



## CHAPTER liv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Leith Harbour and Docks.      A.D. 1935.  
[2nd August 1935.]

**W**HEREAS 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) Acts 1899 and 1933 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.      Confirmation of Order in schedule.

2. This Act may be cited as the Leith Harbour and Docks Consolidation Order Confirmation Act 1935.      Short title.

A.D. 1935.

SCHEDULE.

LEITH HARBOUR AND DOCKS.

*Provisional Order to consolidate with amendments the Acts and Orders of or relating to The Commissioners for the Harbour and Docks of Leith and for other purposes.*

WHEREAS The Commissioners for the Harbour and Docks of Leith (hereinafter referred to as "the Commissioners") are vested in the undertaking of the harbour and docks of Leith as hereinafter described and in the management thereof:

And whereas the Acts and Orders set out in the First Schedule to this Order relating to the several matters and things in this Order mentioned are numerous and many of their provisions have been varied or superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with amendments into one Order:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933:

Now therefore in pursuance of the powers contained in the last-mentioned Acts 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 Leith Harbour and Docks Consolidation Order 1935.

Commencement of Order.

2. This Order shall commence and have effect on the date of the passing of the Act confirming the same

which date is hereinafter referred to as "the commencement of this Order." A.D. 1935.

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

Order  
divided into  
Parts.

- Part I.—Preliminary.
- Part II.—Incorporation of Commissioners and vesting of undertaking.
- Part III.—Election and meetings of Commissioners &c.
- Part IV.—Authorised works.
- Part V.—Rates.
- Part VI.—Warehouses warehousing of goods &c.
- Part VII.—Financial.
- Part VIII.—Accounts audit &c.
- Part IX.—Appointment of officers superannuation meters weighers &c.
- Part X.—Newhaven Harbour.
- Part XI.—Power to enact byelaws &c.
- Part XII.—Access Admission of the public Public quays &c.
- Part XIII.—Miscellaneous.

4. The Lands Clauses Acts and the sections of the Commissioners Clauses Act 1847 with respect to the liabilities of the Commissioners and to legal proceedings by or against the Commissioners with respect to the mortgages to be executed by the Commissioners excepting section 84 forming part of the sections last mentioned are so far as not varied or altered by this Order hereby incorporated with this Order and this Order shall be deemed to be a special Act within the meaning of those Acts. Incorporation of Acts.

5. The Harbours Clauses Act excepting section 12 sections 16 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and a tide gauge and barometer) sections 25 and 26 sections 49 and 50 and sections 79 and 80 of that Act is except where expressly varied by this Order incorporated with and forms part of this Order Partial incorporation of Harbours Clauses Act. Provided

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. that the expression " vessel " in section 28 of the Harbours  
--- Clauses Act shall include—

- (a) any floating dock or seaplane belonging to or employed in the service of His Majesty; and
- (b) any vessel of exceptional construction or method of propulsion belonging to or employed in the service of His Majesty :

Provided further that nothing in the Harbours Clauses Act or in this Order shall authorise the harbour master or other officer of the Commissioners to require a seaplane or any part thereof to be dismantled or any alteration modifying in any way its structure or equipment or otherwise affecting its airworthiness to be made.

This Order shall be deemed to be a special Act within the meaning of the Harbours Clauses Act.

Interpreta-  
tion.

6. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Order—

" Act of 1875 " means the Leith Harbour and Docks Act 1875;

" Act of 1913 " means the Leith Harbour and Docks Act 1913;

" City " means the city and royal burgh of Edinburgh;

" Clerk " means the clerk to the Commissioners for the time being;

" Collector " means the collector for the time being of the rates and charges leviable by virtue of this Order;

" Commissioners " means the Commissioners incorporated by or continued in office under this Order;

" Corporation " means the lord provost magistrates and council of the city;

" Electing bodies " means the Corporation the Company of Merchants of the City of

Edinburgh the Chamber of Commerce and Manufactures of Edinburgh and the Leith Chamber of Commerce; A.D. 1935.  
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- “Electors” means the electors as defined in the section of this Order of which the marginal note is “Election of Commissioners by shipowners and ratepayers”;
- “Existing Commissioners” means The Commissioners for the Harbour and Docks of Leith incorporated by the Act of 1875 and applies to the Commissioners acting under the repealed Acts;
- “Harbour and docks” means the port and harbour of Leith including the harbour of Newhaven and the harbours docks quays piers and whole other works and property included in the undertaking vested in the Commissioners by this Order and all future additions thereto and extensions thereof;
- “Harbour of Newhaven” means the harbour of Newhaven vested in the Commissioners by this Order and the works connected therewith and all future additions thereto and extensions thereof;
- “Harbour master” includes the superintendent of the harbour and docks and the harbour master and dock master appointed by and acting under the Commissioners for the time being;
- “Harbours Clauses Act” means the Harbours Docks and Piers Clauses Act 1847;
- “Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931;
- “Leith district of the city” means the district which prior to the commencement of the Edinburgh Boundaries Extension and Tramways Act 1920 formed the burgh of Leith;

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

- “ Order of 1919 ” means the Leith Harbour and Docks Order 1919;
- “ Order of 1925 ” means the Leith Harbour and Docks Order 1925;
- “ Port of Leith ” and “ port and harbour of Leith ” mean the harbour and docks;
- “ Precincts of the port ” means the area extending from the eastern to the western limits thereof mentioned in the section of this Order of which the marginal note is “ Undertaking vested in Commissioners ” and halfway across the Firth of Forth on the north;
- “ Repealed Acts ” means the Acts and Orders specified in the First Schedule to this Order;
- “ Returning officer ” means the returning officer at the elections to be held under the provisions of this Order;
- “ Seaplane ” includes a flying boat and any other aircraft designed to manœuvre on the water;
- “ Sheriff ” means the sheriff of the Lothians and Peebles and includes his substitutes or any one of them within the county of Midlothian;
- “ Steam vessel ” “ steam fish trawling vessel ” and “ steam tug ” mean respectively a vessel propelled by steam or other mechanical power a fish trawling vessel so propelled and a tug so propelled;
- “ Superintendent ” means the superintendent of the harbour and docks for the time being;
- “ Vessel ” except in Part III of this Order includes a seaplane.

Repeal of  
Acts &c.

7.—(1) Subject to the provisions of this Order the Acts and Orders specified in the First Schedule to this Order so far as not previously repealed are hereby repealed to the extent indicated in the third column of that schedule.

(2) All references to the repealed Acts or any of them in any other Act of Parliament or Order or other document shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

PART II.

A.D. 1935.

INCORPORATION OF COMMISSIONERS AND VESTING  
 OF UNDERTAKING.

8. Each of the persons holding office as a Commissioner at the commencement of this Order shall continue to hold that office during the remainder of his term of office under the repealed Acts unless he shall previously die or resign or become disqualified to be a Commissioner in terms of the provisions of this Order.

Existing Commissioners continued in office.

9.—(1) The Commissioners shall continue to be fifteen in number and shall be constituted of Commissioners elected as follows:—

Commissioners to continue incorporated and may hold harbour and docks.

By the Corporation	- - - - -	3
By the Company of Merchants of the City of Edinburgh	- - - - -	1
By the Chamber of Commerce and Manufactures of Edinburgh	- - - - -	1
By the Leith Chamber of Commerce	- -	1
By shipowners qualified as in this Order provided	- - - - -	3
By ratepayers at the harbour and docks qualified as in this Order provided	- -	6

(2) The several persons who from time to time are under this Order or any subsequent Act or Order amending or extending this Order holding office as Commissioners shall (subject to the provisions of any such subsequent Act or Order) continue incorporated by the name of "The Commissioners for the Harbour and Docks of Leith" and by that name continue and be a body corporate with perpetual succession and a common seal and by that name may sue and be sued and shall hold the harbour and docks vested in them by this Order and shall have power to purchase take on lease hold and dispose of land and other property for the purposes of and to put into execution the powers and provisions of this Order.

10. The harbour and docks as bounded and described in the charters title deeds or conveyances of the same

Undertaking vested in Commissioners.

A.D. 1935.

— within the limits between a point at Seafield toll-bar on the eastward of the former burgh of Leith videlicet a bridge beyond Seafield situated two thousand and eighty yards or thereby in a straight line from the face of the eastern quay wall of the Albert Dock Leith and Wardie Brow or Brae to the westward of Newhaven and comprehending therein the harbour of Newhaven with the whole rights privileges and pertinents of and the shore sands and beach belonging to the port of Leith and the harbour of Newhaven including the site of the Dalkeith and Leith Railway (now part of the London and North Eastern Railway) so far as the same is upon the said sands as also the western half of the open ground to form a passage from Bath Street of Leith to the sands of Leith including (as more fully described in the agreement between the Board of Trade and others and the existing Commissioners set out in the Eighteenth Schedule to this Order but only to the extent therein specified) the solum of the whole foreshore and bed of the sea between the said eastern and western limits and extending seawards to the northern boundary of the precincts of the port and (with the exception mentioned in the said agreement) all mines metals and minerals and all beds seams or veins of coal or stone or any metallic or other mineral substances in or under the same and all mines or quarries thereof but excepting from the same the Crown's general guardianship under the jus publicum of the public rights attaching to the waters and tidal lands situated within the said limits as far to seaward as the said northern boundary of the precincts of the port and without prejudice to the foregoing description the harbour and docks quays piers and whole other works thereof lands houses and other properties and rights whatsoever heritable and moveable (including the superiority of all lands feued by the existing Commissioners and their predecessors and now vested in the existing Commissioners but excepting certain parts of the shore ground aforesaid sold and disposed of by them absolutely to the Caledonian Railway Company (now the London Midland and Scottish Railway Company)) and machinery plant implements and goods of every description directly or indirectly connected with the harbour and docks and rents feu-duties and other revenues arising from the said properties all as vested in or belonging in any manner of way to the existing Commissioners together with the moneys in banks in their



names and in the name of the collector and arrears of rates and duties rents feu-duties and other revenue and debts of every description heritable as well as moveable owing to the existing Commissioners by any person or persons whomsoever and however incurred or constituted all as the same may stand immediately upon the commencement of this Order shall thereupon be and are hereby vested in the Commissioners for the purposes of this Order in like manner and to the same effect in every respect as if the title deeds and investitures of the harbour and docks and other subjects aforesaid and the rights whatsoever in or to the other property aforesaid had been conceived in favour or taken in the name of the Commissioners and that without any new conveyance investiture title or voucher whatsoever but subject always to the then existing debts liabilities engagements contracts obligations and undertakings of the existing Commissioners in any way relating thereto.

A.D. 1935.

11. The whole wharves docks jetties quays piers and the whole other works of the Commissioners as existing at the commencement of this Order and the works authorised to be constructed by the Commissioners under the section of this Order of which the marginal note is "Power to construct authorised works" shall be deemed to be within the city and city parish of Edinburgh.

Commis-  
sioners'  
works to be  
deemed to  
be in city.

### PART III.

#### ELECTION AND MEETINGS OF COMMISSIONERS &C.

12. The three Commissioners to be elected by the Corporation who may be members of the Corporation or not as the Corporation may determine shall hold office for three years from the third Tuesday in the month of November in the year of their election and shall be elected as follows :—

Election of  
Commis-  
sioners by  
Corpora-  
tion.

- (a) On a day in the month of November one thousand nine hundred and thirty-five not later than the third Tuesday in that month the Corporation shall elect a Commissioner in place of the Commissioner who would but for the operation of this Order have retired on the third Tuesday of November in that year;

A.D. 1935.  
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- (b) On a day in the month of November one thousand nine hundred and thirty-six not later than the third Tuesday in that month the Corporation shall elect a Commissioner in place of the Commissioner who would but for the operation of this Order have retired on the third Tuesday of November in that year;
- (c) On a day in the month of November one thousand nine hundred and thirty-seven not later than the third Tuesday in that month the Corporation shall elect a Commissioner in place of the Commissioner who would but for the operation of this Order have retired on the third Tuesday of November in that year;
- (d) Thereafter in each year on a day in the month of November not later than the third Tuesday in that month the Corporation shall elect a Commissioner in place of the Commissioner who shall retire on the third Tuesday in the month of November in that year.

Election of  
Commissioners by  
Merchant  
Company  
and Cham-  
bers of  
Commerce.

13.—(1) The Commissioner to be elected by the electing bodies (other than the Corporation) shall be elected by the members of such electing bodies respectively at a general meeting of the members of each of such electing bodies to be held in the month of November annually on a day not later than the third Tuesday in such month of November.

(2) The first election under this Order by such electing bodies respectively shall take place on a day not later than as aforesaid in the month of November one thousand nine hundred and thirty-five and the Commissioner to be elected by them respectively then and in every succeeding month of November shall hold office from the third Tuesday in the month of his election until the third Tuesday in November in the year following that in which he is elected.

Election of  
Commissioners by  
shipowners  
and rate-  
payers.

14. Subject to the provisions of the section of this Order of which the marginal note is "Qualification of persons to be elected as Commissioners by electors" the Commissioners to be elected by the shipowners and ratepayers in terms of this Order (all which shipowners and ratepayers are hereinafter called "electors") shall hold office for three years from the third Tuesday in the

month of November in the year of their election and shall be elected as follows :— A.D. 1935.

- (a) In the year one thousand nine hundred and thirty-five the electors qualified as shipowners shall elect one Commissioner and the electors qualified as ratepayers shall elect two Commissioners in place respectively of the three Commissioners who would but for the operation of this Order have retired in that year;
- (b) In the year one thousand nine hundred and thirty-six the electors qualified as shipowners shall elect one Commissioner and the electors qualified as ratepayers shall elect two Commissioners in place respectively of the three Commissioners who would but for the operation of this Order have retired in that year;
- (c) In the year one thousand nine hundred and thirty-seven the electors qualified as shipowners shall elect one Commissioner and the electors qualified as ratepayers shall elect two Commissioners in place respectively of the three Commissioners who would but for the operation of this Order have retired in that year;
- (d) Thereafter in each year the electors qualified as shipowners shall elect one Commissioner and the electors qualified as ratepayers shall elect two Commissioners in place respectively of the three Commissioners who in terms of this section retire in that year;
- (e) All elections under this section shall take place in the month of November on a day not later than the third Tuesday in that month at the places and in the manner hereinafter prescribed.

15.—(1) Every person of full age and not subject to any legal incapacity and every corporation or company incorporated by royal charter or under the Companies Act 1929 or otherwise or firm trustee or body of trustees testamentary or otherwise judicial factor or other public or private official residing or having their place of business (or in the case of a

Qualifica-  
tion of  
shipowners  
and rate-  
payers.

A.D. 1935.

corporation or company incorporated as aforesaid their registered office) within the United Kingdom whose name or names individually or whose corporation name company name or firm name or the name of whose trust shall on the fifteenth day of May immediately preceding each election by the electors appear in the books of the Custom House at Leith as owner or part owner to the extent of one hundred tons or upwards of or in any vessel or vessels registered at the port of Leith for which rates exigible under the Tenth Schedule to this Order shall have been paid during the year ending on such fifteenth day of May; and

(2) Every such person corporation company or firm trustee body of trustees judicial factor or other public or private official who shall during the year ending on such fifteenth day of May have paid four pounds or more of rates exigible by virtue of this Order in respect of vessels or goods under the Ninth and Tenth Schedules to this Order;

shall be qualified to be an elector under this Order.

Names &c.  
of rate-  
payers to be  
furnished.

16.—(1) Every person whether owner shipmaster importer exporter consignee agent or other representative and every corporation company or firm or trustee or body of trustees who shall on and after the sixteenth day of May in any year pay any of the rates on goods and shipping by this Order authorised to be levied shall at the time of payment or within eight days thereafter furnish to the collector a true statement in writing of the names designations residences and places of business of the corporation company firm trustee or body of trustees or person or several persons by or on whose behalf such rates are paid (who as owners consignees importers exporters or otherwise are the actual payers of the rates and not the shippers carriers or agents as such) and if on behalf of more than one corporation company or firm trustee or body of trustees or person or persons aforesaid the amount paid on behalf of each.

(2) Every such person shall if required by the collector furnish evidence of the accuracy of such state-

ment by exhibition of ship's manifests bills of lading freight accounts and invoices or copies thereof or such other document or documents as shall afford such evidence. A.D. 1935.  
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(3) Every person who shall refuse neglect or fail to furnish such statement and (when required) such evidence shall for every such offence be liable to a penalty not exceeding ten pounds and the Commissioners may detain any vessel or craft within the harbour and docks belonging to the defaulter or of which he is charterer agent or otherwise representative until such statement shall be furnished :

Provided always that—

- (a) such statement and evidence shall not in any year commencing on the sixteenth day of May be required for the purpose aforesaid in respect of any person after having paid in such year four pounds or of any corporation company firm trustee or body of trustees or several persons aforesaid after having paid in such year twenty pounds of the rates aforesaid as computed and entered in the register for elections to be kept in pursuance of the next following section of this Order; and
- (b) in case any person or others aforesaid having their office or place of business in the Leith district of the city shall elect to permit a clerk or assistant in the collector's department to have access to his or their books and the documents aforesaid during ordinary business hours for the purpose of taking therefrom the information required by such statement the Commissioners may authorise such arrangements during their pleasure on payment to them of a charge for the services of such clerk or assistant to be agreed on but not being more than five pounds per annum payable in advance.

17.—(1) The collector shall from the information to be furnished as required by the immediately preceding section of this Order and other sources of information available to him within his office cause to be entered Register for elections to be kept.

A.D. 1935. — in a book to be kept in his office and called “register for elections” the name designation residence and place of business of every person corporation company firm trustee and body of trustees or others by whom or on whose behalf such rates shall have been paid as aforesaid and the date of each payment and the amount paid on each separate occasion until the rates paid by or on behalf of individual persons in each year shall amount to four pounds and those paid by corporations or others aforesaid shall in each year amount to twenty pounds Provided always that no single item of rates on either goods or shipping paid on behalf of any person or others aforesaid at any one time (although paid along with and at the same time as other rates) of a less amount than two shillings shall be computed or taken into account on entering the payment of rates in the said register.

(2) The said register shall be open to inspection in the collector’s office at all reasonable times during the hours of business.

(3) Between the fifteenth day of May and the fifteenth day of July in every year the collector shall make up from the books of the Custom House at Leith (to which the officers of the Customs shall be bound to afford him and his assistants access for the purpose at all reasonable times during the hours of business) a list of the registered owners of vessels qualified or appearing to be qualified as aforesaid in respect thereof including therein corporations companies and firms joint owners and bodies of trustees whose ownership of tonnage as aforesaid shall appear sufficient to afford qualification to one or more members of such corporations or companies or one or more partners of such firms or one or more of such joint owners or trustees and specifying the amount of tonnage owned by such corporations and others respectively.

(4) The collector shall also make up during the above-mentioned period in every year from the register to be kept as hereinbefore provided a list of all persons corporations companies and firms bodies of trustees and others qualified or appearing to be qualified as aforesaid in respect of the payment of rates.

18.—(1) (a) Where any firm trustee or body of trustees shall in respect of payment of rates on goods be qualified to be an elector in terms of this Order and where the amount of rates paid by such firm trustee or body of trustees during the year ending the fifteenth day of May immediately preceding each election shall amount to the sum of four pounds or more such firm trustee or body of trustees may prior to the date fixed for revising the lists of electors in terms of this Order intimate to the returning officer the name or names of one or more of the partners or trustees as the case may be (but not exceeding five in number all of whom shall be resident within the United Kingdom) on whose behalf such payment has been made.

(b) Such payment shall be deemed to have been made by the partner or partners trustee or trustees so named and each such partner or trustee as the case may be shall in place of but not in addition to such firm or body of trustees be deemed to be an elector qualified as a ratepayer under this Order in the same manner as if such payment had been made by him as an individual. Provided that the amount of rates paid by such firm trustee or body of trustees is sufficient to afford the qualification of four pounds to each of the partners or trustees whose name shall be so intimated.

