



## CHAPTER xix.

An Act to confirm a Scheme under the Public Works Facilities Act 1930 relating to Inverness Harbour. A.D. 1931.  
[29th April 1931.]

**W**HEREAS the Scheme set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Public Works Facilities Act 1930 and it is requisite that the said Scheme should be confirmed by Parliament: 20 & 21 Geo. 5. c. 50.

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 Scheme contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Scheme in schedule.

2. This Act may be cited as the Public Works Facilities Scheme (Inverness Harbour) Confirmation Act 1931. Short title.

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SCHEDULE.

INVERNESS HARBOUR.

*Scheme to authorise the Trustees of the harbour of Inverness to construct works to borrow money and for other purposes.*

WHEREAS by virtue of the Inverness Harbour Acts 1808 to 1926 the port and harbour of Inverness is vested in the Trustees of the harbour of Inverness (hereinafter referred to as "the Trustees") incorporated by the Inverness Harbour Order 1911:

And whereas in order to meet the increasing trade and requirements of the said port and harbour it is expedient that power should be granted to the Trustees to carry out and execute the works hereinafter mentioned:

And whereas it is expedient that the Trustees should be authorised to borrow moneys for the execution of the said works and for the other purposes of their undertaking:

And whereas it is expedient to authorise the provost magistrates and councillors of the royal burgh of Inverness to grant a guarantee in respect of the moneys to be so borrowed and to levy a rate for the purposes of the said guarantee as hereinafter in this Scheme provided:

And whereas it is expedient that the other provisions in this Scheme contained should be enacted:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Scheme were duly deposited with the clerk of the county council of the county of Inverness and are hereinafter respectively referred to as the deposited plans and sections:

Now therefore in pursuance of the powers contained in the Public Works Facilities Act 1930 the Secretary of State makes the following Scheme:—

1. This Scheme may be cited as the Inverness Harbour Scheme 1931 and this Scheme and the Inverness Harbour Acts 1808 to 1926 may be cited together as the Inverness Harbour Acts 1808 to 1931.

Short and  
collective  
titles.

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

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Commence-  
ment of  
Scheme.

3. In this Scheme unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Inverness Harbour Acts or any of them have the same respective meanings And the expressions :—

Interpre-  
tation.

"The Inverness Harbour Acts" means the Inverness Harbour Acts 1808 to 1926;

"The Order of 1911" means the Inverness Harbour Order 1911;

"The Trustees" means the Trustees of the harbour of Inverness.

4. The following Acts and parts of Acts (except where expressly varied by or inconsistent with this Scheme) are incorporated with and form part of this Scheme (that is to say) :—

Incorpora-  
tion of  
general  
Acts.

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);

The Harbours Docks and Piers Clauses Act 1847 with the exceptions and variations specified in the Order of 1911 and except sections 12 and 13;

and the expression "company" or any like expression in the incorporated Acts means the Trustees and the expression "the special Act" means this Scheme.

5. Subject to the provisions of this Scheme the Trustees may on the lands belonging to them or acquired under this Scheme make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter specified or some of them or some part or parts thereof together with all necessary roads pipe lines hydrants drains sewers approaches accesses walls wharves embankments piers jetties quays cuts slips gates channels landing stages

Construc-  
tion of  
works.

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*Scheme (Inverness Harbour) Confirmation Act, 1931.*

A.D. 1931. mooring buoys and posts cranes shears railway and tramway sidings and dock rails and other machinery appliances buildings works and conveniences in connection therewith and incidental thereto respectively :

Provided that nothing in this Scheme shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Description of works.

6. The works hereinbefore referred to and authorised by this Scheme are the following (that is to say) :—

Work No. 1 A quay (of solid work) commencing at the northern end of the existing Shore Street Quay extending thence in a northerly direction for a distance of one hundred and eighty-seven feet or thereby and terminating at the south end of the existing Citadel Quay including the removal of the old stone quay in front of the said work and the deepening of an area extending to two thousand eight hundred square yards or thereby of the waterway of the harbour in front of the said work and partly in front of the existing Citadel Quay ;

Work No. 2 A quay (of open work) commencing at the northern end of the existing Citadel Quay extending thence in a north-westerly direction for a distance of one hundred and sixty feet or thereby thence in a north-easterly direction for a distance of thirty-eight feet or thereby and terminating at a point on the bank of the river Ness at high-water mark three hundred and sixty feet or thereby south of the south-west corner of the slaughter house buildings including the deepening of an area extending to five hundred square yards or thereby of the waterway of the harbour and river channel in front of the said work and to the north thereof ;

Work No. 3 A deepening and widening of an area extending to ten thousand seven hundred

square yards or thereby of the harbour and channel of the river Ness by excavation dredging or otherwise commencing at a point in the said river one hundred and ninety feet or thereby north-west of the north end of the groyne in front of Shore Street Quay extending thence north-westwards in the channel of the said river for a distance of eight hundred and seventy feet or thereby and terminating at a point eight hundred and ten feet or thereby north-west of the Citadel clock tower :

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Provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

The works hereinbefore described will be situate in the burgh parish and county of Inverness and in the bed of the river Ness.

