



CHAPTER lii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Burghead Burgh and Harbour. A.D. 1933.
[28th July 1933.]

WHEREAS the Provisional Order 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 Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by 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 Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Burghead Burgh and Harbour Order Confirmation Act 1933.

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SCHEDULE.

BURGHEAD BURGH AND HARBOUR.

Provisional Order for the transfer to the provost magistrates and councillors of the burgh of Burghead of the undertaking known as Burghead Harbour to confer powers on them with reference to the said harbour undertaking and the maintenance management and improvement thereof to make provision as to the maximum dues and rates leviable at the said harbour and for other purposes.

WHEREAS by the Burghead Harbour Act 1858 William Young of Burghead the then owner of the harbour of Burghead in the county of Moray was authorised to extend improve and maintain the same :

And whereas by the Burghead Harbour Order 1881 further powers were conferred on the said William Young for the improvement and maintenance of the said harbour :

And whereas the said harbour was after the confirmation of the said Order of 1881 transferred to and vested in the Burghead Harbour Company Limited (hereinafter referred to as "the company") incorporated under the Companies Acts 1862 to 1890 :

And whereas by the Burghead Harbour Order 1901 further powers in respect of the said harbour were conferred on the company :

And whereas the company borrowed the sum of fifteen thousand pounds and granted in respect thereof (1) A debentures for eight thousand pounds (now reduced to seven thousand pounds) and (2) B debentures for seven thousand pounds (the A debentures ranking pari passu with each other but preferably to the B debentures) and the company conveyed to trustees under the trust deed hereinafter mentioned (hereinafter referred to as "the trustees") the Burghead harbour and undertaking in security of the said debentures and interest thereon :

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And whereas it was one of the provisions in the said trust deed that the security should become enforceable and should be enforced by the trustees if default was made in payment of the sum in any of the debentures or of interest on any of the said debentures for a period of six weeks after the said interest became payable :

And whereas the company defaulted in payment of the said debentures and interest thereon and the trustees entered into possession of the said harbour and undertaking :

And whereas the provost magistrates and councillors of the burgh of Burghead (hereinafter referred to as "the Town Council") are the local and sanitary authority of the said burgh and the said burgh and its inhabitants and the district in the neighbourhood thereof are largely interested in the fishing industries carried on in the Moray Firth and adjoining sea and the trade and commerce connected therewith and in the maintenance and development of the harbour facilities of the said burgh :

And whereas negotiations were entered into between the trustees and the Town Council for the transfer of the Burghead harbour and undertaking to the Town Council :

And whereas as the result of such negotiations the trustees and the company for their interest have agreed to sell to the Town Council and the Town Council have agreed to purchase the Burghead harbour and undertaking on the terms and conditions hereinafter in this Order contained :

And whereas it is expedient having regard to the difficulty of carrying on the said harbour and undertaking by the trustees and the importance to the said burgh of the maintenance and development of the said harbour and undertaking to authorise and empower the trustees and the company to sell and the Town Council to purchase the same on the said terms and conditions :

And whereas it is expedient to constitute the Town Council the harbour and pilotage authority for the said Burghead harbour and to confer upon them the powers hereinafter in this Order contained and to provide for the maintenance management and administration of the said harbour and undertaking works lands and other subjects connected therewith and all matters relating thereto as hereinafter in this Order provided :

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— And whereas it is expedient to authorise the Town Council for the purposes of this Order to borrow money and to raise and levy the assessments hereinafter in this Order referred to and to apply the same for the purposes of this Order :

And whereas estimates have been prepared by the Town Council for and in relation to the purposes hereinafter mentioned and such estimates are as follows :—

Purchase of Burghead harbour undertaking	£3000
Repair of the piers jetties quays and other works and dredging	£5000

And whereas the several works and purposes mentioned in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas the rates and charges at present leviable at the said harbour are (except as temporarily increased by the Burghead Harbour (Temporary Increase of Charges) Order 1932) the rates and charges authorised by the Burghead Harbour Order 1901 and are now inadequate :

And whereas it is expedient that the said rates and charges should be increased as hereinafter in this Order provided :

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Order may be cited as the Burghead Burgh and Harbour Order 1933 and may together with the Burghead Harbour Acts and Orders 1858 to 1901 be cited as the Burghead Harbour Acts 1858 to 1933.

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

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Part I.—Preliminary.

—
 Division of
 Order into
 Parts.

Part II.—Purchase of Burghead harbour &c.

Part III.—Additional harbour powers.

Part IV.—Rates.

Part V.—Finance.

Part VI.—Miscellaneous.

3. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Commence-
 ment of
 Order.