(c) In case the rates paid by such firm or trustees shall not afford the requisite qualification to all the partners or trustees named in such notice as many of such partners or trustees in the order therein named as shall be afforded such qualification by the apportionment of the total amount of such rates between or among them shall be deemed the persons qualified in respect of the rates paid by such firm or body of trustees.

(2) For the purposes of this section where two or more individual persons shall appear in the register for elections kept in terms of the preceding section of this Order as having jointly paid eight pounds or more of rates within the year ending the fifteenth day of May immediately preceding each election such individual persons shall be deemed a firm within the meaning and for the purposes of this section and the relative provisions of this Order.

(3) Intimations to the returning officer under this section may be made by notice in the form of the Second

A.D. 1935.  
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Partners  
of firms  
trustees &c.  
qualified as  
electors  
(rate-  
payers).

A.D. 1935. — Schedule to this Order which notice may be signed on behalf of the firm or body of trustees making the intimation by any one partner of such firm or any one of such body of trustees Provided that when more than one intimation under this section is received by the returning officer from any one firm or any one body of trustees the person named in the first notice received by him shall be deemed to be the elector qualified in terms of this section.

Members of corporations and incorporated companies qualified as electors (rate-payers).

19.—(1) (a) Where any corporation or company incorporated by royal charter or under the Companies Act 1929 or otherwise shall in respect of payment of rates be qualified to be an elector in terms of this Order and where the amount of rates paid by such corporation or company during the year ending on the fifteenth day of May immediately preceding the election shall amount to the sum of four pounds or more such corporation or company may prior to the date fixed for revising the list of electors in terms of this Order intimate to the returning officer the name or names of the person or persons (not exceeding five in number all of whom shall be members of such corporation or company and resident within the United Kingdom) on whose behalf such payment has been made.

(b) Such payment shall be deemed to have been made by the person or persons so named and each such person shall in place of but not in addition to such corporation or company be deemed to be an elector qualified as a ratepayer under this Order in the same manner as if such payment had been made by him as an individual Provided the amount of rates paid by such corporation or company shall be sufficient to afford the qualification of four pounds to each such person whose name shall be so intimated.

(c) In case the rates paid by such corporation or company shall not afford the requisite qualification to all the members of such corporation or company named in such notice as many of such members in the order therein named as shall be afforded such qualification by the apportionment of the total amount of such rates between or among them shall be deemed the persons qualified in respect of the rates paid by such corporation or company.

(2) Intimations to the returning officer under this section may be made by notice in the form of the Third



Schedule to this Order which notice may be signed on behalf of the corporation or company making the intimation by a recognised official of the corporation or company Provided that when more than one intimation under this section is received by the returning officer from any one corporation or company the person named in the first notice received by him shall be deemed to be the elector qualified in terms of this section. A.D. 1935.

20.—(1) Where any firm or body of trustees shall in respect of ownership of tonnage and payment of rates be qualified to be an elector under this Order and the proportion of tonnage owned by the partners of such firm or the members of such body of trustees shall appear in the books of the Custom House at Leith each such partner or trustee as the case may be (but not in any case more than five individuals all of whom shall be resident in the United Kingdom) whose share in such ownership shall amount to one hundred tons or more shall be an elector qualified as a shipowner under this Order in place of but not in addition to such firm or body of trustees. Partners of firms and trustees qualified as electors (ship-owners).

(2) (a) Where the proportion of tonnage owned by each such partner or trustee does not appear in the books aforesaid such firm or body of trustees may prior to the date fixed for revising the lists of electors in terms of this Order intimate to the returning officer the proportion of tonnage owned by each such partner or trustee.

(b) Each such partner or trustee as the case may be (but not in any case more than five individuals all of whom shall be resident within the United Kingdom) whose share in such ownership shall amount to one hundred tons or more shall be an elector qualified as a shipowner under this Order in place of but not in addition to such firm or body of trustees.

(c) In case the tonnage owned by such firm or trustees shall not afford the requisite qualification to all the partners or trustees named in such notice as many of such partners or trustees in the order therein named as shall be afforded such qualification by the apportionment of the total amount of such tonnage between or among them shall be deemed the persons qualified in respect of the rates paid by such firm or body of trustees.

A.D. 1935.

(3) Where two or more persons otherwise qualified as an elector appear in the books aforesaid as joint owners of or in any vessel or vessels such persons shall be deemed a firm for the purposes of this section and the relative provisions of this Order.

(4) Intimations to the returning officer under this section may be made by notice in the form of the Fourth Schedule to this Order which notice may be signed on behalf of the firm or body of trustees making the intimation by any one partner of such firm or by any one of such body of trustees Provided that when more than one intimation under this section is received by the returning officer from any one firm or any one body of trustees the person named in the first notice received by him shall be deemed to be the elector qualified in terms of this section.

Members of corporations and incorporated companies qualified as electors (ship-owners).

21.—(1) (a) Where any corporation or company incorporated by royal charter or under the Companies Act 1929 or otherwise shall in respect of ownership of tonnage and payment of rates be qualified to be an elector under this Order such corporation or company may prior to the date fixed for revising the list of electors in terms of this Order intimate to the returning officer the names of not more than five members of such corporation or company resident within the United Kingdom.

(b) Each member so named shall be an elector qualified as a shipowner under this Order in place of but not in addition to such corporation or company Provided always that the total tonnage owned by such corporation or company and registered in terms of this Order shall be sufficient to afford a tonnage qualification of one hundred tons in respect of each member so named by such corporation or company.

(c) In case the tonnage owned by such corporation or company shall not afford the requisite qualification to all the members of such corporation or company named in such notice as many of such members in the order therein named as shall be afforded such qualification by the apportionment of the total amount of such tonnage between or among them shall be deemed the persons qualified in respect of the rates paid by such corporation or company.

(2) Intimations to the returning officer under this section may be made by notice in the form of the Fifth Schedule to this Order which notice may be signed on behalf of the corporation or company making the intimation by a recognised official of such corporation or company. Provided that when more than one intimation under this section is received by the returning officer from any one corporation or company the person named in the first notice received by him shall be deemed to be the elector qualified in terms of this section.

A.D. 1935.  
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22.—(1) The clerk whom failing such other person as the Commissioners may appoint shall be returning officer for the elections by the electors in the month of November annually.

Returning officer for and expenses at elections.

(2) In case of any returning officer dying or from any cause becoming unable to act before the completion of any election the Commissioners shall appoint another person in his place and pending such appointment any deputy or substitute appointed under the hand of the returning officer whose appointment shall have been intimated in writing to the Commissioners shall perform the duties of returning officer.

(3) All expenses to be incurred by the Commissioners and the returning officer and persons appointed and employed by him at and in connection with such elections including reasonable remuneration to the returning officer and other persons shall be defrayed by the Commissioners.

23.—(1) On or before the fifteenth day of July in each year the collector shall transmit the lists made up by him in accordance with the provisions of this Order to the returning officer for the then ensuing election.

Lists of electors to be made up and revised.

(2) The returning officer shall verify such lists if and in such way as he shall think proper and shall thereafter prepare lists of all persons appearing to be qualified in accordance with the provisions of this Order and shall cause such lists to be printed typewritten or stencilled and put up in a place at or within the office of the collector accessible to the public during ordinary business hours to remain where so put up during the currency of the notice in this section mentioned.

(3) The returning officer shall revise such lists at a time and at a place within the Leith district of the city

A.D. 1935. — to be fixed by him (such time not being later than the twentieth day of September preceding the election) of which time and place he shall give at least six days' notice by advertisement in two newspapers published in the city in which shall also be specified the place where such lists may be seen.

(4) In revising such lists the returning officer shall consider any notices relative thereto communicated to him in accordance with the provisions of this Order and shall receive any evidence tendered to him in support of or in opposition to the qualification of any person whose name or names shall appear in such lists or any member or members of any corporation or company or any partner or partners of any firm or any member or members of any body of trustees or joint owners of a vessel or vessels whose name or names shall appear therein and in support of or in opposition to any claim then made by any person whose name shall not so appear and shall determine upon the same and adjust and certify complete lists of all persons qualified in accordance with the provisions of this Order distinguishing by asterisk marks thereon the persons qualified to be elected Commissioners in accordance with the section of this Order of which the marginal note is "Qualification of persons to be elected as Commissioners by electors":

Provided always that if any shipowner or ratepayer shall before such lists are revised intimate in writing to the returning officer that he desires to have his name omitted therefrom the same shall be omitted accordingly or if already inserted therein shall be struck out.

Revised lists of electors to be published.

24. On or before the third day of October immediately preceding every election the returning officer shall cause a copy of the lists as revised adjusted and certified to be put up as hereinbefore provided and shall by advertisement inserted once in two newspapers published in the city give notice of the place where the same may be seen and the said copy shall remain so put up and accessible as aforesaid for one week after the publication of such notice.

Shipowner or ratepayer may appeal to sheriff.

25.—(1) Any shipowner or ratepayer aggrieved in consequence of his name not being included in such revised lists may on or before the eighth day of such month of October appeal to the sheriff who shall on

presentation of such appeal appoint the appellant and the returning officer or agents for them to attend and afford such explanations and exhibit such documents as they may think proper for or against the appellant's claim.

A.D. 1935.  
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(2) The sheriff upon the information thus afforded shall dispose of such appeal within one week after the lodging thereof by sustaining or dismissing the same or by adding or refusing to add the appellant's name to such lists as he shall think fit and his decision shall be final.

26. The lists revised adjusted and certified as aforesaid with the additions or alterations if any made by the sheriff shall be deemed to be the register of electors for the election to take place in November following the publication thereof and the persons in such lists shall be deemed to be the electors qualified as shipowners and ratepayers respectively.

Register of electors as finally settled.

27.—(1) Every person who shall be thus qualified as an elector shall unless disqualified by the section of this Order of which the marginal note is "Disqualification of Commissioners" be qualified to be elected a Commissioner by either the shipowners or the ratepayers in such lists provided such person shall reside in the city or in the county of Midlothian within ten miles measured on the Ordnance map from the Custom House at Leith.

Qualification of persons to be elected as Commissioners by electors.

(2) The persons so qualified to be elected Commissioners who shall be distinguished in the lists by the asterisk mark referred to in the section of this Order of which the marginal note is "Lists of electors to be made up and revised" shall be deemed the only persons capable of being elected by the electors as Commissioners subject always to the provisions relating to disqualification contained in this Order.

28. The following rules shall be observed with respect to every election by the electors:—

Rules to be observed at elections.

(1) The returning officer shall preside and regulate the procedure at and conduct the election and his decision upon every question which shall arise thereat shall be final:

A.D. 1935.  
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- (2) After the fifteenth day of October annually the returning officer shall appoint a time and a place within the Leith district of the city for the nomination of candidates for election by the electors such time not being earlier than the third Tuesday of October nor later than the fourth Tuesday of October and shall give notice of such time and place and of the hour or hours (not exceeding two) within which the nomination is to take place by advertisement once in two newspapers published in the city at least one week before the time so appointed:
- (3) Any elector qualified as a shipowner may nominate for election as a Commissioner to be elected by shipowners any other elector qualified to be elected a Commissioner and such nomination may be seconded by any other elector qualified as a shipowner:
- (4) Any elector qualified as a ratepayer may nominate for election as a Commissioner to be elected by ratepayers any other elector qualified to be elected a Commissioner and such nomination may be seconded by any other elector qualified as a ratepayer:
- (5) A nominator or seconder shall not be disqualified for so nominating or seconding by reason of his being a Commissioner in office:
- (6) If in either case no more candidates are nominated than the number to be elected in any year the candidate or candidates nominated shall be deemed elected as Commissioners to hold office from the third Tuesday of November in that year and the returning officer shall sign a declaration of the election of such candidates which shall be sufficient evidence thereof and shall forthwith publish the names of the persons so elected once in two newspapers published in the city notwithstanding that any candidate so declared to be elected may have declined to accept his election or may have died resigned or become disqualified or

incompetent to act before the date of such A.D. 1935.  
declaration or advertisement: —

- (7) If a candidate declared to be elected in pursuance of the immediately preceding subsection of this section shall decline to accept his election or die or resign or become disqualified or incompetent to act before the third Tuesday in November following his nomination the Commissioners shall after such third Tuesday fill up the vacancy so resulting in manner provided by the section of this Order of which the marginal note is "Filling up of occasional vacancies":
- (8) If in either case more candidates are nominated than the number to be elected the returning officer shall order a poll:
- (9) When a poll is required the returning officer shall direct the same to be taken at such place within the Leith district of the city on such days (not being less than two nor more than six) and during such hours as he may appoint but not less than ten or more than twenty-one clear days (including Sundays) shall intervene between the day of nomination and the first of the days appointed for taking the poll.

29. The following rules shall be observed with respect to taking the poll at every contested election:— Rules as to taking polls.

- (1) The returning officer shall appoint a presiding officer or officers for the election and such number of polling clerks as he may deem sufficient and cause proper polling books and everything else necessary for taking the poll to be provided and such presiding officer or officers shall conduct the taking of votes at the election:
- (2) Each elector qualified as a shipowner or as a ratepayer shall be entitled to give one vote only for a candidate or each candidate to be elected as a Commissioner by shipowners or ratepayers respectively (notwithstanding that the name of such elector may appear more

A.D. 1935.  
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than once in the list of electors qualified as shipowners or more than once in the list of electors qualified as ratepayers) but the same elector qualified both as a shipowner and as a ratepayer shall be entitled to vote once as a shipowner in respect of a candidate nominated by shipowners and once as a ratepayer in respect of a candidate nominated by ratepayers :

- (3) The votes shall be given either personally or by means of voting papers in the form set forth in the Sixth Schedule to this Order or to the like effect and no elector shall be allowed to vote in any other way than personally or by means of such voting papers. Each voting paper shall have the number of the elector as appearing in the register of electors printed or written thereon. Before a voting paper is issued to an elector as hereinafter provided it shall be marked with an official mark either stamped or perforated and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the elector to denote that a voting paper has been issued to him :
- (4) The poll at the polling place shall be opened for personal voting from ten o'clock in the forenoon until four o'clock in the afternoon on the first of the appointed days :
- (5) (a) Not later than the seventh day after the day of nomination the returning officer shall issue simultaneously through the post to each elector to his address as entered on the register of electors a voting paper or voting papers as the case may be in the form prescribed. Each voting paper shall bear the name or names or description (as the case may be) and the address of the elector and shall be accompanied by a letter of intimation in the form set forth in the Seventh Schedule to this Order or to the like effect the signature to which may be printed and by an envelope addressed to the returning officer ;



A.D. 1935.

(b) Each elector upon receipt of his voting paper if he desires to vote in the election shall either vote personally or insert in the voting paper the name of the candidate or candidates for whom he votes and the place and date of signature and affix his signature thereto in the presence of one witness who shall personally know the voter and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned by signing his name at the foot thereof and adding his designation and place of residence in the form set forth in the Sixth Schedule to this Order or to the like effect;

(c) Where any corporation company firm or body of trustees is the elector such voting paper may be signed on behalf of the elector by one recognised official of such corporation or company or by one partner of such firm or one of such body of trustees and the expressions "the voter" and "the elector" when used in this section and in the Sixth and Seventh Schedules to this Order shall include the person so signing;

(d) Any corporation or company may vote personally at any election by an official of such corporation or company who is qualified in terms of this Order to sign a voting paper for such corporation or company and any firm or body of trustees may vote personally by any one partner of such firm or any one member of such body :

- (6) The voting paper so signed and attested as aforesaid if the elector desires to vote in the election otherwise than personally shall be returned through the post to the returning officer so as to reach him not later than ten of the clock on the morning of the day on which the poll closes :
- (7) If an elector is by blindness or other physical cause incapacitated from voting by means of a voting paper in the manner prescribed by this

A.D. 1935.  
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Order he may either vote personally or may record his vote by voting paper by the hand of a justice of the peace if such justice of the peace shall by attestation written upon the voting paper issued to such elector certify and attest the fact of his having been requested and authorised by the elector to sign such voting paper for him and of its having been so signed by him in presence of the elector :

- (8) (a) An elector who has not received a voting paper or who has inadvertently spoilt his voting paper or who has lost or destroyed his voting paper may on his transmitting to the returning officer a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt the spoiling loss or destruction of the voting paper require the returning officer to send him a new voting paper in place of the one not received spoilt lost or destroyed ;

(b) The returning officer upon receiving such an application at any time before the day on which the poll begins shall deliver to such elector or transmit to him to the address as appearing on the register of electors a new voting paper ;

(c) When any voting paper is returned to the returning officer from the Dead Letter Office in consequence of the address not being in conformity with the address on the register of electors he may re-issue such voting paper to the address on the register :

- (9) No voting paper shall be counted which—

(a) contains the names of more candidates than the elector is entitled to vote for at such election ;

(b) in the opinion of the returning officer has not been issued by him or is wanting in any of the essential conditions required by this Order ;

(c) does not reach the returning officer before ten of the clock on the morning of the day on which the poll closes :

A.D. 1935.  
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(10) On the days and during the hours directed by the returning officer the voting papers shall be opened and examined by him and the voting papers found to be regular shall be counted and put apart until the end of the poll :

(11) Any candidate or one agent of each candidate authorised by him in writing may be in attendance at the poll and during the casting up of the votes and may inspect any voting paper or challenge any personal vote before the same shall be counted and may so challenge or object to any personal vote or voting paper on one or more of the following grounds :—

(a) That the elector named in the voting paper or voting personally has already exercised at that election his powers of voting under this Order ;

(b) That the person giving a vote by the voting paper or voting personally is not qualified to vote ;

(c) That the voting paper is forged or falsified ;

(d) That the voting paper is wanting in any of the essential conditions required by this Order ;

and the returning officer may reject or receive any vote or voting papers and his decision on all questions arising in connection therewith shall be final :

(12) The presiding officer or officers shall cause to be noted in the polling books which shall contain a copy of the list of electors the candidate or candidates for whom each elector votes :

(13) (a) At the close of the poll the presiding officer or officers shall deliver the polling books to the returning officer who shall cast up the votes and declare the total number given for each candidate ;

(b) The candidate or candidates having the largest number of votes shall be deemed to be

A.D. 1935.

elected and in any case of equality in votes the returning officer shall determine by lot which of the candidates shall be declared elected;

(c) The returning officer shall sign a declaration of such election which shall be conclusive evidence thereof and shall forthwith publish the names of the persons elected once in two newspapers published in the city;

(d) The persons so elected shall hold office as Commissioners from the third Tuesday of November in that year as provided in the section of this Order of which the marginal note is "Election of Commissioners by shipowners and ratepayers."

Provision  
for double  
elections.

30. If it shall happen that the same person shall be elected a Commissioner by any two or more of the electing bodies or the electors such person shall at or before the first meeting of the Commissioners after the elections decide in respect of which of such elections he shall be a Commissioner or failing his doing so the Commissioners shall at such meeting determine the same and on the determination thereof by him or them the other election or elections of such person shall become void and the vacancy or vacancies so created shall be filled up in the same manner as is provided in the section of this Order of which the marginal note is "Filling up of occasional vacancies."

Disqualifica-  
tion of Com-  
missioners.