7. In the execution of the works by this Scheme authorised the Trustees may deviate laterally from the lines of such works within the limits of lateral deviation shown on the deposited plans and 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.

Powers of deviation.

8. For the protection of the viaduct carrying the main line of railway from Inverness to Wick of the London Midland and Scottish Railway Company (hereinafter in this section referred to as "the railway company") across the river Ness the Trustees shall not in the execution of the works authorised by this Scheme deviate vertically from the levels of the said works as shown on the deposited sections without the consent in writing of the railway company which consent shall not be unreasonably withheld If any difference shall at any time arise between the Trustees and the railway company or their engineer as to whether or not the consent of the railway company is being unreasonably withheld such difference shall be referred to and determined by an engineer to be agreed upon or failing agreement by

For protection of London Midland and Scottish Railway Company

A.D. 1931. — an engineer to be appointed by the Board of Trade on the application of either the Trustees or the railway company.

Period for completion of works.

9. If the works by this Scheme authorised are not completed within three years from the commencement of this Scheme then on the expiration of that period the powers by this Scheme granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Application of provisions of Order of 1911 with reference to works &c.

10. The following provisions of the Order of 1911 shall extend and apply to the exercise of the powers of this Scheme as if the same were with all necessary modifications expressly re-enacted in this Scheme (namely) :—

- Section 55 (For protection of Highland Railway Company);
- Section 56 (Entry to lands for surveys and works &c.);
- Section 58 (Power to take servitudes &c. by agreement);
- Section 59 (Trustees may sell or let lands &c.);
- Section 61 (Expiration of period not to prevent dredging &c.);
- Section 62 (Power to divert roads &c.);
- Section 63 (Penalty for obstructing construction of works);
- Section 64 (Agreements);
- Section 65 (Works to be part of harbour undertaking);
- Section 66 (Works below high-water mark not to be commenced without consent of Board of Trade);
- Section 67 (Survey of works by Board of Trade);
- Section 68 (Abatement of work abandoned or decayed);
- Section 69 (Lights on works during construction);
- Section 70 (Trustees to exhibit lights);



- Section 71 (Provision against danger to navigation); A.D. 1931.  
Section 108 (Trustees may relay and extend railways);  
Section 109 (Power to enter into agreements).

11. The Trustees in addition to the sums already borrowed or authorised to be borrowed by them may from time to time borrow on mortgage or otherwise :— Power to borrow money.

(a) For the purposes of this Scheme and of the works authorised by this Scheme and for the purchase of lands and for the general purposes of their harbour undertaking any sum or sums of money not exceeding in the whole except with the consent of the Secretary of State the sum of twenty-eight thousand pounds; and

(b) For paying the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Scheme the amount necessary

on the security of the rates dues and charges authorised by the Inverness Harbour Acts the property revenue and undertaking of the Trustees and the harbour guarantee rate or any of them and any money borrowed under this Scheme and discharged otherwise than by means of a sinking fund or by repayment by instalments may be re-borrowed for the purposes of this Scheme and so from time to time.

12. The following provisions of the Order of 1911 shall extend and apply to the exercise of the powers of this Scheme as if the same were with all necessary modifications expressly re-enacted in this Scheme (namely) :— Applica-  
tion of  
provisions  
of Order of  
1911 with  
reference  
to financial  
and other  
matters.

Section 90 (Power to borrow on cash account);

Section 91 (Sinking fund):

Provided that in the application of the said section 91 and of the next hereinafter mentioned section the same shall be read and construed as if the words "thirty-five years" were inserted therein in lieu of the words "forty-five years."

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- Section 92 (Trustees may grant mortgages for payment of principal and interest by instalments);
- Section 93 (Application of Act of 1847 Order of 1883 and Act of 1899);
- Section 94 (Application of money borrowed);
- Section 95 (Protection of lenders and others from inquiry);
- Section 96 (Corporation may guarantee loan);
- Section 97 (Corporation may guarantee instalments &c. on security of guarantee rate);
- Section 98 (Payment by Corporation under the guarantee to be made on requisition by the Trustees);
- Section 99 (Harbour guarantee rate);
- Section 100 (Assessment and levying of rate) except the words " and that either separately " from or along with and in the same manner " as the other assessments leviabale by the " Corporation are imposed and levied by " them within the burgh " :
- Provided that in the application of the said section 100 the same shall be read and construed as if the words " Burgh Police (Scotland) Acts 1892 to 1911 and any Act or Acts " amending the same " were inserted therein in lieu of the words " Burgh Police (Scotland) Acts 1892 to 1903 " ;
- Section 101 (Payments by Corporation to be a debt owing by Trustees);
- Section 102 (Additional council representatives);
- Section 103 (Priority of existing mortgages);
- Section 104 (Appointment of a judicial factor);
- Section 116 (Recovery of penalties).

Application of provisions of Telegraph Act 1878.

13. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.



14. Nothing in this Scheme shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Trustees 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.

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Crown  
rights.

15. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Scheme or otherwise in relation thereto shall be paid by the Trustees out of the moneys to be borrowed and received under the authority of this Scheme or out of the dues or rates authorised to be levied by and other revenues of the Trustees.

Costs of  
Scheme.

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