4.—(1) The following Acts and parts of Acts so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order (that is to say) :—

Incorporation of 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) :

Sections 86 and 87 of the Commissioners Clauses Act 1847 and in those sections the expression “commissioners” shall mean the Town Council and the expression “receiver” shall mean judicial factor and the expressions “mortgage” and “mortgagee” shall respectively include any security for money borrowed under this Order and the holder of any such security :

The Harbours Clauses Act 1847 with the exception of sections 16 to 19 (unless the Town Council are required by the Board of Trade to provide and maintain a lifeboat a tide gauge or a barometer) and except sections 20 25 26 77 78 84 and 85 of that Act :

Provided that the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say) :—

The expressions “packet boat or Post Office packet” and “Post Office bag of

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letters" 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.

(2) For the purposes of the incorporation of the said Acts the expression "the special Act" in those Acts shall mean this Order.

Interpreta-
tion.

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

(A) The several words and expressions to which meanings are assigned by the recited Acts or by the Acts wholly or partially incorporated therewith or with this Order shall subject to the provisions of this Order have the same respective meanings; and

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

"Act of 1858" means the Burghead Harbour Act 1858;

"Authorised rates" means the dues and rates which are for the time being authorised to be levied demanded and recovered in pursuance of the recited Acts and this Order and "authorised rate" means any one of the said dues and rates;

"Burgh" means the burgh of Burghead;

"Company" means the Burghead Harbour Company Limited incorporated under the Companies Acts 1862 to 1890;

"Harbour" means the harbour of Burghead or as the case may be any part thereof within the limits prescribed in the recited

Acts and includes the lands buildings works plant and conveniences connected therewith; A.D. 1933.

“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 and harbour undertaking under the authority of the recited Acts or this Order but does not include the harbour assessments by this Order authorised to be imposed and levied;

“Harbour undertaking” means and includes the harbour and all lands foreshore breakwaters lighthouses piers quays walls stores and others in the county of Elgin conveyed by and particularly described and described by reference in the disposition by Hugh William Young of Burghead in favour of the company dated twenty-third August and recorded in the division of the general register of sasines applicable to the county of Elgin and Forres seven-teenth September both eighteen hundred and ninety-five and the stores and other buildings erected thereon and the apparatus fixtures and fittings belonging to the trustees and the company which may be in or upon the said lands foreshore harbour breakwaters lighthouses piers quays walls stores and other buildings at the commencement of this Order and also the boats barges and cranes which may belong to the trustees and the company and be in use in connection with the harbour at the commencement of this Order and all rights conferred on or vested in the Town Council by and under this Order for the purposes thereof but shall not include (a) the superiority and property of the subjects within the boundaries specified in the said disposition conveyed and disposed or given off in feu by the said Hugh William Young or his predecessors and authors to the Highland Railway Company and (b) all salmon fishings and all salmon and other fishing rights and privileges which superiority

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fishings and others were reserved to the said Hugh William Young in the said disposition but always with and under the real burdens conditions provisions and limitations specified and referred to in the said disposition;

“ Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847;

“ Order of 1881 ” means the Burghead Harbour Order 1881;

“ Order of 1901 ” means the Burghead Harbour Order 1901;

“ Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act amending the same;

“ Recited Acts ” means the Act of 1858 the Order of 1881 and the Order of 1901;

“ Town clerk ” means the town clerk of the burgh and includes any depute acting for him;

“ Town Council ” means the provost magistrates and councillors of the burgh;

“ Trustees ” means the trustees for the time being acting under and in terms of (1) trust deed granted by the Burghead Harbour Company Limited in favour of William Charles Young solicitor Elgin and Harbourne Marius Straghan Mackay bank agent Elgin (the latter being now deceased) dated twenty-second September and recorded in the division of the general register of sasines applicable to the county of Elgin and Forres twenty-eighth December both in the year nineteen hundred and sixteen and (2) a disposition and assignation by the said William Charles Young in favour of himself and Robert Young solicitor Elgin dated the third day of June nineteen hundred and twenty-one;

“ Works ” means and includes the piers jetties quays roads buildings and works and all conveniences connected therewith transferred to the Town Council or constructed purchased or otherwise acquired by the Town Council under the powers of this Order.

PART II.

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PURCHASE OF BURGHEAD HARBOUR &C.

6. As on and from the commencement of this Order the Town Council shall be the harbour and pilotage authority for the harbour and the harbour undertaking and the harbour the harbour undertaking and all powers authorities privileges rights jurisdictions obligations and exemptions with reference thereto (including the powers of collecting levying and recovering tolls rates duties dues charges and revenues) of the company and the trustees shall by virtue of this Order be transferred to and vested in the Town Council and may and shall be held used exercised and enjoyed by the Town Council freed and discharged from all debts and liabilities (if any) of the trustees and the company.

Transfer of harbour &c. to Town Council.

7. Without prejudice to anything in this Order hereinbefore contained it is hereby provided that for the purpose of enabling the Town Council to complete a title to the harbour and the harbour undertaking and the property and rights of the trustees and the company vested in them by virtue of this Order by expediting a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of the harbour and the harbour undertaking and such property and rights of the trustees and the company in favour of the Town Council as on the commencement of this Order.