31. No member of the Corporation other than a Commissioner elected by the Corporation shall be capable of being a Commissioner under this Order and any person who after his election or appointment as a Commissioner shall become a member of the Corporation and any person who after his election as Commissioner shall accept or hold any office or place of profit under the Commissioners or participate in the profits of any work done by order of the Commissioners or be concerned or participate in the profits of any contract entered into with the Commissioners shall thenceforth cease to be a Commissioner and his office shall thereupon become vacant Provided always that no Commissioner shall vacate his office by reason of his being a shareholder in any insurance company with which the Commissioners may effect any policy or enter

into any contract or of any joint stock company supplying water gas or electricity to the Commissioners or by reason of his being interested in any loan of money to the Commissioners but no Commissioner shall be entitled to vote on any question relating to the execution of this Order or the affairs of the Commissioners wherein such company in which he is a shareholder is interested or on any question connected therewith or on any question relating to any such loan and if he do so vote his vote shall not be counted and he shall be liable to a penalty not exceeding twenty pounds.

A.D. 1935.  
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32. Any person—

- (a) wilfully making a false statement in any notice to the returning officer in pursuance of the provisions of this Order;
- (b) falsely or fraudulently signing any voting paper in the name of or personating or falsely assuming to act in the name of any other person either as an elector or as a voter or as a witness;
- (c) signing certifying or attesting or transmitting as genuine any false or falsified voting paper knowing the same to be false or falsified or with fraudulent intent altering defacing destroying withholding or abstracting any voting paper;

Penalty for false statements &c. at elections.

shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding twenty pounds.

33.—(1) If any Commissioner shall decline to accept his election or die or resign or become disqualified or incompetent to act or cease to be a Commissioner from any other cause than that of going out of office by rotation or in regular course as provided by this Order every such vacancy shall be filled up in manner following:—

Filling up of occasional vacancies.

- (a) Where such Commissioner shall have been elected by the electors the remaining Commissioners elected by them (including those elected by both shipowners and ratepayers) shall within one month after the vacancy elect a person duly qualified according to the lists of electors used at the immediately

A.D. 1935.  
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preceding election in his stead Provided always that such election shall be made at a meeting of such remaining Commissioners to be called by the clerk for that purpose and held within the board room of the Commissioners on a day and at an hour to be fixed by him during such month of which and of the right of nomination after mentioned he shall give at least six days' notice in two newspapers published in the city and that any of the electors (being shipowners or rate-payers as the case may be) qualified according to such lists to have nominated an elector to fill any such vacancy at such preceding election shall be entitled to nominate for election any person qualified according to such lists to be elected by lodging such nomination with the clerk not later than the day preceding the election;

(b) In every other case the electing body by whom such Commissioner shall have been elected shall within two months after the vacancy elect another person in his stead.

(2) If any of the electing bodies by this Order authorised to elect Commissioners annually shall neglect or fail so to elect a Commissioner or Commissioners or if any of the electing bodies or Commissioners aforesaid by this Order authorised to fill up vacancies occurring otherwise than by rotation or in regular course shall neglect or fail to fill up any such vacancy within the period before provided it shall be lawful for the Commissioners in office at the time at their first meeting after the expiry of the period before provided to elect a Commissioner or Commissioners to fill up such vacancy.

(3) A Commissioner elected in terms of this section shall continue in office so long and so long only as the person whose place he is elected to fill would have been entitled to continue in office.

Meetings of  
Commis-  
sioners.

34.—(1) The Commissioners shall hold a meeting once in every month except the month of August for the transaction of their general business and such meetings shall be held on such day of each month as they shall

from time to time appoint and notice of such meeting shall be sent by post or be delivered to each Commissioner at least twenty-four hours before the time of meeting.

A.D. 1935.  
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(2) Special meetings of the Commissioners may at any time be called by the clerk at the request of any two Commissioners for any special purpose or purposes to be intimated in the notices calling such special meeting which notices shall in like manner be sent by post or delivered to each Commissioner at least twenty-four hours before the meeting and no business shall be considered at such special meeting other than that which shall be so intimated unless by leave of such meeting.

35.—(1) (a) The Commissioners shall at a special meeting called for the purpose as soon as convenient after the completion of the election in each year choose one of their number to be their chairman to preside at every meeting of the Commissioners from the date of his election as chairman until the last meeting of the Commissioners preceding the annual election of Commissioners in any year or for such shorter period as the Commissioners may fix.

Chairman of meetings of Commissioners.

(b) In the absence of the chairman from any meeting of the Commissioners (including a meeting held for the purpose of filling occasional vacancies in terms of this Order) one of the Commissioners present shall be chosen by such meeting to be chairman thereof and shall as such preside thereat.

(2) Each Commissioner shall be entitled to one vote and in case of an equality of votes on a division at any meeting of the Commissioners (including a meeting held for the purpose of filling occasional vacancies in terms of this Order) the chairman thereof shall in addition to his own vote have a casting vote.

36. No order or resolution of the Commissioners made or passed at any of their meetings shall be altered or revoked at any subsequent meeting unless notice of a motion or proposal to alter or revoke the same shall have been given in the card or circular calling such subsequent meeting or unless the consideration of such motion or proposal shall be agreed

Orders at meetings not to be altered without notice.

A.D. 1935. — to at such subsequent meeting by a majority of the whole of the Commissioners.

Quorum of Commissioners and power to adjourn.

37. At every meeting of the Commissioners five shall be a quorum and every such meeting may be adjourned by the Commissioners present thereat (whether a quorum or not) to such time as they may think fit not beyond the next monthly meeting of the Commissioners.

Quorum of meeting of elected Commissioners for filling occasional vacancies.

38. At any meeting of the remaining Commissioners elected by the electors held in pursuance of the section of this Order of which the marginal note is "Filling up of occasional vacancies" a majority of such remaining Commissioners shall form a quorum.

Appointment and quorum of committees.

39.—(1) The Commissioners may appoint committees of their number and conveners of such committees for carrying into effect any of the provisions of this Order and for discharging any duties incident thereto and may confer on them such powers and give them such instructions or directions as shall appear to the Commissioners expedient.

(2) Three members of any such committee shall be a quorum except when such committee shall consist of all the Commissioners when the quorum shall be five.

(3) The convener of each committee shall have a deliberative and in the case of equality a casting vote.

Proceedings not to be invalid by vacancies.

40. No proceeding of the Commissioners or of any committee of Commissioners shall be invalidated or be illegal in consequence of there being any vacancy in the number of Commissioners at the time of such proceeding.

Proceedings to be valid although defect in election.

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



42. The officers and servants of the existing Commissioners shall be the officers and servants of the Commissioners until removed and shall be subject to the provisions of this Order as regards both their past and future conduct and acts and all bonds or securities for such conduct and acts granted to the existing Commissioners shall be and remain valid and may be enforced by the Commissioners to the same extent and effect that such bonds or securities might have been enforced by the existing Commissioners if the Act confirming this Order had not been passed.

A.D. 1935.  
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Officers of  
Commis-  
sioners to  
continue.

43. Subject to the section of this Order of which the marginal note is "Form of bond and mortgage for exercise of borrowing powers" every deed and writing whatsoever to be executed by the Commissioners shall be deemed and held to be the deed of and to have been duly executed by the Commissioners if sealed with the corporate seal of the Commissioners and signed at and in the presence of a meeting of the Commissioners as follows where the same consists of only one page by the chairman of such meeting and at least four others of the Commissioners present at such meeting and where the same consists of more than one page then by the chairman of such meeting upon each page and by at least four others of the Commissioners present thereat upon the last page any law or practice to the contrary notwithstanding Provided always that no Commissioner shall by signing any deed or writing as such be held to have incurred any individual or personal responsibility.

Form of  
executing  
deeds by  
Commis-  
sioners.

#### PART IV.

##### AUTHORISED WORKS.

44. Subject to the provisions of this Order the Commissioners may as and when they shall determine make and maintain in the lines and according to the levels shown on the plans and sections deposited with the sheriff clerk of the county of Midlothian (in this section referred to respectively as "the deposited plans and sections") relating to (a) the Act of 1913 (as altered in the manner shown on the deposited plans and sections relating to the Order of 1919 and the Order of 1925) (b)

Power to  
construct  
authorised  
works.

A.D. 1935. — the Order of 1919 and (c) the Order of 1925 respectively the works hereinafter described with all proper approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans respectively and described in the books of reference relating to and deposited with such plans respectively as may be required for those purposes.

The works hereinbefore referred to are—

Originally authorised by the Act of 1913 and shown as Work No. 5 on the deposited plans relating to that Act—

Work No. 1 A pier or breakwater commencing at a point on the sea wall or reclamation embankment on the northern side of the Imperial Dock four hundred feet or thereabouts measured in a north-easterly direction from the north-west corner of the Imperial Dock extending thence in a northerly and north-westerly direction for a distance of four thousand feet or thereabouts and terminating at a point one thousand three hundred feet or thereabouts measured in a northerly direction from the seaward end of the pier known as the West Pier of Leith.

Originally authorised by the Act of 1913 and shown as Work No. 4 on the deposited plans relating to that Act and altered by the Order of 1919 and shown on the deposited plans relating to that Order—

Work No. 2 A pier or breakwater commencing at a point nine hundred feet or thereabouts measured in a north-westerly direction from the seaward end of the said West Pier of Leith and extending in a northerly direction for a distance of four hundred feet or thereabouts and terminating at a point one thousand two hundred feet or thereabouts measured in a north-westerly direction from the seaward end of the said West Pier of Leith.

Originally authorised by the Order of 1919 and shown on the deposited plans relating to that Order—

Work No. 3 A breakwater or reclamation wall on the western side of the harbour and docks commencing at or near the western end of the pier

or breakwater protecting the harbour of Newhaven on the north extending thence in a northerly direction for a distance of one thousand and fifty feet or thereabouts and thence in a north-easterly direction for a distance of two thousand nine hundred and forty feet or thereabouts and terminating at a point (being the commencement of the pier or breakwater Work No. 2 in this section above described) nine hundred feet or thereabouts measured in a north-westerly direction from the seaward end of the said West Pier of Leith and the filling up of all or some part of the area proposed to be embraced within or lying to the south and south-east of the line of such breakwater or reclamation wall.

Originally authorised by the Order of 1925 and shown as Work No. 1 on the deposited plans relating to that Order—

Work No. 4 A reclamation wall or embankment on the East Sands of Leith commencing at or near a point on the existing sea wall or reclamation embankment on the northern side of the Imperial Dock five hundred and twenty feet or thereabouts measuring in a northerly direction from the north-east corner of the Imperial Dock thence extending in a north-easterly direction for a distance of one thousand three hundred and thirty feet or thereabouts thence extending in a south-easterly direction for a distance of two thousand three hundred and fifty feet or thereabouts and thence extending in a southerly direction for a distance of two thousand four hundred feet or thereabouts and terminating at or near a point on the aforesaid sea wall or reclamation embankment eastward of the Edinburgh Dock one thousand five hundred and seventy feet or thereabouts measuring in an easterly direction from the north-east corner of the Edinburgh Dock and the filling up of all or some part of the area within the limits to be embraced by such reclamation wall or embankment and the aforesaid sea wall or reclamation embankment.

A.D. 1935.

— Originally authorised by the Order of 1925 and shown as Work No. 2 on the deposited plans relating to that Order—

Work No. 5 A wet dock on the East Sands of Leith within the area to be enclosed by the reclamation wall or embankment Work No. 4 before described the said wet dock commencing at a point four hundred and eighty feet or thereabouts measuring in a south-easterly direction from the south-east corner of the Imperial Dock and three hundred and ninety feet or thereabouts measuring in a northerly direction from the north-west corner of the Edinburgh Dock thence proceeding in a straight line in a south-easterly direction for a distance of one thousand eight hundred and fifty feet or thereabouts to a point seven hundred and seventy feet or thereabouts measuring from the north-east corner of the Edinburgh Dock thence proceeding in a straight line in a north-easterly direction for a distance of two hundred feet or thereabouts thence proceeding in a straight line in a north-westerly direction for a distance of one thousand six hundred feet or thereabouts to a point six hundred and seventy feet or thereabouts measuring in a north-easterly direction from the point of commencement and thence proceeding partly in straight lines and partly in a curve to the said point of commencement and there terminating the said wet dock having a water-way entrance passage from a point near the north-east corner of the Imperial Dock four hundred and fifty feet or thereabouts in length and ninety feet or thereabouts in width and having an opening bridge across such passage.

Originally authorised by the Order of 1925 and shown as Work No. 3 on the deposited plans relating to that Order—

Work No. 6 A diversion of the three foot nine inch main drainage sewer pipe of the Corporation commencing at a point on the said pipe at the foot of the existing sea wall or reclamation embankment on the northern side of the

Edinburgh Dock two hundred and forty feet or thereabouts north-eastward of the north-east corner of the Edinburgh Dock and terminating at or about low water mark alongside the outfall of the five foot sewer of the Corporation. A.D. 1935.

All of which works will be situate in or adjoin the county of Midlothian the city and the city parish of Edinburgh.

45. The Commissioners may in the execution of the works described in the section of this Order of which the marginal note is "Power to construct authorised works" deviate laterally from the lines of such works within the limits of lateral deviation marked on the plans deposited with reference to the Act of 1913 the Order of 1919 and the Order of 1925 respectively and they may deviate from the levels of the said works as shown on the sections deposited with reference to that Act and those Orders respectively to any extent not exceeding five feet Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade. Power to deviate.

46. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the works described in the section of this Order of which the marginal note is "Power to construct authorised works" shall cease on the sixteenth day of April one thousand nine hundred and thirty-eight. Period for compulsory purchase of lands.

47. The Commissioners may acquire by agreement for extraordinary purposes connected with their undertaking in addition to lands authorised to be compulsorily taken by the section of this Order of which the marginal note is "Power to construct authorised works" or already belonging to the Commissioners any quantity of land not exceeding ten acres but nothing in this Order shall exempt the Commissioners from any interdict action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. Purchase of lands by agreement.

48. And whereas in the construction of the Works Nos. 4 5 and 6 referred to in the section of this Order of which the marginal note is "Power to construct authorised works" or otherwise in exercise of the powers of this Order it may happen that portions only of the Owners may be required to sell parts only of certain properties.

A.D. 1935.

houses or other buildings or manufactories shown on the deposited plans relating to the Order of 1925 may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Eighth Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the tribunal to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Commissioners the portions only of the premises so required without the Commissioners being obliged or compellable to purchase the whole or any greater portion thereof the Commissioners paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Contribution by Commissioners to maintenance of streets in Leith district of city.

49. The Commissioners in addition to their existing obligation to maintain and repair certain streets in the Leith district of the city shall immediately after the opening to public traffic of the Works Nos. 2 and 3 referred to in the section of this Order of which the marginal note is "Power to construct authorised works" pay the sum of one thousand pounds to the Corporation as a contribution towards the future maintenance and repair of the streets forming accesses to the port of Leith.

For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1919.

50. For the protection of the Corporation the following provisions shall unless otherwise agreed upon in writing between the Commissioners and the Corporation have effect (that is to say) :—

- (1) Where either of the Works Nos. 2 and 3 described in the section of this Order of which the marginal note is "Power to construct authorised works" (in this section referred to as "the works") passes over under or by the side of or so as to interfere with any sewer or drain under the jurisdiction or control of the Corporation or

A.D. 1935.  
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shall in any way affect the sewerage or drainage of the city the Commissioners shall make good any damage which may be caused by the works :

- (2) If any such sewer or drain shall be silted up in consequence of the construction of the works the Commissioners shall during or for twelve months after the construction of such of the works as cause such silting up clean out such sewer or drain :
- (3) The Commissioners shall at their own expense provide—
  - (a) new sewers or substituted sewers for existing sewers of the Corporation removed or rendered useless by the Commissioners in the construction of the works ;
  - (b) works or other means for affording protection to and preventing injury or impediment to any such sewer or drain by or by reason of the works or any part thereof during the construction of the works For the purposes of this subsection the Corporation shall afford to the Commissioners all reasonable facilities and when required by the Commissioners shall at the reasonable expense of the Commissioners exercise their powers in relation to the construction of sewers and works connected therewith :
- (4) Such new or substituted sewers or other works shall be constructed to the reasonable satisfaction of the Corporation and be of such size in such situation and shall have such manholes for convenient access thereto in such positions as the Corporation may reasonably require and such new or substituted sewers or other works shall be maintained and repaired by the Commissioners :
- (5) All such works shall be done under the supervision of the Corporation if they think fit to give the same and all reasonable costs charges and expenses thereby occasioned shall be paid to the Corporation by the Commissioners on demand provided that if the Corporation fail or neglect to give such supervision after notice in writing

A.D. 1935.

from the Commissioners of the date upon which they intend to commence such works the Commissioners may commence and complete such works without such supervision :

- (6) Such new or substituted sewers or other works shall after completion be as fully and completely under the direction jurisdiction and control of the Corporation (who shall have free access to the same at all reasonable times) as any other sewers or drains now belonging to them :
- (7) Except as otherwise expressly so provided by this Order nothing in this Order shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested in the Corporation but all such rights powers and authorities shall be as valid and effectual as if the Act confirming this Order had not been passed :
- (8) At least twenty-one days before the Commissioners commence any of the works the execution of which will in any way interfere with or affect any sewer or drain belonging to the Corporation the Commissioners shall submit to the Corporation plans sections working drawings and specifications showing the manner in which the proposed works are to be executed and also the means to be employed for protecting and making good any injury or damage or interference with such sewer or drain for their approval and if the Corporation do not within twenty-one days after the receipt of the said plans sections working drawings and specifications intimate to the Commissioners their approval or disapproval of the same the Commissioners may proceed to carry out the works in accordance with such plans sections working drawings and specifications but if within the said period the Corporation shall disapprove the said plans sections working drawings and specifications the same shall be referred to arbitration as hereinafter in this section provided :
- (9) If any difference shall arise between the Corporation and the Commissioners under this section such difference shall be referred to the deter-



mination of a single arbiter to be mutually agreed upon by the Corporation and the Commissioners or failing agreement to be appointed on the application of either of them by the sheriff.

A.D. 1935.

51. The following provisions for the protection of the Corporation shall unless otherwise agreed upon in writing between the Commissioners and the Corporation apply and have effect (that is to say):—

For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1925.

