borrowed);
- Section 29 (Sinking fund);
- Section 30 (Annual return to Secretary for Scotland with respect to sinking fund);
- Section 31 (Application of money borrowed);
- Section 32 (Proceeds of sale of surplus lands to be treated as capital);
- Section 33 (Protection of lenders);
- Section 35 (For appointment of a judicial factor);
- Section 40 (Provision for life-saving apparatus);
- Section 41 (Life-saving apparatus may be attached to harbour);
- Section 42 (Lifebuoys to be kept);
- Section 44 (Lights after completion of works);
- Section 45 (Provision against danger to navigation);
- Section 48 (Recovery of penalties);
- Section 49 (Officers exempt from rates);
- Section 50 (Local lighthouse authority).

37. The sinking fund formed by the Council in the year one thousand nine hundred and sixteen for the repayment within a period of thirty years therefrom of the moneys borrowed before the commencement of this Order shall be and the same is hereby confirmed and the Council shall continue the payments into the said fund accordingly.

Confirmation of sinking fund formed for repayment of moneys borrowed prior to commencement of this Order.

38. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act but sections 12 13 79 and 80 of that Act shall not be incorporated with this Order.

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

39. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in

Crown rights.

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A.D. 1927. 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 Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Works to be
in burgh
of Nairn.

40. The harbour and the works shall be deemed to be for all purposes situate in the burgh.

Repeal of
certain
provisions
of Orders
of 1863 and
1914.

41.—(1) Section 1 of the Order of 1863 is hereby repealed.
 (2) Sections 5 to 10 (all inclusive) 14 17 to 22 (all inclusive) 24 (1) (2) and (3) 26 27 34 36 37 39 and 43 of the Order of 1914 are hereby repealed.

Costs of
Order.

42. 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.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS (OTHER THAN FISHING VESSELS) ANCHORING OR MOORING WITHIN THE RATING LIMITS.

	Per regis- tered Ton. s. d.
For every vessel under 20 tons - - - - -	0 4
For every vessel of 20 tons and under 50 tons - -	0 6
For every vessel of 50 tons and upwards - - - -	0 8
For every vessel remaining in the harbour after one month for each week or part thereof - - - -	0 4
For all vessels entering the harbour windbound or for safety and not breaking bulk nor taking in goods (stores for their own use excepted) the following rates shall be paid namely :—	
If from any port or place in Great Britain or Ireland -	0 1
If from any other port or place - - - - -	0 2

II.—RATES ON FISHING VESSELS.

A.D. 1927.

(a) *Ordinary Tonnage Rates.*

Nairn
Harbour.

For every fishing vessel or boat driven by steam or other mechanical power for each occasion of entering the harbour:—

	<i>s.</i>	<i>d.</i>
If under 20 tons - - - - -	3	6
If 20 tons or above - - - - -	5	0

For every fishing vessel or boat other than those driven by steam or other mechanical power for each occasion of entering or using the harbour:—

	<i>s.</i>	<i>d.</i>
If under 20 tons - - - - -	2	0
If 20 tons or above - - - - -	4	0

In the event of any fishing vessel or boat (whether driven by steam or other mechanical power or not) remaining in the harbour more than 24 hours the foregoing rates respectively shall be payable for each 24 hours or part thereof after the first 24 hours for a period of seven days after the expiry of the first 24 hours.

In the event of any such fishing vessel or boat remaining in the harbour for a longer period than eight days the following rates shall be payable for each week or part of a week thereafter:—

	<i>s.</i>	<i>d.</i>
For each boat under 5 tons - - - - -	2	6
For each boat of 5 tons and under 20 tons - - - - -	7	0
For each boat of 20 tons and upwards - - - - -	10	0
For every boat engaged in the herring or white or other fishing windbound—		
If under 15 tons - - - - -	1	0
If 15 tons and upwards - - - - -	1	6

(b) *Annual Composition Rates.*

	<i>£</i>	<i>s.</i>	<i>d.</i>
For each fishing vessel or boat under 5 tons - - - - -	2	0	0
For each fishing vessel or boat of 5 tons and under 20 tons - - - - -	5	0	0
For each fishing vessel or boat of 20 tons and upwards	7	0	0

In addition boats of 5 tons and under 20 tons shall each pay 7s. and boats of 20 tons and upwards shall each pay 10s. for each week or part of a week during which they remain in the harbour after the first 7 days on the occasion of each visit.

NOTE.—The period for the annual composition shall commence on 1st September yearly All compositions at whatever

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A.D. 1927. time paid shall expire on 31st August in each year and shall be paid in advance. These rates shall be payable whether the fishing vessels or boats are driven by steam or other mechanical power or otherwise and whether or not they should be carrying cargo. The additional rates above specified shall not be charged in the case of vessels or boats under 5 tons.

—
Nairn Harbour.

III.—RATES ON PLEASURE BOATS AND YACHTS ANCHORING OR MOORING WITHIN THE RATING LIMITS.

	Each	Per Year.
	time.	
	s. d.	£ s. d.
If under 18 feet in length	- - - -	1 0 0 10 0
If 18 feet and under 40 feet	- - - -	3 0 2 10 0
If 40 feet and upwards same as Vessels Table I.		

IV.—RATES IN RESPECT OF ANIMALS AND GOODS SHIPPED UNSHIPED OR TRANSSHIPPED WITHIN THE RATING LIMITS.