Completion of title of Town Council.

8.—(1) As from the commencement of this Order the trustees and the company shall be freed and discharged from all obligations and liabilities in respect of the harbour and the harbour undertaking and other property hereby transferred to the Town Council arising after the commencement of this Order.

Cesser of powers.

(2) The trustees and the company shall discharge all their respective debts and liabilities outstanding at the commencement of this Order.

9. Subject to the provisions of this Order—

(1) The Town Council shall pay the purchase price of the harbour and harbour undertaking by sixty half-yearly payments of eighty-six

As to payment of purchase price.

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pounds six shillings representing instalments of the purchase price and interest thereon as shown in the schedule to this Order and the first of such payments shall be made upon the day which is six months after the commencement of this Order :

- (2) The instalments of the purchase price and interest thereon shall be paid by the Town Council to the trustees or to such other persons as the trustees may direct in writing :
- (3) The Town Council shall be entitled to deduct annually income tax upon so much of the payments made for that year as represents interest as shown in the said schedule and the Town Council shall grant certificates in respect of any such deductions :
- (4) A receipt in writing signed by any one of the trustees or by any such other person as is referred to in subsection (2) of this section (as the case may be) shall form a good and valid discharge to the Town Council for the amount stated in such receipt :
- (5) If at the expiration of a period of thirty years and six months from the commencement of this Order any instalments of the purchase price and interest are in arrear then subject to the application of the proceeds of the ordinary harbour assessment to the purposes mentioned in paragraphs (1) (2) (3) and (4) of the section of this Order of which the marginal note is "Application of harbour revenue" any surplus of the said assessment may be applied to the payment of any such instalments which are then in arrear but without interest in respect of the non-payment thereof on the due date :
- (6) If and so long as any part of the purchase price and interest remain unpaid the Town Council shall produce to the trustees at their request accounts for the last financial year showing the application of the harbour revenue and the proceeds of the ordinary harbour assessment.

10. The Town Council may subject to the provisions of this Order hold maintain manage regulate administer and improve the harbour and the harbour undertaking and may exercise all powers authorities privileges rights jurisdictions and exemptions with reference thereto (including the powers of collecting levying and recovering tolls rates duties dues charges and revenues) of the trustees or the company or conferred on the Town Council by this Order and may if they think fit from time to time subject to the consent of the Minister of Transport let or lease the harbour and the harbour undertaking and any improvement thereof or any of them and all powers authorities privileges rights jurisdictions and exemptions as aforesaid or any of them and the tolls rates duties dues charges and revenues or any of them received therefrom or in connection therewith to any company body or person authorised to take a lease thereof or any part thereof in such manner and for such rent or consideration and on such terms and conditions and for such periods as the Town Council and any such company body or person may agree upon Provided that the consent of the trustees shall be necessary to any let or lease of the harbour or harbour undertaking or of the tolls rates duties dues charges and revenues thereof so long as any part of the purchase price or interest thereon referred to in the schedule to this Order shall remain unpaid.

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 Power to
 Town
 Council to
 hold &c.
 or lease
 harbour
 under-
 taking &c.

11. The recited Acts and all other Acts and Orders relating to or affecting the harbour or harbour undertaking in force at the commencement of this Order shall subject to the provisions of this Order remain in full force and all powers authorities privileges rights jurisdictions obligations and exemptions including the powers of collecting levying and recovering tolls rates duties dues charges and revenues thereby conferred on and vested in the trustees or the company in relation to the harbour and harbour undertaking may be held used exercised and enjoyed by the Town Council in relation to the harbour and harbour undertaking and all matters to be done continued or completed or which but for the transfer of the harbour and harbour undertaking might or could be done continued or completed by the trustees and the company or their officers or servants under or by virtue of those Acts and Orders

Acts and
 Orders
 relating to
 harbour to
 apply to
 Town
 Council.

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A.D. 1933. — may be done continued or completed by the Town Council or their officers and servants as the case may be and every such Act or Order so far as it relates to or affects the harbour or harbour undertaking shall subject to the provisions of this Order be read and construed as if the name of the Town Council had been used therein in relation to the harbour and harbour undertaking instead of the names of William Young and the Burghead Harbour Company Limited.

Saving debts and claims of trustees and company.

12. All debts tolls rates duties dues charges and money due from or to the trustees or the company or any person or persons on their behalf before the commencement of this Order in relation to the harbour or harbour undertaking to what period soever the same shall apply shall be due and payable from or to the trustees or the company respectively and shall be recoverable from or by them by the same ways and means and subject to the same conditions as the same would or might have been recoverable from or by them if this Order had not been confirmed.

Saving conveyances contracts &c.

13. All conveyances grants and assignations and current leases agreements and contracts (other than mortgages bonds debentures or securities for money advanced to the trustees and to the company) which before the commencement of this Order have been executed made or entered into by or with the trustees or the company in relation to the harbour or harbour undertaking and which are in force at the commencement of this Order shall from the commencement of this Order be as valid and of as full force and effect in favour of or against the Town Council as if the same had been executed made or entered into by or with the Town Council.