(1) The Commissioners shall construct the Works Nos. 4 5 and 6 described in the section of this Order of which the marginal note is "Power to construct authorised works" (in this section referred to as "the works") or any part thereof so as to secure during the construction of the works to the reasonable satisfaction of the Corporation that (a) the sewer constructed under the provisions of the Edinburgh and Leith Sewerage Act 1864 (hereinafter in this section referred to as "the 1864 sewer") and (b) the sewer constructed under the provisions of the Water of Leith Purification and Sewerage Act 1889 (hereinafter in this section referred to as "the 1889 sewer") shall except as in this section otherwise provided continue in operation as fully and freely and unimpaired as if the Act confirming this Order had not been passed:

(2) When constructing the works the Commissioners shall stop up and discontinue the 1864 sewer so far as situated within the area to be enclosed by the reclamation wall or embankment (being the said Work No. 4) (hereinafter in this section referred to as "the reclamation wall or embankment") and shall in lieu thereof and prior to the same being so stopped up and discontinued construct the diversion of sewer (being the said Work No. 6) and a storm water overflow chamber on that sewer at or near the point where the said sewer is carried underneath the reclamation wall or embankment (the said diversion of sewer and storm water overflow chamber being hereinafter in this section collectively referred to as "the diverted sewer") which diverted sewer shall be of not less carrying capacity than

A.D. 1935.  
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the 1864 sewer and shall be constructed on the line of the said diversion of sewer as shown on the deposited plans relating to the Order of 1925 or on such other line as may be agreed on between the Commissioners and the Corporation :

- (3) When constructing the works the Commissioners shall remove that portion of the 1889 sewer which extends from the Esplanade northwards to the existing outfall or discharge thereof into the sea and the existing storm water overflow chamber in connection therewith and shall in lieu thereof construct a new or substitute sewer and a new storm water overflow chamber on that sewer at or near the point where the said sewer is carried underneath the reclamation wall or embankment (the said new or substitute sewer and new storm water overflow chamber being hereinafter in this section referred to as "the substitute sewer") which substitute sewer shall be of not less carrying capacity than the portion of the 1889 sewer situated to the south of the existing storm water overflow chamber and shall be constructed on the line of the existing sewer or on such other line as may be agreed on between the Commissioners and the Corporation :
- (4) The Commissioners shall provide such manholes for affording access to the diverted sewer and the substitute sewer as the Corporation may reasonably require :
- (5) The Commissioners shall carry the diverted sewer and the substitute sewer northwards into the sea so that the outfalls or discharges thereof shall be one hundred yards seawards from the northern line of the reclamation wall or embankment or of a line in prolongation thereof south-eastwards or such less distance as shall be agreed in writing by the Corporation Provided that the Corporation shall not be bound to submit any question under this subsection to arbitration :
- (6) In constructing the works the Commissioners shall make such provision as the Corporation may reasonably require for the temporary and

permanent protection of the diverted sewer and the substitute sewer and the free and uninterrupted use thereof and for proper and convenient access to the same or any part thereof and the Commissioners shall not construct any building over the diverted sewer or over the substitute sewer without previous written notice being given to the Corporation and the Commissioners shall in constructing any such building execute at their own expense such works as the Corporation may reasonably deem necessary for the protection of the diverted sewer or of the substitute sewer :

- (7) At least forty-two days before commencing the construction of the diverted sewer or of the substitute sewer inclusive in each case of the seawards extension thereof in this section provided (which works are hereinafter in this section referred to as "the said works") the Commissioners shall submit to the Corporation through the town clerk plans sections working drawings and specifications thereof showing the lines and levels of the said works and the mode of constructing the same for the reasonable approval of the Corporation and if the Corporation do not within forty-two days after the receipt of the said plans sections working drawings and specifications intimate in writing to the Commissioners their approval or disapproval of the same the Commissioners may proceed to carry out the said works in accordance therewith but if the Corporation shall disapprove the said plans sections working drawings and specifications or any of them the same shall failing adjustment thereof to the reasonable satisfaction of the Corporation be referred to arbitration as hereinafter in this section provided :
- (8) The said works shall be constructed carried on and completed by the Commissioners in strict conformity with the said plans sections working drawings and specifications at the sole risk and cost of the Commissioners under the supervision (if given) and to the reasonable satisfaction of the Corporation :

A.D. 1935.  
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- (9) The Commissioners shall pay to the Corporation the reasonable costs charges and expenses which the Corporation may incur in connection with the construction of the said works including any reasonable expenses which the Corporation may incur for such supervision :
- (10) The Commissioners shall make good any damage and relieve the Corporation from all claims for damage of whatever nature which may be caused by the construction of the works and the Commissioners shall clean out the main outfalls or other sewers or conduits of the Corporation should they get silted up by or in consequence of any such operations during and for the period of twelve months after the execution of such operations :
- (11) The said works shall on completion thereof vest in the Corporation in the same way and to the same effect as if the same had been expressly authorised by the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 and had been constructed under the provisions of that Order provided that for the period of twelve months from and after the date of such completion the Commissioners shall to the reasonable satisfaction of the Corporation make good any defects in and maintain the said works and in the event of the said works in so far as the same are situated to seaward of the reclamation wall or embankment being at any time damaged by storm or tempest or stress of exceptional weather or by any vessel or sea craft or wreckage or by any other sea risk the Commissioners shall free and relieve the Corporation of the cost of making good such damage :
- (12) The Corporation shall at all reasonable times and in a reasonable manner have free access for their engineers inspectors workmen and others to the lands and property of the Commissioners for the purposes of inspection and of carrying out such works (including the haulage or transport of material) as they may from time to time deem necessary for the repair enlargement or renewal of the said works and also (a)

for the construction of such new sewers and relative works as may be required from time to time and (b) for the construction repair enlargement or renewal and use of such screens detritus tanks and other relative works as may be necessary for the purpose of screening or otherwise treating or dealing with the sewage carried by the said works before it is discharged into the sea and (c) for the removal of sludge or other material from the said screens detritus tanks or other relative works Provided that any works referred to in paragraph (a) of this subsection shall only be constructed by the Corporation in accordance mutatis mutandis with the provisions of section 170 (For protection of Dock Commission) of the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 and any servitude on or under the lands and property of the Commissioners required for such works shall mutatis mutandis be acquired by the Corporation under the provisions of the said section 170 :

- (13) The Corporation shall for the purposes of the construction maintenance and use of the screens detritus tanks and other relative works referred to in the immediately preceding subsection of this section be entitled to occupy and use a piece or pieces of land not exceeding in the aggregate two acres in extent forming part of the area reclaimed by the construction of the reclamation wall or embankment and the position of the said piece or pieces of land shall be determined by agreement or failing agreement by arbitration as hereinafter in this section provided and the Corporation shall be entitled to obtain occupation of the said piece or pieces of land for the purposes aforesaid on giving six months' prior intimation in writing to the Commissioners Provided that the said piece or pieces of land so to be occupied shall adjoin the reclamation wall or embankment and shall remain the property of the Commissioners and that the Corporation shall in respect of such occupation make payment to the Commissioners of ten shillings at the term of Whitsunday in each year so long as the Corporation

A.D. 1935.

shall remain in occupation of any part thereof Nothing in this subsection contained shall be construed to authorise the Corporation so to construct any works upon the said piece or pieces of land or so to conduct any operation on or in such works as to prevent or unreasonably interfere with the reasonable enjoyment by the Commissioners and the public of the undertaking of the harbour and docks of Leith other than the said piece or pieces of land as a public port and harbour :

- (14) As a contribution towards the cost of the said works the Corporation shall within one month after the date of the completion of the said works pay to the Commissioners the sum of thirty-five thousand pounds and for the purposes of this subsection the said works shall be deemed to be completed at a date to be certified by the engineer to the Corporation which certificate shall be granted without undue delay :
- (15) Except as by this Order otherwise expressly provided nothing in this Order contained shall prejudice limit restrict affect or extend any of the powers rights or authorities of the Corporation for preserving and protecting their sewers or other works and for securing the free and uninterrupted use thereof and the discharge of sewage therefrom :
- (16) Notwithstanding anything in this Order contained or shown upon the plans and sections deposited with reference to the Order of 1925 the Commissioners shall not under the powers of this Order interfere with enter upon take or use compulsorily the properties numbered 11 11a 11b and 12 on the said plans except so far as may be necessary for the construction of the said works :
- (17) The Commissioners shall provide and maintain a footpath with a good hard surface of a width of not less than ten feet along the top and on the seaward side of the reclamation wall or embankment throughout its entire length except at any point or points where the reclamation wall or embankment shall be otherwise occupied

under the provisions of the section of this Order of which the marginal note is "Agreement with War Department" at which point or points the said footpath shall be diverted. The said footpath shall on the seaward side be protected by a parapet not exceeding four feet six inches in height and on the landward side so long as required by the Corporation by a sufficient iron railing with double bars and the public shall have the right to use the said footpath subject to the provisions of the byelaws and regulations of the Commissioners :

A.D. 1935.

- (18) The footpath referred to in the immediately preceding subsection of this section shall be connected with the footpath along the seaward side of the existing road known as the Esplanade and if the Commissioners deem it necessary to construct a door or gate at the junction of the footpath first mentioned in this subsection with the Esplanade such door or gate shall remain open at such times as are provided by the byelaws and regulations of the Commissioners :
- (19) The Commissioners shall construct and maintain such steps or slipways from the reclamation wall or embankment to the sands at not less than two points thereon as may be agreed between the Commissioners and the Corporation :
- (20) Any question or difference which may arise between the Commissioners and the Corporation under this section shall be referred to an arbiter to be mutually agreed upon or failing agreement to be appointed by the sheriff on the application of either party.

52. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed in writing between the company and the Commissioners apply and have effect (that is to say) :—

For protection of London Midland and Scottish Railway Company.

- (1) Notwithstanding anything in this Order contained or shown on the plans and sections deposited with reference to the Act of 1913 or

A.D. 1935.  
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the Order of 1919 the Commissioners shall not under the powers of this Order without the previous consent in writing of the company enter upon take use or in any way alter or interfere either temporarily or permanently with any railways sidings land property or other works belonging to the company or in which the company are interested :

- (2) In constructing the Works Nos. 2 3 and 4 described in the section of this Order of which the marginal note is "Power to construct authorised works" the Commissioners shall alter renew lengthen or reconstruct and thereafter maintain any drains sewers or lines of pipes for conveying surface drainage or sewage from the property of the company which may be interfered with or affected by the said operations as such alteration renewal lengthening or reconstruction shall in the reasonable discretion of the company be considered necessary for adequately conveying the said drainage or sewage to the sea and shall construct and thereafter maintain such convenient and proper outfalls in connection with the said drains sewers or lines of pipes as the company may reasonably require :
- (3) Before commencing the said Works Nos. 2 3 and 4 or any of them or any operations affecting the drainage or sewerage of the land or property belonging to the company the Commissioners shall submit to the company so much of the plans sections working drawings and specifications thereof as may affect the lands and property of the company showing the manner in which the works or operations in connection with the alteration renewal lengthening or reconstruction of the said drains sewers or lines of pipes and the construction of outfalls in connection therewith are proposed to be carried out and the mode of execution thereof for the approval of the company which approval shall be deemed to have been given unless they signify in writing their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications :



(4) All the said works or operations shall be constructed carried on and completed with due dispatch by the Commissioners in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Commissioners and at the sight and to the reasonable satisfaction of the company and all such works shall be maintained repaired or renewed by the Commissioners in all time coming at their sole risk and cost and at the sight and to the reasonable satisfaction of the company :

A.D. 1935.

(5) Any question or difference between the Commissioners and the company arising under this section shall be determined by an arbiter to be agreed upon between the Commissioners and the company or failing agreement to be nominated by the Board of Trade on the application of either party.

53. Nothing in this Order contained shall take away alter abridge or prejudicially affect the rights and powers of the London Midland and Scottish Railway Company as successors of the Caledonian Railway Company under the agreement between the existing Commissioners and the said Caledonian Railway Company scheduled to and confirmed by the Caledonian Railway (Additional Powers) Act 1876 and without prejudice to the said agreement in the event of (a) the ground prolonged throughout the whole property of the Commissioners as existing at the commencement of this Order situated to the east of the public quay of the Edinburgh Dock of the Commissioners (which public quay extends between the face of the quay wall of the eastern end of the said dock and a line drawn parallel therewith from north to south at a distance of two hundred feet eastward thereof) being used or occupied by the Commissioners in whole or in part as yards or storage premises or for the erection thereon of warehouses sheds and other buildings and for machinery or other purposes connected with the trade of the port of Leith or (b) the Commissioners letting the said ground in whole or in part to tenants or lessees for all or any of those or the like purposes including the erection of warehouses for the reception and storage of grain and other goods the Commissioners shall leave open and unbuilt upon the

For further protection of London Midland and Scottish Railway Company.

A.D. 1935. — two suitable openings already provided each of sufficient width for two lines of rails on over and across the said ground for affording the said company access to the docks from the ground of the said company referred to in the said agreement.

Power to  
stop up  
footpath.

54. The Commissioners may stop up throughout its whole length the footpath along the bulwark or embankment on the north-west of the property belonging or reputed to belong to the London Midland and Scottish Railway Company lying to the west of the West Old Dock and thereupon all rights of way over that footpath shall be extinguished.

Power to  
stop up  
roads &c.

55. The Commissioners may stop up temporarily during the construction of the Works Nos. 4 5 and 6 described in the section of this Order of which the marginal note is "Power to construct authorised works" and permanently at any time after the completion of the reclamation wall or embankment part of the said Work No. 4—

- (a) that portion of the road known as the Esplanade commencing at the west side of the northern end of the road known as Albert Road and terminating at a point one thousand one hundred and sixty feet or thereabouts measured along the said Esplanade in a south-easterly direction from the point of commencement;
- (b) that portion of the Esplanade commencing at the point of termination of the portion of the Esplanade described in paragraph (a) of this section and terminating at the point where the Esplanade meets the Railway No. 2 authorised by and constructed under the powers of the North British Railway Act 1913 and the footway constructed under the provisions of subsection (1) (c) of section 27 (For protection of Leith Corporation) of the said Railway Act or so much of that portion of the Esplanade as the Commissioners shall from time to time deem necessary;
- (c) that portion of the said Albert Road on the southern side of the Edinburgh Dock commencing at the western side of the northern end

of Bath Road and terminating at the western side of the northern end of Constitution Place; and

A.D. 1935:  
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- (d) that portion of Constitution Place extending for thirty feet or thereabouts southward from the said Albert Road;

and thereupon all rights of way over the portions of roads so to be stopped up shall be extinguished :

Provided that the Commissioners shall so long as required by the Corporation so to do and to the reasonable satisfaction of the Corporation provide or secure and maintain for the use of the public access from Seafield Road to the sea and along the sea front by the existing means of access or by the substituted means of access following :—

- (i) A footpath commencing at the termination of that portion of the Esplanade described in and authorised to be stopped up under paragraph (a) of this section and terminating by a junction with the said footway constructed under the authority of the said section 27 of the said Railway Act whether the said footway shall continue to be maintained upon its present lines or levels or shall be diverted to other lines or levels The said footpath shall be situated upon the seaward side of the Esplanade or to the seaward thereof and shall be not less than seven feet six inches in width and have a good hard surface and if the said footpath shall be constructed to seaward of the Esplanade it shall also have on the seaward side thereof a parapet not exceeding four feet six inches in height;
- (ii) A slipway for access to the sands in substitution for the existing slipway;
- (iii) A continuation of the access for cart and foot traffic across the said Railway No. 2 as provided in subsection (1) (b) of the said section 27 of the said Railway Act over any rails that may be laid down upon the seaward side of the said Railway No. 2; and
- (iv) An extension of the footbridge provided under subsection (1) (a) of the said section 27 of the

A.D. 1935.  
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said Railway Act to afford access from Seafield Road to the said footpath and to the said footway and to the said slipway ;

and so soon as the Commissioners have provided or secured such substituted means of access all rights of way over the portions of the existing means of access for which the said substituted means of access are in substitution shall be extinguished.

For protec-  
tion of  
London and  
North  
Eastern  
Railway  
Company.

56. The following provisions for the protection of the London and North Eastern Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed in writing between the company and the Commissioners have effect (that is to say) :—

- (1) Notwithstanding anything in this Order contained or shown on the plans and sections deposited with reference to the Order of 1925 the Commissioners shall not under the powers of this Order without the previous consent in writing of the company enter upon take use or in any way alter or interfere either temporarily or permanently with any railways sidings land property or other works belonging to the company or in which the company are interested :
- (2) In constructing the Works Nos. 4 5 and 6 described in the section of this Order of which the marginal note is "Power to construct authorised works" the Commissioners shall alter renew lengthen or reconstruct any drains sewers or lines of pipes for conveying surface drainage or sewage from the property of the company which may be interfered with or affected by the said works as such alteration renewal lengthening or reconstruction shall in the reasonable discretion of the company be considered necessary for adequately conveying the said drainage or sewage to the sea and shall construct such convenient and proper outfalls in connection with the said drains sewers or lines of pipes as the company may reasonably require :
- (3) Before commencing the said Works Nos. 4 5 and 6 or any of them or any operations relative thereto the Commissioners shall submit to the company so much of the plans sections working

drawings and specifications thereof as may affect the land or property belonging to the company or the drainage or sewerage thereof showing the manner in which the works or operations in connection with the alteration renewal lengthening or reconstruction of the drains sewers or lines of pipes and the construction of outfalls in connection therewith are proposed to be carried out and the mode of execution thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless they signify in writing their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications :

- (4) All the works or operations referred to in subsection (3) of this section in so far as affecting the land and property of the company and the drainage and sewerage thereof shall be constructed carried on and completed with due dispatch by the Commissioners in strict conformity with the said plans sections working drawings and specifications so approved at the sole risk and cost of the Commissioners and to the reasonable satisfaction and under the superintendence (if given) of the company and all such works shall be maintained repaired or renewed by the Commissioners in all time coming at their sole risk and cost and to the reasonable satisfaction and under the superintendence (if given) of the company :
- (5) Nothing contained in this section shall prejudice or affect the provisions of section 28 (For protection of Leith Dock Commissioners) of the North British Railway Act 1913 in so far as these are applicable to the works or property of the company :
- (6) Any difference arising between the Commissioners and the company under this section shall be determined by an arbiter to be appointed on the application of either the Commissioners or the company by the President of the Institution of Civil Engineers.

A.D. 1935.

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For further  
protection  
of London  
and North  
Eastern  
Railway  
Company.

57. Nothing in this Order contained shall take away alter abridge or prejudicially affect the rights and powers of the London and North Eastern Railway Company as successors of the North British Railway Company under the agreement and the supplementary agreement between the existing Commissioners and the said North British Railway Company scheduled to and confirmed by the North British Railway (Additional Powers) Act 1876 and without prejudice to the said agreements in the event of (a) the ground prolonged throughout the whole property of the Commissioners as existing at the commencement of this Order situated to the east of the public quay of the Edinburgh Dock of the Commissioners (which public quay extends between the face of the quay wall of the eastern end of the said dock and a line drawn parallel therewith from north to south at a distance of two hundred feet eastward thereof) being used or occupied by the Commissioners in whole or in part as yards or storage premises or for the erection thereon of warehouses sheds and other buildings and for machinery or other purposes connected with the trade of the port of Leith or (b) the Commissioners letting the said ground in whole or in part to tenants or lessees for all or any of those or the like purposes including the erection of warehouses for the reception and storage of grain and other goods the Commissioners shall leave open and unbuilt upon the two suitable openings already provided or other suitable openings in lieu thereof each of sufficient width for two lines of rails on over and across the said ground for affording the said company access to the docks from the ground of the said company.

Facilities for  
sea views.

58.—(1) For the purpose of affording to the public facilities for obtaining sea views the Commissioners shall make and maintain—

- (a) such footpaths and accesses along the sea front of the Works Nos. 1 2 and 3 referred to in the section of this Order of which the marginal note is “ Power to construct authorised works ” ;
- (b) such steps or slipways from the said works to the sands or sea ;

as they may from time to time in their discretion think fit.

(2) Subject to the provisions of this Order the Commissioners may at any time close and remove such footpaths accesses steps or slipways or any of them as in the opinion of the Commissioners may prevent the full utilisation of the port of Leith and lands works and property of the Commissioners for the purposes of their undertaking or may prejudice the rights or powers of the Commissioners under their title deeds byelaws and regulations and this Order. A.D. 1935.

59.—(1) Subject to the provisions of the section of this Order of which the marginal note is “Reserving surface of quays” the Commissioners may upon lands or premises vested in them by this Order or to be acquired or reclaimed by them under this Order or upon the areas enclosed or embraced within the works described in the section of this Order of which the marginal note is “Power to construct authorised works” construct erect make provide and maintain on in over under or in connection with such lands premises areas and works and the existing works and undertaking of the Commissioners or any of them as they may from time to time deem requisite or expedient for the shipping and trade of the port of Leith and other traffic thereat— Power to make subsidiary works.