Animals live :—		s. d.
Asses	- - - - - each	1 0
Bulls	- - - - - each	1 0
Calves	- - - - - each	0 3
Cows and oxen	- - - - - each	1 0
Dogs	- - - - - each	0 2
Goats	- - - - - each	0 2
Horses	- - - - - each	1 6
Lambs	- - - - - each	0 1
Mules	- - - - - each	1 6
Pigs	- - - - - each	0 2
Sheep	- - - - - each	0 2
Asphalt tar and bituminous substances	- - per ton	1 6
Ballast	- - per ton	0 2
Barrels empty	- - each	0 1
Bottles	- - per gross	0 6
Boxes and casks empty (not being returned packages)	each	0 1
Bran	- - per ton	1 6
Bricks common	- - per 1,000	1 0
„ fire-clay	- - per 1,000	2 0
Cake and feeding stuffs for cattle all kinds	- per ton	2 0
Cement	- per ton	1 6
Coals coke and patent fuels	- per ton	0 6
Corn :—		
Barley or bere beans maize malt oats peas rye wheat	per quarter	0 3

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		s.	d.	
Fire-clay goods	- - - - -	per ton	1	6
Fish :—				A.D. 1927.
Herrings fresh when landed	- - - - -	per cran	0	6
or at the option of the Council	- - - - -	per £1 value	0	6
Herrings sprinkled or iced	- - - - -	per cran	0	6
or at the option of the Council	- - - - -	per £1 value	0	6
Herrings cured	- - - - -	per barrel of 26 $\frac{2}{3}$ gallons	0	5
All other fish when landed	- - - - -	per cwt.	0	6
or at the option of the Council	- - - - -	per £1 value	0	6
Flour and meal	- - - - -	per ton	1	6
Hay and straw	- - - - -	per ton	1	6
Lime	- - - - -	per ton	0	9
Machinery and manufactured metal-work of all kinds		per ton	2	6
Metals unmanufactured	- - - - -	per ton	1	6
Motor-cars	- - - - -	each	5	0
Potatoes	- - - - -	per ton	1	0
Poultry	- - - - -	each	0	1
Salt	- - - - -	per ton	1	0
Slates and tiles	- - - - -	per ton	1	6
Spirits and wines	- - - - -	per gallon	0	0 $\frac{1}{2}$
Stones undressed	- - - - -	per ton	0	2
Stones dressed	- - - - -	per ton	0	4
Wood :—				
Pit props 6 feet long 3 inches in diameter small ends		per dozen	0	1
Pit props 6 feet long 5 inches in diameter small ends		per dozen	0	1 $\frac{1}{2}$
All other wood	- - - - -	per 50 cubic feet	1	6

*Nairn
Harbour.*

For all articles not specified in this part of the schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

In charging the rates on goods the gross weight or measurement of all goods including the packages shall 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 1*d.* or at the rate of 6*d.* per cwt.

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

[Ch. xlii.] *Pier and Harbour* [17 & 18 GEO. 5.]
Orders Confirmation (No. 2) Act, 1927.

A.D. 1927. V.—RATES FOR THE USE OF SHEDS CRANES AND WEIGHING MACHINES.

Nairn
 Harbour.

1. *Sheds.*

For each ton or each 40 cubic feet of goods which shall remain in any warehouse or shed or on the harbour for any longer time than 48 hours for the first day or part of a day 4*d.* and for each day thereafter 2*d.*

2. *Use of Cranes Coal Shutes Tips and Tubs.*

	s.	d.
For all goods raised or lowered - - - per ton	0	2

3. *Use of Weighing Machines.*

For coals and lime - - - - - per ton	0	2
For timber - - - - - per ton	0	2
For hay - - - - - per load	0	6
For salt - - - - - per ton	0	3
For all other goods and commodities - - per ton	0	4

VI.—LIGHTING AND CLEANSING OF HARBOUR.

	s.	d.
On each vessel (other than a fishing boat) using the harbour or works - - - - - per ton	0	1
On each fishing boat under 20 tons register using the harbour or works - - - per boat per annum	5	0
On each fishing boat of 20 tons and upwards using the harbour or works - - - per boat per annum	10	0

VII.—WATER MONEY.

	s.	d.
For each 25 gallons or part of 25 gallons of pure and wholesome water - - - - -	0	1½

VIII.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE SHIPPED OR UNSHIPED AT THE HARBOUR.

	s.	d.
For every passenger or other person who shall land or embark on board of any vessel for each and every time any sum not exceeding - - - - -	0	2
For every person using the harbour and not going on board of a vessel for each and every time any sum not exceeding - - - - -	0	2

NOTE.—Children under twelve years of age in charge of parent or servant free Servants going for or with luggage free but the luggage to be paid for.

[17 & 18 GEO. 5.] *Pier and Harbour* [Ch. xlii.]
Orders Confirmation (No. 2) Act, 1927.

For every trunk portmanteau box parcel or package	s. d.	A.D. 1927.
within the description of luggage shipped or unshipped		—
and not carried by the passenger - - - - -	0 1	<i>Nairn Harbour.</i>

NOTE.—The crews of all vessels using the harbour and all persons employed on the harbour undertaking or engaged in connection with the shipment transshipment or unshipment of goods thereat shall at all times have free ingress passage and egress to along and from the harbour with all necessary luggage belonging to them.

Printed by EYRE and SPOTTISWOODE, LTD.,
 FOR
 WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
 Acts of Parliament.

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