Causes and rights of action reserved.

14. All causes and rights of action or suit accrued before the commencement of this Order and then in any manner enforceable by for or against the trustees or the company shall be and remain as good valid and effectual for or against them as they would or might have been if this Order had not been confirmed.

Actions not to abate.

15. Nothing in this Order shall cause the abatement discontinuance or determination of or in anywise prejudicially affect any action suit or other proceeding at

law commenced by or against the trustees or the company either solely or jointly with any company body or person before the commencement of this Order and then pending but the same may be continued prosecuted or enforced by or against the trustees or the company either solely or as the case may require jointly as aforesaid and all persons committing offences against any of the provisions of any Act or Order or any of the byelaws rules and regulations relating to the harbour or harbour undertaking before the commencement of this Order may be prosecuted and all penalties incurred by reason of such offences may be sued for and recovered in like manner in all respects as if this Order had not been confirmed.

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16. All books and documents of the company relating to the harbour and harbour undertaking shall be receivable in evidence as they would have been if this Order had not been confirmed.

Books &c.
to be
evidence.

17. Notwithstanding the repeal by this Order of section 21 (Power to make byelaws) of the Order of 1881 all the byelaws rules and regulations of the Company relating to the management use or control of the harbour or harbour undertaking shall continue to be in force and applicable to and in respect of the harbour and harbour undertaking and shall and may be enforced by and be available to the Town Council in their own name as well for the recovery of penalties as for all other purposes as if the same respectively had been originally made by the Town Council until other byelaws rules and regulations are duly made by the Town Council in their stead.

Byelaws to
remain in
force.

18. All officers servants and pilots who on the commencement of this Order are in the employment of the company in connection with the harbour and harbour undertaking shall from the commencement of this Order become officers servants or pilots as the case may be of the Town Council with the same rights and subject to the same obligations and incidents in respect of such employment as they would have had or been subject to as the officers servants or pilots of the company in connection with the harbour and harbour undertaking and shall so continue unless

Officers &c.
of company
to be
officers of
Town
Council.

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As to agree-
ments with
railway
companies.

19. The rights of the trustees and the company under the agreements hereinafter mentioned viz. :—

(1) Contract and agreement dated sixteenth and eighteenth October eighteen hundred and sixty-one between the Inverness and Aberdeen Junction Railway Company and William Young of Burghead;

(2) Supplementary contract and agreement dated first March and twelfth April eighteen hundred and eighty-one between the Highland Railway Company and the said William Young; and

(3) Agreement and contract dated sixth and thirteenth December eighteen hundred and eighty-three between the Highland Railway Company and the said William Young

shall be and the same are hereby transferred to the Town Council and the said agreements shall be read and construed as though the name of the Town Council appeared therein instead of the name of William Young of Burghead.

PART III.

ADDITIONAL HARBOUR POWERS.

Lands for
extra-
ordinary
purposes.

20. The Town Council may purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole ten acres but nothing in this section shall exempt the Town 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
retain sell
&c. lands.

21. Notwithstanding anything in the Lands Clauses Acts or in any other Act to the contrary the Town Council may retain hold and use for such time as they may think fit or may sell feu let lease exchange or

otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual feu-duty or rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any feu-duties created or rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale feu lease exchange or other disposition and on any exchange may give or take any money for equality of exchange Provided that the Town Council shall not exercise the powers conferred by this section so long as any part of the purchase price or interest thereon referred to in the schedule to this Order shall remain unpaid except with the consent of the trustees.

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22. Subject to the provisions of this Order the Town Council may carry out such works as may be necessary for the repair of the works or any of them.

Power to
repair
works.

23. The Town Council may from time to time provide purchase take on lease hire and use such steam or other dredgers engines tugs lighters or other vessels diving bells tools pile-drivers plant machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order the marginal note whereof is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section Provided that the powers of this section so far as the same authorise the purchase of dredgers shall not be exercised by the Town Council so long as any part of the purchase

Power to
provide
dredgers
&c.

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Works
below high
water mark
not to be
constructed
without
consent of
Board of
Trade.

24. The Town Council shall not nor shall any other body or person under the powers of this Order carry out on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work or any dredging or deposit below high water mark any material excavated or dredged by them without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Town Council or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

PART IV.

RATES.

Increase of
dues and
rates.

25. The provisions of the Order of 1901 shall be read and have effect as if the dues and rates prescribed by section 3 (New schedule of rates and duties for Burghead harbour) and the schedule of the said Order were in each case increased by fifty per centum :

Provided that if any due or rate levied in pursuance of this Order includes a fraction of a farthing the fraction if less than half a farthing shall not be charged and if the fraction amounts to half a farthing or more it shall be charged as a farthing.