- (a) harbour or dock works dredged or deepened basins cuts and channels piers jetties quays wharves wharf walls river walls sheet and other piling parapets groynes and other protective works;
- (b) railways tramways sidings rails junctions stations bridges crossings turn-tables roads accesses approaches gates retaining and other walls sheds buildings offices warehouses stores vaults cellars bins (including bins on railway trucks) hoppers weighing machines timber ponds slipways shipping-places pontoons dry docks sluices landing stages staiths cranes coaltips elevators pumps transporters hydraulic and other lifts hoists drops dolphins buoys moorings beacons lighthouses slips stairs sewers drains water courses culverts pipes electric lines lighting and other works machinery plant fittings conveniences and appliances and electric hydraulic or other power Provided that any electric lines

A.D. 1935.  
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lighting electric power and other works shall be so constructed erected maintained and worked as to prevent any interference with any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General or with any telegraphic communication by means of any such line;

- (c) conveniences and appliances (1) for repairing vessels (2) for shipping and unshipping of ballast minerals grain and other goods and for the transmission thereof underground or overhead to or from warehouses or other premises (3) for dredging and (4) for any other purposes relating to the port of Leith which the Commissioners may deem requisite or expedient;
- (d) works for landing housing slaughtering and otherwise dealing with cattle imported in accordance with the provisions of the Diseases of Animals Acts 1894 to 1927 and the orders of the Minister of Agriculture and Fisheries or other laws regulations and orders relating thereto in force for the time being.

(2) Compensation in respect of injurious affection shall be made by the Commissioners to all persons whose lands or premises may be injuriously affected by the exercise of the powers by this section conferred.

Commis-  
sioners may  
carry on  
works &c.

60. The Commissioners may (subject to the provisions of the section of this Order of which the marginal note is "Agreement with War Department") carry on perform and do all such acts and things as they may from time to time deem requisite or expedient—

- (a) for maintaining repairing deepening dredging and cleansing the harbour and the docks or any of them and the approaches or channels leading thereto and for repairing maintaining renewing extending removing or altering the piers and the quays quay walls jetties and other works thereof and other properties whatsoever vested in the Commissioners as now or hereafter existing;
- (b) for using maintaining repairing renewing extending enlarging increasing adding to removing or



altering the works machinery conveniences  
appliances and other things authorised to be  
constructed erected made provided and main-  
tained by the section of this Order the marginal  
note of which is "Power to make subsidiary  
works."

A.D. 1935.  
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61. If there be any omission mis-statement or  
wrong description of any lands or of the owners lessees or  
occupiers of any lands shown on the plans deposited with  
reference to the Act of 1913 the Order of 1919 or the  
Order of 1925 or specified in the books of reference  
relating to and deposited with such plans respectively the  
Commissioners after giving ten days' notice to the owners  
lessees and occupiers of the lands in question may apply  
to the sheriff for the correction thereof and if it appears  
to the sheriff that the omission mis-statement or wrong  
description arose from mistake he shall certify the same  
accordingly and he shall in his certificate state the  
particulars of the omission and in what respect any such  
matter is mis-stated or wrongly described and such  
certificate shall be deposited with the sheriff clerk for the  
county of Midlothian and a duplicate thereof shall also  
be deposited with the town clerk of the city and such  
certificate and duplicate respectively shall be kept by  
such sheriff clerk and town clerk respectively with the  
other documents to which the same relate and thereupon  
the said deposited plans and books of reference shall be  
deemed to be corrected according to such certificate and  
it shall be lawful for the Commissioners to take the lands  
and execute the works in accordance with such certificate.

Correction  
of errors in  
deposited  
plans and  
books of  
reference.

62. Subject to the provisions of this Order any of  
the works described in the section of this Order of which  
the marginal note is "Power to construct authorised  
works" to be constructed on over or under tidal lands  
below high-water mark of ordinary spring tides shall  
be constructed only in accordance with such plans and  
sections and subject to such restrictions and regulations  
as previous to such works being commenced have been  
approved by the Board of Trade in writing under the  
hand of one of the secretaries under secretaries or assistant  
secretaries of the Board of Trade Any alteration or  
extension of any such works shall be subject to the like  
approval If any such work be commenced or completed  
contrary to the provisions of this section the Board of

Works  
below high-  
water mark  
to be subject  
to approval  
of Board of  
Trade.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. — Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly.

Lights on works during construction.

63. The Commissioners shall at or near the works below high-water mark of ordinary spring tides described in the section of this Order of which the marginal note is "Power to construct authorised works" during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

64. The Commissioners shall at the outer extremity of their works below high-water mark of ordinary spring tides exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct. If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Life-buoys to be kept.

65. The Commissioners shall at all times keep at convenient places on the works vested in or constructed by them under this Order below high-water mark of ordinary spring tides and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use.

Survey of works by Board of Trade.

66. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a

debt due from the Commissioners to the Crown and be recoverable accordingly. A.D. 1935.

67. If a work constructed by the Commissioners on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly. Abatement of work abandoned or decayed.

68. In case of injury to or destruction or decay of the works of the Commissioners or any part thereof 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 Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. Provision against danger to navigation.

69. The Commissioners shall not construct any work on any shore bed of the sea or other land over which a right of salmon fishing belongs to His Majesty without having previously paid to the Commissioners of Crown Lands compensation for any injury which the works described in the section of this Order of which the marginal note is "Power to construct authorised works" may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown Lands and the other by the Commissioners or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section The Commissioners shall further make compensation for any damage or injury which may be sustained by His Majesty or his tenants in respect of any right of salmon fishing through the exercise of the powers of Compensation for damage to salmon fishings.

A.D. 1935. — this Order although the work causing such damage or injury may be constructed elsewhere than on any shore bed of the sea or other land over which a right of salmon fishing belongs to His Majesty and the amount of such compensation shall failing agreement be settled by arbitration as aforesaid. The charges and expenses of any such arbitration including the fees and expenses of the arbiters and oversman shall be paid by the Commissioners.

Works to be deemed vested in Commissioners.

70. Subject to the provisions of this Order the works described in the section of this Order of which the marginal note is "Power to construct authorised works" and the areas proposed to be enclosed or embraced within such works and the lands to be acquired therefor and the lands to be filled up or reclaimed by such works shall if and in so far as any part or parts thereof are not already vested in the Commissioners be deemed for all purposes including rating to be vested in the Commissioners by their titles to the port of Leith and by this Order and shall be deemed to be part of the port of Leith and the whole powers rights and authorities of the Commissioners shall apply to and may be exercised therein and with respect thereto as fully and freely in all respects as in other parts of the port of Leith.

## PART V.

### RATES.

Commissioners to levy rates on goods and shipping &c.

71. It shall be lawful for the Commissioners and they are hereby authorised to demand levy collect and receive—

- (a) from the owners proprietors or consignees of all goods merchandise wares or commodities whatsoever which shall be imported into or exported from the port of Leith or into or from any place within the precincts of the port in any ship vessel bark boat lighter or in floating docks or vessels of exceptional construction or method of propulsion or otherwise the rates specified in the Ninth Schedule to this Order;
- (b) from the owners agents or managers of every ship vessel bark boat or lighter coming into

or going out of the port of Leith or any place within the precincts of the port the rates on vessels specified in the Tenth Schedule to this Order.

A.D. 1935.

The rates specified in the said Ninth and Tenth Schedules shall be demanded levied collected and received subject to and in conformity with the regulations contained in the Eleventh Schedule to this Order—

- (c) from every person company or body whomsoever who shall use the dry or graving docks now existing or hereafter to be constructed at the port of Leith the several rates specified in the Twelfth Schedule to this Order; and
- (d) from every person company or body whomsoever using any cranes capstans jiggers weighing machines rails sheds quays cattle sheds yards and storage ground now existing or hereafter to be constructed or provided at the port of Leith the several rates applicable thereto respectively specified in the Thirteenth Schedule to this Order.

72.—(1) Subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any order made in pursuance thereof the Commissioners may demand levy collect and receive on and in respect of seaplanes entering or using the port of Leith such reasonable rates as may from time to time be approved by the Minister of Transport after consultation with the President of the Air Council which rates shall be in lieu of the rates leviable by the Commissioners under this Order on and in respect of vessels.

Rates on  
seaplanes  
&c.

(2) The Commissioners may demand levy collect and receive on and in respect of floating docks or vessels of exceptional construction or method of propulsion entering or using or departing from the port of Leith such reasonable rates as may from time to time be fixed by the Commissioners.

73. The Commissioners may make a charge of not exceeding one shilling in respect of each passenger who uses the quays of the port of Leith on any occasion of landing from or embarking on any vessel which lies in the Firth of Forth and does not enter the harbour and docks Provided that the maximum charge to be made in respect

Charges for  
passengers  
in certain  
cases.

A.D. 1935. — of any passenger landing from or embarking on any such vessel on more than one occasion in any day of twenty-four hours shall be two shillings.

Rates on  
goods  
exported  
foreign.

74. Notwithstanding anything contained in the sections of this Order of which the marginal notes respectively are "Commissioners to levy rates on goods and shipping &c." and "Commissioners may vary rates" or in the Ninth Schedule to this Order or in section 30 of the Harbours Clauses Act the Commissioners may in respect of any class or description of goods exported foreign from the port of Leith demand levy collect and receive such rates lower than those in force for the time being in pursuance of the said sections and of the Ninth Schedule to this Order as the Commissioners may from time to time by resolution fix :

Provided that—

- (a) such lower rates shall not be less than fifty per centum of the rates respectively in force for the time being for any such class or description of goods under the Ninth Schedule to this Order; and
- (b) for the purposes of this section the words "goods exported foreign" shall be construed as meaning goods exported in vessels falling under either Groups 3 4 or 5 of the Tenth Schedule (Branch I—Rates on vessels) to this Order.

Rates on  
coastwise  
goods.

75. Notwithstanding anything contained in the sections of this Order of which the marginal notes respectively are "Commissioners to levy rates on goods and shipping &c." and "Commissioners may vary rates" or in the Ninth Schedule to this Order or in section 30 of the Harbours Clauses Act the Commissioners may in respect of any class or description of goods imported or exported coastwise demand levy collect and receive such rates lower than those in force for the time being in pursuance of the said sections and of the Ninth Schedule to this Order as the Commissioners may from time to time by resolution fix :

Provided that—

- (a) any rates so fixed shall not be less than fifty per centum of the rates for the time being

charged in respect of goods imported or exported other than coastwise under the Ninth Schedule to this Order; and A.D. 1935.

- (b) for the purposes of this section the words "goods imported or exported coastwise" shall be construed as meaning goods imported or exported in vessels falling under either Group 1 or Group 2 of the Tenth Schedule (Branch I—Rates on vessels) to this Order.

76. Notwithstanding anything contained in the sections of this Order of which the marginal notes respectively are "Commissioners to levy rates on goods and shipping &c." and "Commissioners may vary rates" or in the Tenth Schedule to this Order or in section 30 of the Harbours Clauses Act the Commissioners may in respect of any vessels arriving at the port of Leith which shall load at the port of Leith only coal coke or cinders demand levy collect and receive either (1) the rates authorised by this Order or (2) such lower rates as the Commissioners may from time to time resolve. Provided that if any such vessel shall take on board goods other than (a) coal coke or cinders or (b) provisions for use on such vessel or land any goods or land or take on board any passengers such vessel may in the option of the Commissioners be charged the full rates at the time authorised by the Commissioners to be levied collected and received under this Order. Rates for vessels loading coal and other minerals only.

77. The Commissioners may in their option demand levy collect and receive in respect of any vessel from a port under either Group 4 or Group 5 specified in the Tenth Schedule (Branch I—Rates on vessels) to this Order entering the port of Leith and there loading or discharging part-cargo only and which vessel during the same voyage either has called or is to call at another port to load or discharge another portion of the cargo either (1) the rates prescribed by that schedule in respect of such group or (2) a rate not exceeding one shilling per register ton per inward or outward voyage. Provided that for the purposes of this section the words "part-cargo" shall be construed as meaning a portion of the cargo carried on the same voyage and not exceeding in number of tons gross weight the net registered tonnage Rates on part-cargo vessels.

A.D. 1935. — of such vessel with the addition of the tonnage of the space occupied by deck cargo.

Rates on vessels loading coal or provisions for vessel's use only.

78. Notwithstanding anything contained in the sections of this Order of which the marginal notes respectively are "Commissioners to levy rates on goods and shipping &c." and "Commissioners may vary rates" or in the Tenth Schedule to this Order or in section 30 of the Harbours Clauses Act and in addition to the powers conferred upon them by this Order the Commissioners may fix modified rates on vessels entering the port of Leith for the purpose only of taking on board for use on such vessel coal or coke or cinders or provisions and such modified rates may be higher or lower according to the number of days such vessel shall remain in the port of Leith Provided that such modified rates shall not exceed the rates for vessels prescribed by this Order Provided further that if such vessel shall take on board goods other than coal or coke or cinders or provisions all for use on such vessel or land any goods or land or take on board any passengers such vessel may in the option of the Commissioners be charged the full rates at the time authorised by the Commissioners to be demanded levied collected and received under this Order.

Newhaven Harbour rates.

79.—(1) For the purposes of the demanding levying collecting and receiving of rates and charges or for any other purposes relating to the administration and management of the port of Leith all steam fish trawling vessels steam tugs used for the time in fish trawling or fishing and all fishing smacks and boats and craft shall be deemed to have entered the harbour of Newhaven by coming within or alongside the piers or works thereof as the same now exist or may exist or be extended or by landing thereat or at any place within fifty yards thereof by landing their fish cargo thereat or within fifty yards thereof by lighter barge boat or other craft from such steam vessels smacks or other craft aforesaid.

(2) No fish or sea products shall without the written consent of the Commissioners be landed or discharged from such vessels tugs smacks boats or craft at any part of the seashore or beach within the precincts of the port beyond such fifty yards under a penalty of one pound sterling which shall be payable to the Commissioners by the owner or master of any such vessels tugs smacks



boats or craft from which any such fish or sea products shall be so landed or discharged for each contravention of the provisions of this section.

A.D. 1935.  
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(3) For the purposes of this section the Commissioners may from time to time by resolution include in the harbour of Newhaven any part of the port of Leith.

80. Subject to the provisions of this Order all goods not particularly mentioned in the Ninth Schedule to this Order shall be liable only to rates not exceeding the rates specified in the said schedule on such goods as in the judgment of the Commissioners may be nearest in description and value to such unenumerated goods.

Rates on  
goods not  
enumerated.

81. The Commissioners may—

Commis-  
sioners may  
vary rates.

- (1) from time to time vary the rates by this Order authorised to be levied or any of them by reducing or raising the same or one or more of them in such way and manner and to such extent as they deem expedient or necessary;
- (2) reduce or increase the rates on vessels from or to any place or places specified or embraced in the Tenth Schedule (Branch I—Rates on vessels) to this Order without altering the rates on vessels from or to any other place or places specified or embraced in the same group therewith in the said branch of such schedule;
- (3) reduce or increase the rates on vessels from or to any such place or places for the first or any subsequent voyage or voyages without reducing or increasing the rates on the same vessels on other voyages:

Provided always that—

- (a) no rates shall be increased to more than one-fourth above the amount leviable in conformity with this Order;
- (b) such rates shall at all times be charged equally to all persons in respect of vessels of the same class or description arriving from or sailing for the same place or places and in respect of the same class or description of goods and

A.D. 1935.

for and in respect of anything whatsoever for which such rates are exigible;

- (c) before any increase on the rates shall take effect at least twenty-one days' previous notice thereof shall be given in at least one newspaper published in the city.

Tonnage rates and other rates chargeable under this Order or by agreement.

82. The Commissioners may if they think fit demand and take the rates rents and charges authorised to be demanded and taken by this Order subject to the modification following (that is to say):—

In lieu of tonnage rates on any vessel the Commissioners may by agreement with the master or owner or person in charge of such vessel demand and take such payment as may be agreed upon between the Commissioners and the said master or owner or person in charge Provided always that the Commissioners shall not give any preference between vessels from the same port under similar conditions and in like circumstances Provided also that no agreement shall be made under this section in contravention of section 30 of the Harbours Clauses Act as modified by the section of this Order of which the marginal note is "Commissioners may vary rates."

Coal cranes tips or hoists of steam hydraulic or other power and capstans when working in connection therewith.

83. The Commissioners may at their option demand levy collect and receive for the use of coal cranes tips or hoists of steam hydraulic or other power and capstans and jiggers when working in connection therewith the following rate in substitution for but not in addition to (a) the rates specified in articles (F) and (G) of the Thirteenth Schedule to this Order and (b) the charges authorised by the section of this Order of which the marginal note is "Inclusive rates for work done &c. and for use of appliances and wages" that is to say a rate of sevenpence per ton for—

- (1) each ton or part of a ton of coal coke or cinders shipped; and
- (2) each ton or part of a ton of sulphur or brimstone coal briquettes coal tar pitch limeshells nitre cake sandstone broken for concrete granite chips burnt ore and other minerals shipped

by coal cranes tips or hoists including any capstans worked in connection therewith (when not required for coal shipments): A.D. 1935.

Provided that—

- (i) the said rate of sevenpence per ton shall include the charge for servants and labourers working any capstan as if such capstan was part of the coal crane tip or hoist with which it shall be so worked;
- (ii) when any such coal crane tip hoist or capstan is worked before or after the ordinary or specified working hours ten shillings per hour may be charged in addition to the rate per ton; and
- (iii) in every case for any single employment of a crane a charge may be made of not less than one pound sterling.

84. The Commissioners may by resolution—

- (1) extend beyond forty-eight hours the time prescribed by the Thirteenth Schedule (IV—  
For use of sheds quays and spare ground not set apart for storing goods) to this Order during which goods may remain free of such rates in any shed or on any quay;
- (2) fix lower or higher rates for such use during such periods after such forty-eight hours or after the time (if any) prescribed under subsection (1) hereof as they may prescribe according to the duration of such periods;
- (3) fix lower or higher rates for such use during periods to be prescribed by them as aforesaid for different classes of goods as goods may be classified by them for that purpose with reference to the weight bulk or value of or to any other qualities which in the opinion of the Commissioners attach to such goods;
- (4) fix lower or higher rates for the use of cranes capstans jiggers weighing machines or rails or any of these (a) for different classes of goods as goods may be classified by them as aforesaid or (b) according to the weights lifted by cranes in such manner that the rate for lifts

Modified rates for use of cranes capstans jiggers weighing machines rails sheds quays cattle sheds yards and storage ground.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.  
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not exceeding the number of tons specified in the resolution be less than the rates for lifts exceeding that number of tons; and

- (5) fix the amount of a single charge for the use of any crane at less than the amount prescribed by this Order :

Provided that where rates are specified by this Order for any of the purposes in this section mentioned no rates fixed under this section shall exceed such rates.

Inclusive rates for work done &c. and for use of appliances and wages.

85.—(1) In addition to the powers conferred on the Commissioners by this Order the Commissioners may demand levy collect and receive such reasonable inclusive rates or charges as they may resolve for (a) work done services rendered and facilities afforded in respect of or in relation to the use of any works machinery conveniences appliances plant and apparatus (in this section referred to as “ appliances ”) belonging to or provided by them at the port of Leith and (b) the use of appliances and where so provided in this Order the wages of the men attending and working appliances where such appliances or such men have been provided by them for the dispatch of business at the harbour and docks or for the convenience of shipmasters merchants and others concerned in the traffic thereat.

(2) The Commissioners may by resolution—

(a) prescribe reasonable terms and conditions applicable to the demanding levying collecting and receiving of such inclusive rates and charges ;

(b) differentiate between the rates or charges for the use of any appliances with reference to the goods for the transport of which such appliances may be used.

(3) Any rates or charges demanded terms and conditions prescribed and differentiations made by the Commissioners in pursuance of the provisions of this section shall be the same to all persons in like circumstances.

(4) Where rates and charges for work done services rendered and facilities afforded and use of appliances and wages are specified in this Order such inclusive rates and charges shall not exceed in cumulo the sum of the

rates and charges authorised by this Order (a) in respect of work done services rendered and facilities afforded as aforesaid and (b) for such use of appliances together with the wages aforesaid. A.D. 1935.  
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86. The Commissioners may at their option and at any time and from time to time—

Classifica-  
tion of  
sheds &c.

Classify any sheds any quays any ground set apart and any ground not set apart for storing goods or any part or parts thereof into classes with reference to any one or more of the following matters namely with reference to—

(a) the condition thereof whether covered or uncovered paved or unpaved or otherwise;

(b) the situation thereof in relation to transport by sea road or rail;

(c) the commercial value thereof for the purpose of laying down or storing goods;

(d) the weight bulk or value of the goods to be or in the opinion of the Commissioners likely to be laid down thereon or stored therein;

(e) whether available as spare areas for storing goods when not otherwise in use; and

(f) any qualities which in the opinion of the Commissioners attach thereto;

and the Commissioners may vary rates according to any classification made under the powers of this section in the manner provided in the section of this Order of which the marginal note is "Commissioners may vary rates" or in section 30 of the Harbours Clauses Act and the said sections shall be construed accordingly Provided that where rates are specified by this Order for any of the purposes in this section mentioned no rates fixed under this section shall exceed such rates.

87. If any vessel for which the rates exigible were paid on her last arrival at or departure from the harbour and docks shall be obliged from stress of Vessels returning from stress

A.D. 1935.  
—  
of weather  
and cargoes  
free.

weather damage wreck or other sufficient cause after leaving the harbour and docks to return thereto without having reached her port of destination and shall be brought into the harbour and docks on behalf of the same registered owners thereof as at the time of sailing the rates on such vessel shall not be charged on such return to the harbour and docks and if such vessel on such return shall have on board the whole or any part of the cargo with which she sailed from the harbour and docks and no other cargo or if such cargo or any part thereof shall otherwise be brought back into the harbour and docks the rates on such cargo shall not be charged either on coming in as aforesaid or on being again exported.

Certain fish-  
ing vessels  
under stress  
of weather  
exempt  
from rates.

88. 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 for shelter of the works below high-water mark of ordinary spring tides vested in the Commissioners by this Order and the works below high-water mark referred to in the section of this Order of which the marginal note is "Power to construct authorised works" and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Saving  
exemption  
to Edin-  
burgh and  
Glasgow  
Union Canal  
Company.

89. Whereas by an Act passed in the fifty-seventh year of the reign of His Majesty King George the Third intituled "An Act for making and maintaining a navigable canal from the Lothian Road near the city of Edinburgh to join the Forth and Clyde Navigation near Falkirk in the county of Stirling" it was provided that all goods wares merchandise and other articles which have paid the dues therein mentioned and are not liable to pay any further duties may be exported at the port of Leith free of duty while and as long as goods which have paid shore dues on importation may at such port be exported duty free nothing in this Order contained shall repeal or be construed to repeal alter or vary such privilege or exemption or to affect the same in any manner whatsoever.

PART VI.

A.D. 1935.

WAREHOUSES WAREHOUSING OF GOODS &C.

90. The Commissioners may set apart and use any of their sheds yards or buildings and may provide and erect sheds yards or buildings at the port of Leith for the purpose of warehousing goods and fit up the same with all necessary appliances and plant including refrigerating machinery and appliances and may as warehouse-keepers on such terms and conditions as may be prescribed by them render such services as are usually rendered by such persons on payment by the owners of the goods warehoused or the persons in charge of such goods of such reasonable charges as shall be fixed by the Commissioners Provided always that the Commissioners shall not within one hundred feet of the quay walls of the Victoria Albert Edinburgh or Imperial Docks or within fifty feet of the quay walls of the West Old Dock or East Old Dock use for the purpose of warehousing goods any existing shed yard or building or provide or erect any new shed yard or building for such purpose.

Commis-  
sioners may  
act as  
warehouse  
keepers.

91.—(1) The Commissioners shall have no responsibility for or in regard to the safety of any goods deposited in their sheds yards buildings quays or other premises except goods warehoused by the Commissioners in any shed yard or building specifically set apart by the Commissioners for the purpose of so warehousing (in this Part of this Order referred to as "warehouse") and no goods except goods so warehoused shall be deemed to be in their custody so as to be attachable by arrestment or otherwise Provided always that the Commissioners shall have a lien over all goods deposited in premises belonging to the Commissioners whether for the purpose of warehousing or otherwise for all rents rates and charges payable to them for or in respect of such goods in priority to any claim or lien for freight or other claims or liens of the owner or master of the vessel discharging such goods or any other person interested in such goods or in the freight of the same or entitled to or claiming the benefit of any claim or lien to which such goods were subject while on board such vessel prior to being deposited as aforesaid.

Commis-  
sioners'  
liability and  
lien on  
goods.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

(2) Except as in this section otherwise provided nothing in this section contained shall prejudice any claim or lien for freight or other claims or liens whatsoever competent to a shipowner claiming lien for freight or other charges in terms of section 494 of the Merchant Shipping Act 1894 or under the section of this Order of which the marginal note is "Power to let sheds and buildings for reception of goods."

Commis-  
sioners may  
issue certifi-  
cates of  
warehoused  
goods.

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

Certificates  
&c. may be  
signed by  
officers.

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

As to pay-  
ment of  
rates on  
warehoused  
goods.

94. The owner or person having the charge of any goods warehoused at or in a warehouse of the Commissioners shall before the removal of such goods from any warehouse of the Commissioners and at such date or dates as shall be fixed by the Commissioners pay such rates and charges as shall be then due and payable on such goods and in case such owner or person shall fail or neglect to pay such rates and charges the Commissioners or such person as shall be appointed by them shall have the same powers for recovery thereof as are conferred upon them for the recovery of rates on goods by the Harbours Clauses Act.

As to assess-  
ment of  
warehouses.

95. Nothing in this Part of this Order shall be deemed to exempt lands or premises within the city used by the Commissioners as a warehouse under this Order from rates and assessments but any lands or premises so used shall for the purposes of this Order be liable to the same rates and assessments as any lands and premises now let by the Commissioners as a warehouse.



PART VII.

A.D. 1935.

FINANCIAL.

96. Notwithstanding anything contained in this Order the borrowing powers of the Commissioners at the fifteenth day of May one thousand nine hundred and thirty-five shall be deemed to have been two million seven hundred and ninety-two thousand seven hundred and thirty-five pounds consisting of one million three hundred and one thousand five hundred and fifty-four pounds borrowed by the existing Commissioners under the repealed Acts as at that date and one million four hundred and ninety-one thousand one hundred and eighty-one pounds authorised to be borrowed by the repealed Acts which the existing Commissioners had not borrowed as at that date and the Commissioners are hereby authorised to borrow the said sum of one million four hundred and ninety-one thousand one hundred and eighty-one pounds under deduction of any sums borrowed by the existing Commissioners subsequent to the said fifteenth day of May one thousand nine hundred and thirty-five and prior to the commencement of this Order.

Borrowing  
powers.

97. The said sum of one million four hundred and ninety-one thousand one hundred and eighty-one pounds referred to in the immediately preceding section of this Order shall be deemed to consist of—

Application  
of borrow-  
ing powers.

- (1) the sum of one million one hundred and twenty-eight thousand six hundred pounds which shall be applied in the execution of the works referred to in the section of this Order of which the marginal note is "Power to construct authorised works" or any one or more of them;
- (2) the sum of forty-nine thousand five hundred and twenty-six pounds being part of the moneys temporarily appropriated out of revenue to the repayment of mortgage debt in excess of sinking fund requirements during the three years ending the fifteenth day of May one thousand nine hundred and eight and the Commissioners may repay to revenue any sum so appropriated;

A.D. 1935.

(3) the sum of three hundred and thirteen thousand and fifty-five pounds which so far as not borrowed by the existing Commissioners shall be applied by the Commissioners for the purpose of carrying out the powers conferred on them by the section of this Order of which the marginal note is "Power to make subsidiary works" and in the execution of any other works to which capital is properly applicable :

Provided always that the Commissioners may apply towards the cost of any works to which capital is properly applicable any moneys in their hands and the revenue to be received during the execution of the said works if any remaining after applying such revenue to the purposes to which such revenue is preferably applicable under the provisions of this Order.

Consolidation of debt.

98. On the said fifteenth day of May one thousand nine hundred and thirty-five the total amount of the moneys borrowed by the existing Commissioners under the repealed Acts and authorised by this Order to be borrowed by the Commissioners (other than any moneys borrowed in pursuance of the section of this Order of which the marginal note is "Power to borrow for current expenses") shall be deemed to be one consolidated debt.

Commissioners may borrow by cash credit.

99. In exercise of the aforesaid borrowing powers conferred by this Order the Commissioners may (without prejudice to the section of this Order of which the marginal note is "Power to borrow for current expenses") accept and take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the Commissioners according to the usage of bankers in Scotland or in such form as may be preferred by such bank or banks respectively to the extent of the sum or sums authorised by this Order to be borrowed or any part thereof and if required to make and grant mortgages as after-mentioned in security of the sums for which such credit shall have been so accepted and taken and of the sums to be advanced from time to time on such cash account and interest thereon.

100.—(1) In exercise of the borrowing powers authorised by this Order the Commissioners may grant bonds and mortgages containing an obligation for payment of the principal sums therein contained at a term to be therein specified with interest thereon at the rate agreed on with the lenders thereof respectively from the date of such bonds and mortgages till payment of such principal sums such interest being payable half-yearly or otherwise as such bonds and mortgages shall specify.

A.D. 1935.  
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Commis-  
sioners may  
borrow by  
mortgages  
payable at  
specified  
terms.

(2) Such bonds and mortgages may be in the form contained in the Fourteenth Schedule to this Order or as near thereto as may be and the repayment of the principal sum or any part of the principal sum contained in any such bond or mortgage may by agreement with the holder thereof to be endorsed thereon be deferred or postponed to any term to be expressed in such endorsement and bear interest during such postponement at the rate to be also therein expressed.

101.—(1) In exercise of the borrowing powers authorised by this Order the Commissioners may grant bonds and mortgages as aforesaid containing an obligation for payment of the principal sums therein contained and the interest thereon by fixed periodical instalments of such principal and interest to be therein specified whereby the said sums and all interest thereon shall be entirely paid off at the expiry of the period over which such instalments shall extend which period shall not exceed in the whole the period of sixty years.

Commis-  
sioners may  
grant mort-  
gages for  
payment of  
principal  
and interest  
by instal-  
ments.

(2) Such bonds and mortgages may be in the form contained in the Fourteenth Schedule to this Order or as near thereto as may be and the aggregate sum payable in each year in respect of principal and interest shall be as nearly as possible the same.

102. For the purpose of providing temporarily for current expenditure for any of the purposes of their undertaking it shall be lawful for the Commissioners to borrow such moneys as may be necessary to provide for such expenditure Provided always (a) that the aggregate amount outstanding at any one time of the moneys so borrowed shall not exceed fifty thousand pounds (b) that such moneys so borrowed shall as

Power to  
borrow for  
current  
expenses.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. — nearly as may be be repaid at or before the fifteenth day of May next ensuing after the dates of borrowing and (c) that the provisions of the section of this Order of which the marginal note is "Provision for sinking fund" shall not apply to moneys borrowed under the powers of this section.

Form of bond and mortgage for exercise of borrowing powers.

103. In exercise of the borrowing powers authorised by this Order the Commissioners may borrow by any one or more of the means of borrowing money authorised by this Order and may grant bonds and mortgages to be sealed and signed by three of the Commissioners in the form set forth in the Fourteenth Schedule to this Order or as near thereto as circumstances admit.

Securities to rank pari passu with existing securities.

104. All bonds and mortgages or securities granted for moneys authorised to be borrowed under the authority of this Order and for moneys borrowed by the existing Commissioners under the repealed Acts and securities for money borrowed under the section of this Order of which the marginal note is "Power to borrow for current expenses" and the amounts due under the same for the time being shall rank pari passu and without any preference among such bonds mortgages or securities by reason of priority in the dates thereof or the form of writing constituting the security or the dates of advancing the moneys for which the same shall have been granted and all such moneys shall be secured on the harbour and docks and the rates by this Order authorised to be levied and all other revenues whatsoever to arise under this Order.

Power to grant bonds payable to bearer.

105. Any of the bonds and mortgages hereinbefore authorised to be granted may be made payable to and in favour of the bearer or holder thereof instead of to and in favour of a person or persons to be therein named and may be issued with interest warrants or coupons also payable to bearer and any such bonds and mortgages and interest warrants or coupons shall be deemed to be absolutely discharged and extinguished by redelivery thereof to the Commissioners.

Commissioners not bound to see to execution of trusts.

106.—(1) The Commissioners may accept and take loans of moneys to be borrowed under the authority of this Order from trustees as well as companies corporations or individuals but shall not be bound to

see to the execution of any trust affecting moneys lent or to be lent to them. A.D. 1935.

(2) The receipt of the person or persons in whose name the writing or security for any mortgage for such money may stand or the assignees of such person or persons duly vested therein shall be a sufficient discharge to the Commissioners for any money payable in respect of such writing notwithstanding any trust to which the same or the money thereby secured may have been or may then be subject.

(3) The Commissioners shall not be bound to see to the application of the money paid upon such receipt.

107. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due to them under or by virtue of any bonds or mortgages to be granted as aforesaid by the appointment of a judicial factor or receiver in the manner provided by the Commissioners Clauses Act 1847. Provided that the power of applying for the appointment of such factor or receiver in respect of principal shall be competent only to mortgagees on whose bonds and mortgages there shall be owing at the time principal and interest amounting to at least ten thousand pounds in the whole. Mortgagees may apply for judicial factor.

108.—(1) The Commissioners may from time to time in lieu of continuing or renewing the bond and mortgage debt of any class or any part thereof due under any bonds and mortgages for the time being resolve to fund the whole of such debt or such part thereof as they shall think fit. Commissioners may create funded debt.

(2) On any such resolution being passed the amount stated therein shall be denominated "the Leith Harbour funded debt."

(3) The Commissioners may issue to any person paying to them any portion of the said mortgage debt (with a premium thereon if so agreed) a certificate of such person being the holder of the debt so paid and to be therein specified in or as near as may be in the form of the Fifteenth Schedule to this Order or to the like effect.

(4) After the conversion of any part of such mortgage debt into funded debt the Commissioners shall not issue

A.D. 1935. — bonds for or again borrow the sum so converted and the borrowing powers of the Commissioners shall to the extent of the sums so from time to time converted into funded debt be extinguished.

Register of funded debt.

109. The Commissioners shall cause to be kept a book to be called "the register of funded debt" in which shall be inserted the names designations and addresses of the holders thereof the amount held by each and the numbers of their respective certificates and such register shall be accessible to such holders on any day during ordinary business hours.

Transfer of funded debt.

110.—(1) The right to such funded debt may be assigned or transferred by the holder or any person having legal right and title to act for him or to dispose of his estate as factor attorney executor or otherwise whose right and title shall have been produced to the Commissioners and recorded in such register to any purchaser or other person by assignation or transfer in or as near as may be in the form of the Sixteenth Schedule to this Order and subject to the same conditions as to registration and registration fees and otherwise as are applicable to the assignations and transfers of bonds and mortgages.

(2) All assignations and transfers of funded debt shall along with the certificates thereof be delivered to the clerk within the time applicable to the registration of assignations and transfers of bonds and mortgages to be entered in such register.

(3) Every such transfer if in due form and duly executed and stamped shall be recorded by the clerk in such register and the names designations and addresses of the transferees and the amount of debt transferred shall be entered by him therein and the previous certificate may be cancelled and the Commissioners may issue a new certificate in name of the transferee if they shall be required or deem it necessary or expedient so to do.

Rights of funded debt holders.

111. The holders of funded debt shall not be entitled to repayment of the capital thereof but shall be entitled to receive an annuity thereon at such rate not exceeding four pounds per centum per annum as shall be fixed by the Commissioners in any resolution to be passed by them as aforesaid and redeemable at a date or term to be also fixed in such resolution or otherwise pursuant to the

power of redemption hereinafter contained all which shall be specified or referred to in the certificates issued to the holders of funded debt and which annuity shall be payable half-yearly on the fifteenth day of May and the eleventh day of November in every year. A.D. 1935.  
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112. The holders of funded debt shall be creditors of the Commissioners for the said annuity and shall be deemed to hold by virtue of this Order a bond or mortgage of the undertaking in security for such payment ranking *pari passu* with and having no priority over other bonds and mortgages of the Commissioners for or in respect of which the funded debt held by any holder was substituted. Annuities for funded debt.

113. The Commissioners may (but shall not be bound to) redeem the said funded debt in whole or in part at a date to be specified in the certificates thereof or thereafter at any fifteenth day of May on giving in either case twelve months' previous notice to the holder or holders of the debt to be so redeemed and that by payment of the full principal amount thereof as expressed in the certificate. Terms for funded debt.

114. The Commissioners may in borrowing by means of certificates of funded debt or on issuing certificates for the same charge such premium on the principal sum to be contained in the certificate as may be agreed on with the lenders and all sums received as premiums on or additions to such principal sum shall be set apart and credited to or reserved to be placed to the credit of the sinking fund applicable to the borrowed moneys of which the sums in such certificates respectively form part and shall be in addition to and not in substitution for the payments to be made to such sinking fund. Premiums on funded debt.

115. The Commissioners may deposit any moneys in their hands for the time including any sinking fund in any bank or banks or invest the same on any securities or investments competent to trustees under the Trusts (Scotland) Act 1921 or any Act amending the same and shall annually add to any sinking fund the interest accrued thereon. Deposit of moneys.

116. The Commissioners may by agreement repay the principal sum secured by any bond and mortgage granted by them at any earlier date than the date for repayment specified in such bond and mortgage. Commissioners may repay money borrowed before due date.

A.D. 1935.

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Power to  
renew post-  
pone &c.  
mortgages.

117. All bonds and mortgages granted by the existing Commissioners or hereafter to be granted by the Commissioners may be renewed postponed or extended for such periods on such terms and at such rates of interest as the Commissioners may from time to time think fit and agree with the lenders of money thereon and in the event of any of them being paid off and discharged the sum so paid off and discharged may be reborrowed and new bonds and mortgages may be granted for the moneys so reborrowed on such terms as to time of repayment and rate of interest as the Commissioners may fix and such bonds and mortgages may be again renewed or the moneys due thereby may be paid off and reborrowed and new bonds and mortgages granted for the same as aforesaid and so from time to time but without prejudice to the provisions of this Order as to the application of the sinking funds provided by this Order Provided that the Commissioners shall not have power to reborrow any money paid off by instalments or by means of a sinking fund Provided also that any moneys reborrowed shall be deemed to form the same loan as the money for the repayment of which the borrowing has been made and shall be repaid within the prescribed period.

Provision  
for sinking  
fund.

118. Where the existing Commissioners shall have borrowed under the repealed Acts or where the Commissioners shall borrow money on bond and mortgage or by the creation of funded debt under this Order and by any such bonds and mortgages shall have granted or shall grant an obligation for repayment of the principal sums therein contained otherwise than by fixed periodical instalments of principal and interest as provided by the section of this Order of which the marginal note is " Commissioners may grant mortgages for payment of " principal and interest by instalments " the Commissioners shall pay off the money so borrowed within the respective periods following. (that is to say) :—

- (a) As to the sum of eight hundred thousand pounds which had been borrowed at the fifteenth day of May one thousand nine hundred and eight within sixty years from that date;
- (b) As to money borrowed subsequently to that date within sixty years from the date or dates



of borrowing the same provided that when revenues are applied for purposes to which capital is properly applicable and are subsequently replaced by borrowed money the money so borrowed shall be deemed to have been borrowed on the date when such revenue was so applied. A.D. 1935.