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

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—
Revision of
authorised
rates.

(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 Town Council

that in 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

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qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(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.

Repeal of temporary Order.

27. The Burghead Harbour (Temporary Increase of Charges) Order 1932 shall be and the same is hereby repealed.

Rates for use of warehouses &c.

28. The Town Council may (so far as the rates and charges specified or referred to in the recited Acts and this Order do not extend) levy demand recover and receive such reasonable rates or other consideration as they may think fit for the use of any warehouses sheds bridges slips buildings rails tramways fishcuring stations yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Town Council or in respect of any services rendered by them in connection with the harbour undertaking.

PART V.

FINANCE.

Power to Town Council to provide moneys for purposes of Order.

29. Subject to the provisions of this Order the Town Council may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the harbour and the harbour undertaking and the maintenance management and improvement thereof and the payment of expenses in connection therewith and the aforesaid purchase price

and interest out of the harbour revenue or if that shall be insufficient out of moneys to be raised by means of the assessments by this Order authorised to be imposed and levied. A.D. 1933.

30.—(1) Subject to the provisions of this Order the Town Council may and shall if and so far as may be necessary for the purposes mentioned in the last preceding section of this Order or any of such purposes and for the purpose of paying any expense of and connected with the provision of the moneys therein referred to charge in equal proportions all owners and occupiers of lands and heritages within the burgh with an assessment (in this Order referred to as “the ordinary harbour assessment”) of such amount as shall be required for the said purposes which assessment 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 (other than the limitation of rate) with respect to the mode of imposing levying and recovering the general improvement rate shall *mutatis mutandis* extend and apply to the said assessment hereby authorised. Provided that the proceeds of the ordinary harbour assessment shall only be applied for the purposes mentioned in paragraphs (1) (2) (3) (4) and (5) of the section of this Order of which the marginal note is “Application of harbour revenue.”

Power to Town Council to impose and levy ordinary harbour assessment.

(2) The said assessment leviable under this section shall be in addition to any assessments levied by the Town Council under statutory authority but shall not exceed two shillings in the pound on the rateable value of lands and heritages in the burgh.

31.—(1) Subject to the provisions of this Order the Town Council may and shall if and so far as may be necessary for the purposes mentioned in the section of this Order of which the marginal note is “Power to Town Council to provide moneys for purposes of Order” or any of such purposes and for the purpose of paying any expense of and connected with the provision of the moneys therein referred to charge in equal proportions all owners and occupiers of lands and heritages within the burgh with an assessment (in this Order referred to as “the contingent harbour assessment”) of such amount

Power to Town Council to impose and levy contingent harbour assessment.

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A.D. 1933. — as shall be required for the said purposes which assessment 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 (other than the limitation of rate) with respect to the mode of imposing levying and recovering the general improvement rate shall *mutatis mutandis* extend and apply to the said assessment hereby authorised. Provided that the contingent harbour assessment shall only be applied for the purposes mentioned in paragraphs (1) (2) (3) (4) (6) (7) and (8) of the section of this Order of which the marginal note is "Application of harbour revenue."

(2) If in any financial year subsequent to the levying of the contingent harbour assessment the harbour revenue supplemented by the proceeds of the ordinary harbour assessment is more than sufficient for the purposes mentioned in paragraphs (1) (2) (3) and (4) and the instalments for that year of the purchase price and interest mentioned in paragraph (5) of the section of this Order of which the marginal note is "Application of harbour revenue" then the surplus amount shall be dealt with in the order following:—

(A) In repaying to the burgh all sums which have been provided by means or out of the contingent harbour assessment with the exception of so much thereof as shall have been applied for the purposes mentioned in paragraphs (6) (7) and (8) of the section of this Order of which the marginal note is "Application of harbour revenue"; and

(B) In paying any instalments of the purchase price and interest which are then in arrear but without interest in respect of the non-payment thereof on the due date;

and subject thereto any remaining surplus shall be applied for the purposes mentioned in paragraph (6) and onwards of the section of this Order of which the marginal note is "Application of harbour revenue."

(3) The said assessment leviable under this section shall be in addition to any assessments (including the ordinary harbour assessment) levied by the Town Council under statutory authority.

32. The Town Council may accept and apply towards the purposes of the harbour and harbour undertaking any moneys which may be granted or contributed to them for those purposes or any of them. A.D. 1933.
—
Power to accept contributions.

33.—(1) The Town Council may from time to time borrow— Power to borrow.

(A) for repairing the works and for dredging the harbour such sum or sums as may be required for those purposes not exceeding in the aggregate five thousand pounds;

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

(C) for paying the costs charges and expenses of this Order in accordance with the provisions of the section of this Order of which the marginal note is "Costs of Order" the sum requisite for that purpose.

(2) 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 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

34. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 the expression "any public general Act" shall be deemed to include this Order. Power to borrow temporarily.