For the purpose of paying off the money so borrowed (except as hereinafter in this section provided) the Commissioners shall annually set apart out of the revenues of the harbour and docks a sum equal to one-sixtieth part of the total amount borrowed as sinking fund to be applied to the repayment of the whole of the moneys so borrowed or to be borrowed and shall apply the said sinking fund in repayment of the moneys secured by such bonds and mortgages granted under any of the repealed Acts and this Order as the same shall fall due or at any such time as may be agreed with the holders of such bonds and mortgages and the said sinking fund may be applied in repayment of bonds and mortgages granted under any of the repealed Acts and this Order indifferently. Provided that as regards the sum of twenty-three thousand two hundred and fifty-five pounds five shillings and one penny borrowed at Whitsunday one thousand nine hundred and twenty-five for the purposes of the quay and other like works upon and within the line of the old east pier of the port of Leith between the Albert Dock basin and the entrance to the Imperial Dock and the contingent construction of the berth in the harbour in front thereof the sum to be so set apart shall be one fifty-eighth part thereof. Provided further that if at any time the Commissioners have paid off or shall pay off moneys secured by any such bonds and mortgages to a greater extent than the amount for the time being available for that purpose from the said sinking fund they may from time to time reborrow the amount so paid off in excess thereof. Provided also that in the event of the Commissioners creating funded debt such funded debt shall be reckoned part of the borrowed moneys to which the said sinking fund applies.

119.—(1) The clerk shall within twenty-one days after the expiration of each financial year during which any sum is required to be set apart for a sinking fund under this Order or paid by instalment transmit to the Annual return to Minister of Transport

A.D. 1935.  
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with respect  
to sinking  
fund.

Minister of Transport a return in such form as may be prescribed by the said Minister and verified by statutory declaration if so required by him showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period and the total amount remaining invested at the end of the year.

(2) In the event of any default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds.

(3) If it appear to the said Minister by such return or otherwise that the Commissioners have failed to pay any instalment or set apart the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the said Minister may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund.

(4) Such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Application  
of revenues  
&c.

120. The Commissioners shall apply the rates rents feu-duties and other annual revenue and moneys levied and received by them in virtue of this Order in the manner and order following (that is to say):—

(1) In payment of the expenditure on the maintenance repair deepening dredging and cleansing of and at the harbour and docks as the same now exist and may hereafter be extended under the authority of this Order or otherwise the expenses connected with the maintenance repair and renewal of works and the maintenance and extension of and other works connected with the warehouses sheds buildings plant and other conveniences and of insurance of works and properties against fire and of

insuring the Commissioners against claims for damages by employees or third parties in respect of accidents at or connected with the undertaking and the payment of such claims as may not be insured against in payment of public rates and taxes which may be legally exigible from the Commissioners the expense of borrowing moneys the expense of officers servants and others and all other expenses of and incident to inspecting and conducting the affairs of the undertaking : A.D. 1935.

- (2) In payment of the interest on the principal sums borrowed by the existing Commissioners and the Commissioners whether on bond or mortgage or otherwise and in providing the sinking funds required by this Order and in repayment of the principal sums borrowed as aforesaid as by this Order required :
- (3) In or towards the expense of executing further improvements on and additions to or extensions of the harbour and docks and works connected therewith or in or towards the repayment of the principal sums borrowed by the existing Commissioners and the Commissioners whether on bond and mortgage or otherwise.

## PART VIII.

### ACCOUNTS AUDIT &C.

121. The Commissioners shall cause true and regular accounts to be entered in the books kept by them of all moneys received and paid under the authority of this Order and of the several purposes for which such moneys have been received and paid and such books and accounts shall be made up and balanced as on the fifteenth day of May in every year. Accounts to be kept and balanced.

122. The Commissioners shall annually apply to the sheriff to appoint an auditor for the audit of their accounts and the sheriff shall on such application being made to him annually appoint as such auditor a member of one or more of the following bodies :— Auditor to be appointed.

The Society of Accountants in Edinburgh;

A.D. 1935.

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The London Association of Certified Accountants Limited; or

The Corporation of Accountants Limited;

(not being one of the Commissioners or any person holding office under them) to audit the accounts of the Commissioners and in case the office of such auditor shall before such accounts have been audited by him become vacant by death or from any other cause the sheriff shall from time to time appoint another such person as auditor to supply such vacancy.

Accounts to be audited.

123.—(1) It shall be the duty of the auditor appointed in terms of the immediately preceding section of this Order once in every three months to audit the accounts of the Commissioners and for that purpose the Commissioners shall deliver to him their books and accounts and the vouchers in support of the same.

(2) The auditor shall examine such books accounts and vouchers and report thereon quarterly and shall after such books and accounts have been balanced at the fifteenth day of May in each year in terms of the section of this Order of which the marginal note is "Accounts to be kept and balanced" make a final report on the same which shall be laid before the Commissioners at their ordinary meeting in the month of July annually.

(3) The Commissioners shall pay to the auditor for these duties such sum per annum as they shall deem reasonable.

Abstract of accounts to be printed.

124. The Commissioners shall cause an abstract of the annual accounts as audited in pursuance of the immediately preceding section of this Order to be printed on or before the thirty-first day of July in each year which said abstract shall be verified by the auditor and a copy thereof shall be given free of charge to every ratepayer or creditor who shall apply for the same at the office of the collector.

125.—(1) The Commissioners shall on or before the thirty-first day of August in each year send to the Minister of Transport a copy of the abstract of accounts prepared in terms of the section of this Order of which the marginal note is “Abstract of accounts to be printed.”

A.D. 1935.  
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Abstract of accounts to be sent to Minister of Transport.

(2) The Commissioners shall 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.

### PART IX.

#### APPOINTMENT OF OFFICERS SUPERANNUATION

##### METERS WEIGHERS &C.

126.—(1) The Commissioners shall from time to time appoint a clerk collector superintendent harbour master dock master and such other officers as they may think proper and such deputies and assistants to such officers and such other persons and servants whatsoever as they may deem necessary for conducting the affairs of the harbour and docks and carrying into effect the purposes of this Order with such salaries and wages as the Commissioners may fix from time to time.

Commissioners to appoint officers &c.

(2) The persons so appointed shall continue in office or in the employment of the Commissioners during the pleasure of the Commissioners only.

(3) The Commissioners may discharge dismiss and remove all or any officers or other persons from time to time in their service or employment when and so often as they may think fit.

127. The harbour master shall be exempt from serving on any jury.

Exempting harbour master from serving on juries.

128. The Commissioners may from time to time appoint such person as they may think fit to superintend the traffic at the harbour of Newhaven and within the covered building or shed at that harbour and to carry out the regulations and orders of the Commissioners thereat.

Officer for Newhaven.

129.—(1) The Commissioners may grant and pay to any of their officers or servants who shall have been in the service of the Commissioners or that of their predecessors for at least ten years and who shall have become

Commissioners may grant retiring allowances.

A. 1935. — unfit for the efficient discharge of his duty or the exercise of his employment a retiring allowance by way of gratuity not exceeding the amount of one year's salary or wages of such officer or servant at the time of his retiring or by way of annuity or pension an annual retiring allowance amounting to not more than one-sixtieth part of the average amount of the salary or wages of such officer or servant for the five years immediately preceding the date of his retiring for each year of his service such annual retiring allowance being either for the remainder of his life or for some less period or during the pleasure of the Commissioners or on such other terms and conditions as they shall in the circumstances of each case think proper.

(2) If any such officer or servant whose time before his retiring was devoted exclusively to the service of the Commissioners shall after such retiring engage in other remunerative employment the Commissioners may withdraw or restrict the amount of the retiring allowance granted to him either temporarily or permanently as they shall think fit.

(3) Nothing in this section contained shall prejudice or affect any retiring allowance granted by the existing Commissioners.

Annual allowances to certain officers.

130.—(1) The Commissioners shall grant and pay to any of their officials officers or servants who shall have been thirty years or upwards in their service or that of their predecessors and who (a) shall have become in the opinion of the Commissioners (declared by resolution) unfit for the efficient discharge of their duty or the exercise of their employment or (b) having attained to the age of sixty years shall cease to hold office under the Commissioners an annual allowance equal to thirty-sixtieths of the average amount of his salary or wages during the five years ending on the day which immediately precedes the day on which he ceases to hold his office or employment with an addition of one-sixtieth of such average amount for every completed year of service beyond thirty years until the completion of a period of service of forty years when a maximum allowance of forty-sixtieths shall be granted.

(2) Where an official officer or servant has attained the age of sixty-five years he shall cease to hold his office

or employment under the Commissioners unless in their absolute discretion and in the interests of the service they invite him to remain after that age. A.D. 1935.

131.—(1) The Commissioners may appoint meters and weighers for the purpose of weighing and measuring grain and all other goods whatsoever when required to do so by the shipmasters owners or consignees of such other goods and measurers of timber and other goods at the harbour and docks. Commis-  
sioners may  
appoint  
meters and  
weighers.

(2) No person shall act as a meter or weigher or a measurer aforesaid at the harbour and docks unless duly appointed by the Commissioners or their predecessors.

(3) Any person so acting and any person employing any person not appointed to act as a meter or weigher or measurer as aforesaid shall be guilty of an offence and shall for each such offence be liable to a penalty not exceeding five pounds.

(4) All measuring and weighing by any person not duly appointed as aforesaid shall be deemed illegal.

(5) Nothing herein contained shall prevent the meters and weighers and measurers aforesaid duly appointed as aforesaid from employing subject to the approval of the Commissioners such labourers and other assistants as may be necessary for the efficient discharge of their duties.

132.—(1) Notwithstanding anything in this Order or the Acts incorporated herewith contained the Commissioners may require that— Measuring  
weighing  
tipping and  
trimming  
goods and  
charges  
therefor.

(a) the weighing tipping and trimming of all or any coals or other minerals; and

(b) the measuring weighing tipping conveying and handling of grain shipped transhipped or unshipped by means of elevators or similar means—

shall be carried out by the Commissioners or by persons authorised or employed by them.

(2) The Commissioners may make and recover from the owner of such coals or other minerals and grain such reasonable rates and charges as they think fit for or in respect of such measuring weighing tipping trimming conveying and handling when carried out by them.

A.D. 1935.

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Licensing  
weighers &c.  
of coal.

133.—(1) The Commissioners may admit and license for such periods and upon such conditions as may be fixed by the Commissioners a sufficient number of persons to be (a) weighers of or (b) tippers and trimmers of coal and other minerals at the port of Leith and may remove any such persons at their pleasure and may make byelaws and regulations for their government and fix reasonable rates to be paid or other remuneration to be made to them for weighing and for tipping and trimming coal and other minerals.

(2) If any person is aggrieved by the refusal of the Commissioners to grant a licence or by the withdrawal of any licence granted by the Commissioners under this section he may within one month after the refusal or withdrawal as the case may be appeal to the sheriff who shall have power to hear and determine such appeal and to make such order thereon as he may think fit.

Penalties on  
other than  
licensed  
persons  
weighing  
coal &c.

134. When a sufficient number of weighers or tippers and trimmers are admitted and licensed or employed by the Commissioners any person (other than such a weigher or tipper and trimmer) who shall weigh tip or trim any coal or other minerals at the port of Leith as well as the person by whom he is employed shall be guilty of an offence and shall for each such offence be liable to a penalty not exceeding five pounds and the weighing tipping or trimming of any such goods by any such person shall be deemed illegal.

Commis-  
sioners may  
appoint  
watchmen.

135. The Commissioners may appoint watchmen for the protection of the harbour and docks and works and property thereof and such watchmen may on the application of the Commissioners be sworn in as special constables by any two justices of the peace for the City duly to execute the office of a constable within the bounds of the harbour and docks and within one mile seaward of the same and when so sworn in shall have the same powers protections and privileges within the limits aforesaid and shall be subject to the same liabilities as constables have or are subject to by law.

Commis-  
sioners may  
contract for  
police.

136. The Commissioners may contract and agree from time to time with the Corporation or with any other person or persons for the execution by officers and men of the police establishment of the city or by others of police duty within the bounds of the harbour and docks



and otherwise for behoof of the harbour and docks to such extent and in such way and manner and on such terms and conditions and for such payment or consideration as the Commissioners shall think proper and as shall be so agreed upon between them and the Corporation or other person or persons.

A.D. 1935.  
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## PART X.

### NEWHAVEN HARBOUR.

137. Nothing in this Order contained shall prevent the Commissioners from using or authorising the use of the harbour of Newhaven or works thereof as they now exist or may be extended or improved for the general or ordinary shipping purposes of the harbour and docks as heretofore.

Newhaven Harbour may be used for ordinary shipping.

138.—(1) The Commissioners may grant the privilege and use of the covered building or shed at the harbour of Newhaven and let or grant the privilege or exclusive use of any stalls or defined spaces in the said covered building or shed by the day week month quarter half-year year or otherwise (but not for more than a year at any one time) to fish dealers and others for the deposit and sales of fish and for other traffic at or for such rents or other payments and on such other terms and conditions as the Commissioners shall from time to time think fit.

Use and letting of building at Newhaven &c.

(2) Such rents and payments shall be payable in advance and no person shall be allowed by the Commissioners to have access to or the use of the said covered building or shed or spaces for the purpose of depositing or conducting sales of fish or for other traffic of any kind until payment thereof.

(3) The use of the said covered building or shed or spaces shall be optional and nothing herein contained shall prevent ingress or egress to and from the harbour of Newhaven and the limits thereof.

139.—(1) The Commissioners shall provide in the said covered building or shed a supply of fresh water and gas or other light and such fittings as they may deem necessary and suitable for the purposes thereof and may

Water and lighting and regulation of building at Newhaven.

A.D. 1935. — divide or allocate any part or parts thereof into stalls or other defined or limited spaces and make provision for the cleansing and general management thereof.

(2) The Commissioners may divide or allocate the ground outside the same or any part thereof as they may from time to time deem suitable and convenient for traffic.

(3) The said covered building or shed shall be open daily or otherwise as the Commissioners shall from time to time determine and during such hours as they shall fix.

Receptacle  
for fish offal  
and refuse.

140. The Commissioners shall provide in or near the said covered building or shed a receptacle for all fish offal and fish refuse and other refuse whatsoever and the occupier of every stall or space shall daily before the close of business for the day deposit or cause to be deposited in such receptacle all such offal and refuse and all putrid or decayed or decaying fish or other matter whatsoever which may be in such stall or space and sweep wash and clean the same and such offal and refuse shall be the property and at the disposal of the Commissioners.

No cleansing  
&c. of fish on  
quays or  
piers.

141.—(1) No fish shall be laid down on the quays or piers of the harbour of Newhaven unless at landing and for immediate removal to the said covered building or shed or elsewhere.

(2) No gutting cleansing or selling of fish shall be done or carried on upon the said quays or piers.

(3) No person shall lay down or leave thereon or on adjacent ground any fish boxes fishing tackle gear plant or other articles whatsoever without the permission of the Commissioners.

(4) No person shall throw into or deposit in the harbour of Newhaven any fish offal or refuse or any other refuse whatsoever.

No deposit  
or cleansing  
of fish on  
roads or  
streets &c.

142. No fish or fish offal or refuse shall be laid down and no gutting or cleansing of fish shall be carried on upon any road street square or footpath immediately adjoining and being an access to the harbour of Newhaven piers or works and any such fish or fish offal or refuse found thereon may be forthwith taken possession of by any officer of the Commissioners and carried to and deposited in the receptacle provided for refuse at the charge and expense

of the person or persons by whom the same was laid down without prejudice to the prosecution of the offender under Part X (A) (Cleansing) of the Edinburgh Corporation Order 1933 and the byelaws made thereunder. A.D. 1935.  
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143. Any person committing a breach of any of the provisions of this Order relating to the piers quays and works at the harbour of Newhaven or the traffic thereat and to the said covered building or shed shall be guilty of an offence and shall be liable for each such offence in a penalty not exceeding five pounds. Penalty for breach of Newhaven provisions.

144. The Commissioners may by public auction or private bargain let to a tacksman for such period for such rent and on such terms and conditions as they shall think proper the rates to be exigible from the owners of fishing boats and others at the harbour of Newhaven in virtue of this Order with all the rights conferred by this Order for the recovery thereof or under reservation of such rights and of power to exercise the same for behoof of such tacksman. Commis- sioners may let New- haven rates.

## PART XI.

### POWER TO ENACT BYELAWS &C.

145. In addition to the powers of making byelaws contained in the Harbours Clauses Act the Commissioners may subject to and in accordance with the provisions of that Act from time to time make such byelaws as they shall think fit for all or any of the following purposes (that is to say):— Additional powers as to byelaws.

For preventing and removing obstructions or impediments to shipping and traffic within the harbour and docks and at and about the quays piers and other works thereof;

For berthing or removing vessels in any part of the harbour and docks and for regulating the duties and conduct of porters carters hackney carriage drivers and the drivers of any other vehicles boatmen lumpers jobbers stevedores coal trimmers measurers weighers and meters by whomsoever employed or appointed and all other like persons at the harbour and docks and for prohibiting persons convicted of contravention of any byelaws regulations or orders at the

A.D. 1935.  
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harbour and docks or of theft or dishonesty or otherwise of known bad character from resorting thereto;

For regulating the conduct of the owners masters and crews of vessels whether propelled by steam or not with regard to the rate of speed at which they may proceed within the harbour and docks the taking on board and landing or putting out passengers and goods the towing of vessels and the size and number of vessels to be towed at one time in one train;

For regulating the time terms and conditions to be applicable to the occupation and use of and the recovery of rates exigible for dry docks sheds cranes rails weighing machines bridges machinery and appliances and conveniences of all kinds at the harbour and docks and the traffic generally connected therewith;

For regulating the conduct and management of the fish traffic at the harbour of Newhaven and in and adjacent to the covered building or shed thereat.

Regulations as to explosives or petroleum.

146. No explosive or petroleum shall be brought into or shipped at the harbour or docks or brought to or shipped or unshipped at any pier quay or wharf thereat or elsewhere within the limits of the harbour and docks unless in the manner prescribed by and subject to the requirements of the byelaws or regulations relating thereto already made or hereafter to be made by the Commissioners or placed in any vessel boat or craft whatsoever or in any vessel of exceptional construction or method of propulsion in the harbour and docks or at any pier quay or wharf without the consent in writing of the Commissioners and on such conditions as they shall prescribe Provided always that the provisions of this Order and any byelaws or regulations to be made under those provisions relating to explosives or to petroleum shall be in addition to and not in derogation of the provisions of the Explosives Acts 1875 and 1923 and the Petroleum (Consolidation) Act 1928.

Power to make additional byelaws for preventing fires.

147.—(1) In addition to the byelaws which the Commissioners may make under this Order and the Harbours Clauses Act the Commissioners may in accordance with the provisions of the said Clauses Act

make byelaws for regulating restricting or prohibiting (subject to such conditions as may be deemed reasonable and be authorised by the confirming authority) all persons from carrying on their persons or in any part of their clothing or otherwise on or in any piers constructed with timber and any sheds buildings yards or other enclosed places at the harbour and docks or any parts thereof matches or other articles or apparatus capable of being used for producing combustion or which might cause fire.

A.D. 1935.  
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(2) Any person who shall act in contravention of such byelaws shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

148.—(1) The Commissioners may make such byelaws and regulations as they consider necessary with reference to the control of vessels of exceptional construction or method of propulsion and seaplanes when afloat in the port of Leith or the precincts thereof Provided that such byelaws shall not come into operation until confirmed by the Minister of Transport after consultation with His Majesty's Secretary of State for War and the President of the Air Council Provided also that in the case of any byelaws which the Minister of Transport 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 Minister of Transport and the confirmation of any such byelaws by the Minister of Transport or the Board of Trade as the case may be shall be sufficient evidence of compliance with the provisions of this section Provided further that no byelaw made under the powers of this Order affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Byelaws  
&c. as to  
aviation.

(2) The Commissioners may impose a penalty not exceeding twenty pounds in respect of the breach of any of such byelaws.

149. Any person offending against or committing any breach or contravention of any of the provisions of this Order or any byelaw or regulation made thereunder or any byelaw or regulation made by the existing Commissioners under the repealed Acts or any byelaw or regulation made by the existing Commissioners or the Commissioners under any other Act may be prosecuted by the same prosecutor and tried and punished in the

Offences  
how to be  
prosecuted.