35. All moneys borrowed by the Town Council under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):— Periods for repayment of borrowed money.

(A) As to moneys required for repairing the works and borrowed under paragraph (A) of subsection (1) of the section of this Order the marginal note whereof is "Power to borrow" within thirty-five years from the date or dates of borrowing the same:

(B) As to moneys required for dredging and borrowed under paragraph (A) of the said

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subsection within twenty-five years from the date or dates of borrowing the same :

- (c) As to moneys borrowed under paragraph (B) of the said subsection within such period from the date or dates of borrowing the same and by such method as the Secretary of State may prescribe :
- (D) As to money borrowed under paragraph (c) of the said subsection within five years from the commencement of this Order.

Application
of moneys
borrowed.

36. All moneys borrowed by the Town Council under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable.

Power to
re-borrow.

37.—(1) The Town Council 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 Town Council 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 period prescribed for the repayment of that loan 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 Town Council 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 Town Council 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 A.D. 1933.
(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

38. The provisions of the Police Acts as to the borrowing of money for the general purposes of those Acts in so far as applicable and not inconsistent with the provisions of this Order shall apply to the borrowing by the Town Council of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Town Council for the purposes of this Order shall refer to the title of this Order. Provided that in the event of repayment of money borrowed being made by way of instalments the annual instalments shall be sufficient to pay off the whole of such moneys so borrowed within the prescribed periods.

Application of provisions of Police Acts.

39. A person lending money to the Town Council under this Order shall not be concerned to inquire as to the observance by the Town Council of any of the provisions of the Police Acts the recited Acts or this Order or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

Protection of lenders from inquiry.

40.—(1) If the Town Council 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 four pounds per centum per annum will 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.

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(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 deposited in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise invested in securities in which trustees in Scotland may lawfully invest trust moneys (not being securities of the Town Council) and the Town Council 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 Town Council towards the equal annual payments to the fund.

(4) The Town Council 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 Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by 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 annual payments to the fund are based any deficiency shall be made good by the Town Council.

(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 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 Town Council in addition to the payments provided for by this Order.

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

(9) If the Town Council desire to accelerate the repayment of any loan they may 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 Secretary of State be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the said Secretary shall 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 Secretary of State be sufficient without any further payments thereto to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the said Secretary discontinue the equal annual payments to the sinking fund until the said Secretary shall 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 Town Council with the consent of the Secretary of State may determine.

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

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

41. The proceeds of sale of any surplus lands of the Town Council 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 Town Council and shall be applied in the following order (a) in discharge of any moneys borrowed by the Town Council under paragraph (A) of the section of this Order of which the marginal note is "Power to borrow" and (b) in discharge of moneys borrowed by the Town Council under this Order with the consent of the Secretary of State. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Secretary of State.

Appoint-
ment of
judicial
factor.

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

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

Reserve
fund.

43. The Town Council may if they think fit for the purpose of forming and maintaining a reserve fund not exceeding at any time the sum of three thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the harbour revenue 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 the application of the harbour revenue any amount which they think fit in any year out of the harbour revenue and shall deposit any such amount in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities in which trustees in Scotland may lawfully invest trust money (other than securities of the Town Council) until required for any of the purposes aforesaid.

44. Subject to the provisions of this Order the Town Council shall apply the harbour revenue and all moneys received for or in respect of the assessments by this Order authorised to be made for the purposes and in the order following and not otherwise (that is to say) :—

- (1) In paying any feu-duties and rents payable in respect of lands and property belonging to or leased by the Town Council in connection with the harbour and the harbour undertaking :
- (2) In paying the expenses properly chargeable to revenue of conducting managing repairing and maintaining the harbour and the harbour undertaking including the purchasing of the necessary appliances therefor :
- (3) In paying year by year the interest on any moneys borrowed under paragraph (A) of the section of this Order of which the marginal note is " Power to borrow " :
- (4) In paying the instalments as they become due in discharge of any moneys borrowed under paragraph (A) of the section of this Order of which the marginal note is " Power to borrow " and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of any such moneys :
- (5) In paying the instalments of the purchase price and interest or any arrears thereof but no instalment in arrear shall bear interest in respect of the non-payment thereof on the due date :
- (6) In paying the costs of and connected with the preparation obtaining and confirming of this Order (including the costs of the trustees) so far as those costs are not paid out of money borrowed under this Order and if the said costs are paid out of money borrowed under this Order (a) in paying year by year the interest on the money so borrowed and (b) in paying the instalments as they become due in discharge of the said money so borrowed :
- (7) In paying year by year the interest on moneys borrowed under this Order with the consent of the Secretary of State :

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- (8) In paying the instalments as they become due in discharge of any moneys borrowed under this Order with the consent of the Secretary of State and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of any such moneys :
- (9) In making such payments (if any) as the Town Council think fit into a reserve fund established under the provisions of this Order :
- (10) In repaying to the burgh all sums which have been provided by means or out of the assessments authorised by this Order to be levied and have been applied for the purposes of the harbour or the harbour undertaking whether in respect of money borrowed or otherwise.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Town Council in the improvement of the harbour or the harbour undertaking.

Separate
account for
harbour
under-
taking.

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

(2) In the application of section 15 of the Local Government (Scotland) Act 1929 and the Third Schedule to that Act to such separate account as forming part of the yearly account of the Town Council the expression "ratepayer" occurring in the said Third Schedule shall be deemed to include any person interested in such separate account.

Annual
account to
be sent to
Minister of
Transport.

46.—(1) The Town Council shall within one month after the annual account is certified by the auditor thereof in accordance with the Third Schedule to the Local Government (Scotland) Act 1929 send to the Minister of Transport a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Town Council and any and every such separate account.

(2) The Town Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week

during which they refuse or neglect to comply with this section. A.D. 1933.

(3) The account shall be made up to the end of the fifteenth day of May in each year.

PART VI.

MISCELLANEOUS.

47.—(1) Whenever any vessel is stranded or sunk in the harbour or in or near any approach thereto from the sea or is laid by in the harbour or neglected as unfit for sea service the Town Council may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its approaches therefrom. Removal of stranded or sunk vessels.

(2) The Town Council may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels or effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto. Provided that the Town Council shall before selling any such cargo goods chattels or effects as aforesaid pay all duties charges or payments which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties charges or payments so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Town Council for the aforesaid expenses the Town Council may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter to be payable in respect of the deficiency from the person who at the time of

A.D. 1933. the sinking or stranding of the vessel was the registered owner thereof or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbiter to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbiter appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award may be recovered in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Town Council under subsection (1) of this section shall not be exercised if the registered owner of the vessel stranded or sunk shall within twenty-four hours after the vessel shall have been stranded or sunk take such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and shall thenceforth continuously and diligently and to the satisfaction of the harbour-master prosecute and do all such works and things as may in the opinion of the harbour-master be necessary and proper for the raising and removal of the vessel as speedily as possible.

(6) The powers conferred by this section on the Town Council shall be in addition to and not in derogation of any other powers exerciseable by them for or with respect to the removal of wrecks.

(7) Except for the purpose of removing any obstruction to the harbour or the approaches thereto nothing in this section shall entitle the Town Council to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Town Council shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of

sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver. A.D. 1933.

48.—(1) In addition to the powers of making byelaws contained in the Harbours Clauses Act 1847 the Town Council may subject to the provisions of this Order make such byelaws as they shall think fit for all or any of the following purposes (that is to say):— Byelaws.

- (A) For the protection of the harbour and harbour undertaking and the buildings accommodations machinery and appliances connected therewith and for regulating the use thereof and the conduct of persons frequenting or using the same;
- (B) For the regulation and control of vessels and boats within the harbour limits and the fishermen and others frequenting resorting to or employed at the harbour within the harbour limits;
- (C) For the regulation of the embarking disembarking loading and unloading of any goods or traffic at the harbour or within the harbour limits.

(2) The byelaws may provide for imposing a penalty not exceeding five pounds for the breach or non-observance of any byelaw. Provided that no byelaws to be made by the Town Council under the Harbours Clauses Act 1847 or under this Order with reference to the harbour and harbour undertaking shall come into operation unless and until the same have been confirmed by the Minister of Transport and that confirmation shall be sufficient for all purposes. Provided also that in the case of any byelaws which the said Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the said Minister and the allowance and confirmation of any such byelaws by the Minister of Transport or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

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(3) All penalties under any byelaws made under this section shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Appoint-
ment of
officers &c.

49.—(1) The Town Council may appoint and pay and remove at their discretion officers and servants for the purposes of the harbour and harbour undertaking.

(2) The Town Council may also appoint officers for securing the observance of the byelaws and regulations made by the Town Council under this Order in respect of the harbour and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Officers
exempt
from rates.

50. 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.

Copy of
Act to be
registered.

51.—(1) The company shall deliver to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and he shall retain and register the same. If such copy is not delivered within three months from the commencement of this Order the company shall incur a penalty not exceeding two pounds for every day after the expiration of the said three months during which the default continues and any director or manager of the company who knowingly and wilfully authorises such default shall incur the like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the said registrar by the company on such copy being registered the fee of five shillings.

Crown
rights.

52. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Town Council or any other body or person 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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53. The following provisions of the Act of 1858 and the Order of 1881 shall be and the same are hereby repealed (that is to say) :—

Repeal of certain provisions of Act of 1858 and Order of 1881.

Act of 1858—

- Section XV. (Application of monies received on account of rates);
 - Section XVI. (Sinking fund);
 - Section XVII. (Application of rates after redemption of monies borrowed);
 - Section XVIII. (Sinking fund for extraordinary purposes);
 - Section XIX. (Power to lease rates);
 - Section XXVI. (Power to borrow on the security of the rates);
 - Section XXVII. (Register of assignments to be kept);
 - Section XXVIII. (Assignations may be transferred as in Schedule (F));
 - Section XXIX. (Assignations to be personal property);
 - Section XXX. (Board of Trade may appoint an auditor to examine accounts);
 - Section XXXI. (Security to be taken from all officers intrusted with money);
 - Section XXXII. (Officers to account);
 - Section XXXIII. (Remedy against officers failing to account);
 - Section XXXIV. (Commitment not to discharge sureties); and
- Schedules (E) and (F).

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Order of 1881—

- Section 15 (Board of Trade may reduce rates);
- Section 16 (Annual account to be sent to Board of Trade);
- Section 21 (Power to make byelaws);
- Section 22 (Power to borrow); and
- Section 23 (Application of receipts).

Costs of
Order.

54. All costs charges and expenses of or incident to the preparing for obtaining and confirmation of this Order including the costs charges and expenses of the Trustees which latter costs charges and expenses shall not exceed the sum of one hundred pounds shall be paid by the Town Council out of any moneys to be borrowed for that purpose under the powers of this Order or out of the contingent harbour assessment by this Order authorised or out of any of their funds but shall be ultimately charged to the account of the harbour and harbour undertaking.

The SCHEDULE referred to in the foregoing Order. A.D. 1933.

Half-yearly payments of £86 6s. representing instalments of purchase price and interest thereon referred to in the section of this Order of which the marginal note is "As to payment of purchase price."

No. of Instalment.	Instalment of Principal.			Interest.			Total Half-yearly Payment.		
	£	s.	d.	£	s.	d.	£	s.	d.
1	26	6	0	60	0	0	86	6	0
2	26	16	7	59	9	5	86	6	0
3	27	7	4	58	18	8	86	6	0
4	27	18	3	58	7	9	86	6	0
5	28	9	5	57	16	7	86	6	0
6	29	0	9	57	5	3	86	6	0
7	29	12	5	56	13	7	86	6	0
8	30	4	3	56	1	9	86	6	0
9	30	16	4	55	9	8	86	6	0
10	31	8	8	54	17	4	86	6	0
11	32	1	3	54	4	9	86	6	0
12	32	14	1	53	11	11	86	6	0
13	33	7	2	52	18	10	86	6	0
14	34	0	6	52	5	6	86	6	0
15	34	14	1	51	11	11	86	6	0
16	35	8	0	50	18	0	86	6	0
17	36	2	2	50	3	10	86	6	0
18	36	16	7	49	9	5	86	6	0
19	37	11	4	48	14	8	86	6	0
20	38	6	4	47	19	8	86	6	0
21	39	1	8	47	4	4	86	6	0
22	39	17	4	46	8	8	86	6	0
23	40	13	3	45	12	9	86	6	0
24	41	9	6	44	16	6	86	6	0
25	42	6	1	43	19	11	86	6	0
26	43	3	0	43	3	0	86	6	0
27	44	0	4	42	5	8	86	6	0
28	44	17	11	41	8	1	86	6	0
29	45	15	10	40	10	2	86	6	0
30	46	14	2	39	11	10	86	6	0
31	47	12	10	38	13	2	86	6	0
32	48	12	0	37	14	0	86	6	0
33	49	11	5	36	14	7	86	6	0
34	50	11	3	35	14	9	86	6	0
35	51	11	6	34	14	6	86	6	0
36	52	12	2	33	13	10	86	6	0
37	53	13	2	32	12	10	86	6	0

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No. of Instalment.	Instalment of Principal.			Interest.			Total Half-yearly Payment.		
	£	s.	d.	£	s.	d.	£	s.	d.
38	54	14	8	31	11	4	86	6	0
39	55	16	6	30	9	6	86	6	0
40	56	18	10	29	7	2	86	6	0
41	58	1	7	28	4	5	86	6	0
42	59	4	10	27	1	2	86	6	0
43	60	8	7	25	17	5	86	6	0
44	61	12	9	24	13	3	86	6	0
45	62	17	4	23	8	8	86	6	0
46	64	2	7	22	3	5	86	6	0
47	65	8	3	20	17	9	86	6	0
48	66	14	5	19	11	7	86	6	0
49	68	1	1	18	4	11	86	6	0
50	69	8	4	16	17	8	86	6	0
51	70	16	1	15	9	11	86	6	0
52	72	4	5	14	1	7	86	6	0
53	73	13	3	12	12	9	86	6	0
54	75	2	9	11	3	3	86	6	0
55	76	12	9	9	13	3	86	6	0
56	78	3	5	8	2	7	86	6	0
57	79	14	9	6	11	3	86	6	0
58	81	6	7	4	19	5	86	6	0
59	82	19	1	3	6	11	86	6	0
60	84	12	3	1	13	9	86	6	0
	3000	0	0	2178	0	0	5178	0	0

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