A.D. 1935. — same manner according to the same procedure and by and before the same court or courts as if such provision byelaw or regulation had been enacted by virtue of the Edinburgh Corporation Order 1933 and was part of the provisions byelaws and regulations in force thereunder Provided always that nothing herein contained shall prevent the Commissioners from otherwise enforcing such provisions byelaws and regulations prosecuting offenders against the same and recovering penalties damages or other payments thereby incurred or due by any other competent process or procedure.

Offenders against byelaws to make good damage.

150. Any person offending against or committing any breach or contravention of any of the provisions of this Order or any byelaw or regulation made thereunder or any byelaw or regulation made by the existing Commissioners under the repealed Acts or any byelaw or regulation made by the existing Commissioners or the Commissioners under any other Act shall in addition to any penalty thereby incurred be also liable for and bound to make payment of the cost of repairing or making good any damage directly or indirectly thereby occasioned to the property of the Commissioners or any person or persons whomsoever and the Commissioners or other person or persons may sue for and recover the same and in all cases where the Commissioners are concerned they may detain any vessel or other property belonging to or in charge of the person so offending or belonging to the employers of such person until payment of such cost or until security be given to the satisfaction of the Commissioners for payment thereof.

## PART XII.

### ACCESS ADMISSION OF THE PUBLIC PUBLIC QUAYS &C.

Public access across quays.

151. The Commissioners shall maintain the existing road not less than forty feet wide allocated and set apart by them in pursuance of the repealed Acts along the eastern extremity of the Edinburgh Dock of the Commissioners forming the quays of the said dock as a public access subject to such regulations as the Commissioners may from time to time prescribe but nothing herein contained shall operate to prevent the Commissioners from laying or authorising the laying of rails across such access for traffic between the said quays and the rails of the London and North Eastern Railway Company to the

eastward thereof or using and authorising the use of the said access for any other traffic connected with the harbour and docks Nothing in this Order contained shall prejudice or affect an agreement entered into between the predecessors of the existing Commissioners and the North British Railway Company (the predecessors of the said London and North Eastern Railway Company) with reference to ground to the eastward of and otherwise adjoining such quays and other matters dated the thirteenth and nineteenth days of March one thousand eight hundred and seventy-four nor shall anything in this Order contained prejudice or affect any existing rights whatsoever of the said London and North Eastern Railway Company so far as consistent with the said agreement.

A.D. 1935.

152.—(1) In addition to the public access provided for in the section of this Order of which the marginal note is “Public access across quays” (hereinafter in this section called “the forty-foot access”) the Commissioners shall maintain the following works constructed under the authority of the repealed Acts (that is to say) :—

Additional  
accesses

First A road forty-five feet or thereabouts wide on the south side of the Albert Dock and of the Edinburgh Dock of the Commissioners from a point opposite the north end of Constitution Place to the south end of the forty-foot access with good and sufficient accesses to Constitution Place and to the existing level crossing over the London and North Eastern Railway opposite the north end of Bath Road;

Second A road forty feet wide from the north end of the forty-foot access to join the Portobello Road by a level crossing at or near the eastern extremity of the reclamation embankment of the Edinburgh Dock of the Commissioners;

Third Good and sufficient steps from the north end of the forty-foot access to the sands :

Provided that the provisions of the section of this Order of which the marginal note is “Public access across quays” as to laying rails across the forty-foot access shall apply to the road forty-five feet wide in this section first mentioned.

A.D. 1935.

(2) The Commissioners shall maintain the existing access constructed in pursuance of the repealed Acts at a point immediately to the east of the works constructed at the harbour of Newhaven not less than twenty feet wide as a public access to the foreshore.

(3) On the permanent reclamation and making up for a width of one hundred yards of the land and foreshore to the north of the existing reclamation embankment adjoining the street at Annfield Newhaven to be enclosed by the breakwater or reclamation wall Work No. 3 referred to in the section of this Order of which the marginal note is "Power to construct authorised works"—

- (a) the Commissioners shall make available to the Corporation a strip of ground on the north side of the said street to enable the Corporation to widen and thereupon the Corporation shall widen the said street to a width of sixty feet. Such widening shall be constructed in a straight line between a point seven hundred and fifty feet or thereabouts west of the west side of Hawthornvale and a point opposite the said west side of Hawthornvale and the widening shall continue thence in a curve to a point on the north side of the public street opposite the east end of the buildings known as Anchorfield where it joins the Marine Parade at the northern end of the bridge carrying the Lindsay Road over the London Midland and Scottish Railway;
- (b) the Commissioners shall on the completion of the widening of the said street make a footpath ten feet wide abutting on the north side of the said strip of ground and shall abutting on the north side of the said footpath erect a parapet wall with an open iron railing not less than eight feet in height from the level of the said footpath except where buildings or erections on the north side of the footpath shall at any time abut upon or be within a distance of twenty feet from the footpath and there the Commissioners may erect such fence wall or railing as they shall deem sufficient;



(c) the said street as and when widened and the said footpath shall be maintained and repaired by the Corporation and the said parapet wall with open iron railing shall be maintained and repaired by the Commissioners. A.D. 1935.

(4) (a) If the Commissioners shall in the construction of the said Work No. 3 acquire the playground (being the property numbered 12 on the deposited plans relating to the Act of 1913) the Commissioners shall provide and lay out on existing land reclaimed by them at Newhaven a playground on a site not less in area than the area of the said existing playground. Such substituted playground shall be accepted by the Corporation as full compensation for all claims the Corporation may have for the acquisition of the existing playground by the Commissioners.

(b) The Corporation shall obtain from the London Midland and Scottish Railway Company a discharge or release of all the rights and interests of the London Midland and Scottish Railway Company in the existing playground and until the Corporation have obtained such discharge or release and shall have disburdened the site of the said existing playground of the said rights and interests of the said London Midland and Scottish Railway Company the Commissioners shall not be obliged or required to provide or lay out the said substituted playground or make available the said strip of ground for the said street widening in so far as the said street widening shall abut upon the said existing playground.

(5) If any difference shall arise between the Corporation and the Commissioners under this section such difference shall be referred to the determination of a single arbiter to be mutually agreed upon by the Corporation and the Commissioners or failing agreement to be appointed on the application of either of them by the sheriff.

153. Subject to the provisions of the sections of this Order of which the marginal notes respectively are "For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1919" "For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1925" "Power Quays and piers may be enclosed.

A.D. 1935. — to stop up roads &c.” “Facilities for sea views”  
“Public access across quays” and “Additional  
accesses” the Commissioners may close in by locked  
gates such of the docks quays and piers now or  
hereafter existing at the harbour and docks as they  
may think fit and the same shall be open to the public  
and to persons who have business or duty in connection  
with the vessels or goods wares and merchandise  
within such gates only during the hours specified or to  
be specified in the byelaws of the Commissioners  
relating thereto and otherwise in accordance with such  
byelaws.

Public  
quays of  
Imperial  
Dock &c.

154. The land reclaimed and made up between  
the reclamation embankment of the Imperial Dock of  
the Commissioners and the said dock shall so far as  
situate within two hundred feet of the said dock or  
the lock thereof be deemed public quays and such land  
beyond two hundred feet shall be at the disposal of  
the Commissioners for letting or using the same for  
purposes connected with the trade of the harbour and  
docks.

### PART XIII.

#### MISCELLANEOUS.

Power to  
make agree-  
ments for  
purposes of  
Order.

155. The Commissioners may from time to time  
make and carry into effect agreements with any  
Government department any local authority and any  
railway or other company or other person with  
reference to the carrying out of any purposes of this  
Order not specially provided for.

Leasing of  
land.

156. Subject to the provisions of the sections of  
this Order of which the marginal notes respectively  
are “Use and letting of building at Newhaven &c.”  
“Power to let sheds and buildings for reception of goods”  
“Reserving surface of quays” “Commissioners may  
grant special right to berthage” and “Commissioners  
may let dry docks &c.” the Commissioners may on  
such terms and conditions as they may think fit sell  
feu or let or lease for any period not exceeding  
ninety-nine years any part of the undertaking vested  
in them by the section of this Order of which the  
marginal note is “Undertaking vested in Com-  
missioners” and any future extensions thereof:

Provided that—

A.D. 1935.

- (1) the Commissioners shall not sell or feu any land except for purposes connected with the trade of the harbour and docks; and
- (2) no resolution of the Commissioners to sell feu or let or lease for a period exceeding nineteen years any part of the undertaking vested in them as aforesaid shall take effect unless such resolution has been passed at a meeting of the Commissioners and confirmed by a subsequent meeting of the Commissioners called for the purpose not sooner than eight days thereafter.

157.—(1) The Commissioners may let in whole or in part or they may allot the whole or a portion of any shed or building erected over any quay for the reception of goods to be imported or exported at the harbour and docks for any period not exceeding one year at such rent or charge as the Commissioners may think proper and on such terms and conditions as they shall prescribe which rent or charge shall be payable in advance for the period agreed on. No noxious noisy dangerous or offensive manufacture or operation shall be carried on in or at any such shed or building.

Power to let sheds and buildings for reception of goods.

(2) In the case of default in payment of any such rent or charge after the expiration of the time for which a prepayment had previously been made and of such default continuing for one month or in case of default in payment of any such rent or charge incurred and due for or in respect of any period of past occupation of any such shed or building the Commissioners may retain and sell the goods in respect of which such rent or charge has been incurred or any part thereof and (first paying the duties of Customs or Inland Revenue (if any) due and payable thereon) may apply the proceeds or remaining proceeds of such sales in payment of such rent or charge incurred and unpaid including rates under this Order (if any due) and the expense of such sales and they shall pay over the balance (if any) of such proceeds to the owners of the goods sold or other person or persons entitled thereto upon demand but no person other than the owner shall be entitled to such payment except a

A.D. 1935. — shipowner claiming lien for freight or other charges in terms of section 494 of the Merchant Shipping Act 1894 who shall have given notice thereof to the collector before such payment has been made Provided that (1) where more than one person has intimated a claim of lien for freight or other charges as aforesaid the Commissioners shall not be bound to make payment of such balance to any person unless with the consent of all such persons claiming as aforesaid and of the owner and (2) where any legal proceedings have been instituted to determine the rights of persons with regard to the balance of such proceeds as aforesaid and notice thereof has been given to the collector the Commissioners shall not be bound to make payment of such balance to any person (whether a party to the said proceedings or not) without the consent of all the claimants in the said proceedings and the sanction of the court or under an order of the court determining the rights of such claimants.

Dangerous  
commodi-  
ties pro-  
hibited.

158.—(1) No explosive or petroleum and no goods commodities or articles of any description which the Commissioners may deem dangerous or which shall involve extra expense by causing hazardous insurance or be a nuisance or likely to become such shall be deposited in or in any part of any shed or building of the Commissioners.

(2) If any explosive or petroleum or any of the goods commodities or articles mentioned in subsection (1) of this section shall be found in any shed or building of the Commissioners the same shall be removed by the owner thereof within twenty-four hours after requisition to that effect by the superintendent given to such owner personally or at his residence or place of business if known or at his last address as known to the superintendent or to his known factor or agent in the City.

(3) Failing removal by such owner factor or agent within the said period the explosive or petroleum goods commodities or articles mentioned in subsection (1) of this section may at the risk and expense of such owner be removed by the Commissioners from such shed or building summarily and without any other notice or warrant and taken to such place outside the quays of the harbour and docks as the Commissioners think fit.

(4) All perishable and other goods which in the opinion of the Commissioners have become or are about to become a nuisance or injurious to other goods after having been deposited in any shed or building of the Commissioners may be in like manner removed and placed elsewhere as in this section provided also at the risk and expense of the owner thereof.

A.D. 1935.  
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159. Subject to the provisions of the section of this Order of which the marginal note is "Reserving surface of quays" the Commissioners may in their discretion use as a bonded warehouse any of their buildings or any part thereof now existing or hereafter to be erected at the harbour and docks which may be approved by the Commissioners of Customs and Excise.

Power to use buildings as bonded warehouses.

160. The Commissioners may if required give to the Commissioners of Customs and Excise by bond under their common seal security for payment of duties on goods deposited in their bonded warehouses or sheds and may give such bonds or securities under their common seal as may be required by the laws for the time being in force relating to bonded premises.

Bonds and security to Customs &c.

161. The Commissioners may from time to time make and enforce such further rules and regulations applicable to the use management and control of and rents or rates to be charged for their sheds buildings and other premises as they may from time to time think fit.

Regulations for sheds buildings &c.

162. The quays over which any shed or building for the reception of goods to be imported or exported at the harbour and docks shall have been erected or shall be erected under the authority of this Order by the Commissioners shall so far as regards the surface thereof be reserved as public quays and sheds for the arrival unloading removing and the loading and shipment of goods and general public quay traffic subject to the provisions of this Order and to the byelaws and regulations of the Commissioners for the time in force.

Reserving surface of quays.

163. The Commissioners may continue or may lift alter relay and extend the rails on the quays piers and elsewhere and may lay such new rails at the harbour and docks as they shall deem necessary or convenient for the traffic thereof.

Rails may be altered or extended.

164. The Commissioners may grant and assign to any shipping company shipowners or shipmasters whose

Commissioners may

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.  
—  
grant special  
right to  
berthage.

vessel or vessels regularly sail to and from the port of Leith a special or preferable right to the use of any shipping berth and quay wharf or shed space at the harbour and docks for the accommodation of such vessel or vessels and the passengers or goods carried therein and that for such time and subject to such conditions and for such payment and in addition to the rates leviable under this Order as the Commissioners shall from time to time determine.

Commis-  
sioners may  
lay buoys  
&c.

165. The Commissioners may from time to time lay fix or place and maintain such buoys mooring chains anchors fixed and floating lights and beacons and other conveniences as shall appear to them necessary or expedient upon or within any part of the harbour and docks for the use accommodation guidance or safety of the shipping and may remove and replace the same and alter the character description and position thereof from time to time as they shall think proper the consent of the Commissioners of Northern Lighthouses being always first had and obtained in so far as regards such lights and beacons.

Commis-  
sioners to  
control  
ballasting of  
vessels &c.

166. The Commissioners shall have and exercise exclusive control over the supply of ballast to and removal of ballast from vessels at the harbour and docks and shall from time to time appoint suitable persons for supplying and removing the same at such reasonable rates of charge as the Commissioners may from time to time determine having regard to the cost of materials labour and other expenses connected therewith for the time Provided always that all ballast discharged from vessels shall be the property of the Commissioners unless the master or owners elect to discharge and dispose of retain or otherwise deal with the same which they may do on payment of import rates thereon as cargo and that in such case also the vessel from which such ballast is discharged shall be deemed to have arrived with the same as cargo.

Commis-  
sioners may  
contract for  
water  
lighting and  
power.

167. The Commissioners may contract and agree with the Corporation or with any other local authority or person having right or power for the time to supply water in the district for the supply of water to the harbour and docks including the harbour of Newhaven and the works thereat and for the supply of water to the shipping at the port of Leith and the harbour of Newhaven and with the Corporation or with any other local authority

or person having right or power for the time to supply artificial light or power for the supply of gas electric or other light or power to the harbour and docks including as aforesaid and they may also contract for the construction maintenance repair renewal and extension of all pipes and fittings necessary on such terms as they shall think proper. A.D. 1935.  
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168. Nothing in this Order contained shall—

- (a) relieve the Commissioners of any obligation incumbent on the existing Commissioners at the commencement of this Order in regard to the maintenance or repair of streets; Saving obligations as to streets and exemption from taxation.
- (b) relieve the Corporation of any duty or obligation then incumbent on them in regard to streets or otherwise under the Edinburgh Corporation Acts 1924 to 1935;
- (c) render the Commissioners or the harbour and docks or the rates to be levied in virtue of this Order liable to any public or other rate or assessment from which the existing Commissioners or the harbour and docks or the rates and duties leviable under the repealed Acts or any of them or under any other statute were exempt at the commencement of this Order or exempt the Commissioners from any such rate or assessment for which the existing Commissioners were then liable.

169.—(1) Every master of a vessel shall at any time on being so required by the harbour master give to the harbour master a true statement of the draught and beam of such vessel and until such statement is given the harbour master may forbid such vessel to enter or leave the harbour or the docks or any of them. Master of vessel to declare draught and beam of vessel.

(2) Every master of a vessel who shall fail to give such statement or shall give a false statement shall be liable to a penalty of not exceeding fifty pounds for every such offence.

170. The Commissioners may let to shipbuilders to be used for building or repairing vessels and other purposes of their trade any of the dry docks now existing and hereafter to be constructed at the harbour and docks and Commissioners may let dry docks &c.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. building yards and other premises connected therewith  
— on lease for a year or longer and at such annual rent and  
on such terms and conditions as they shall think proper  
Provided always that at least two dry docks shall always  
be kept for the use of the public according to the regula-  
tions applicable to such docks and at the rates for the  
same to be levied in virtue of this Order.

No ship-  
building &c.  
in dry docks. 171.—(1) The dry docks reserved for the use of the  
public shall be used only for the purpose of examination  
repair refitting and ordinary improvement of vessels.

(2) No vessel shall be allowed to continue in the  
occupation of any of such docks for the execution of  
work which may be executed on the vessel afloat if any  
other vessel entitled to admission is ready to go in.

(3) No person shall be entitled to the use of any  
dry dock reserved for the public for the purpose of  
building lengthening or otherwise enlarging any vessel  
or executing any operation thereon of an extraordinary  
description or which may involve the occupation of the  
dock for an extraordinary length of time without the  
consent and authority of the Commissioners specially  
applied for and obtained in writing before any such vessel  
is admitted.

(4) The Commissioners may grant or refuse such  
consent and authority or may grant the same on such  
terms and conditions as they shall see fit.

Commis-  
sioners may  
run docks  
dry for  
repairs &c. 172. The Commissioners may from time to time as  
they think proper run dry or lower the level of the water  
in any of the wet docks now existing and hereafter to be  
constructed at the harbour and docks for the purpose of  
repairing or cleansing the same on giving at least two  
clear days' previous notice of their intention to do so by  
affixing such notice on some conspicuous part of their  
offices and the Commissioners may require any vessel or  
vessels therein to be removed therefrom during the  
currency of such notice and shall have power after such  
notice to remove such vessel or vessels therefrom at the  
risk and expense of their owners whether such vessel or  
vessels shall have discharged or taken on board her or  
their whole cargo or not in the event of the master or  
person in charge thereof not removing the same within  
twelve hours after being required by the harbour master  
to do so.



173.—(1) The Commissioners may within the limits of the harbour and docks raise and remove or if necessary destroy break up take away and sell any wrecked stranded abandoned or sunken vessel or other wreck or thing (all of which are in this section included in the expression “ vessel ”) and the cargo goods and property therein or any obstruction or floating timber and the expense of raising removing destroying breaking up taking away and selling any such vessel cargo goods property obstruction or floating timber shall be repaid by the master or owner of the same and the Commissioners may detain such vessel cargo goods property obstruction or floating timber in security of such expense and on non-payment of such expense on demand may sell the same and out of the proceeds of such sale may pay the expense incurred in raising removing or destroying breaking up or taking away such vessel cargo goods property obstruction or floating timber and the charges of detention and sale rendering the overplus if any to the person entitled to the same and if from such proceeds a sufficient sum to pay such expense shall not be obtained the deficiency shall be recoverable from the master or owner of such vessel cargo goods property obstruction or floating timber in the same manner as damages or expenses are by this Order or any Act incorporated therewith authorised to be recovered Provided always that the Commissioners shall before selling any such cargo goods or property as aforesaid pay all duties which may be due to His Majesty in respect of the cargo goods or property to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods or property.

A.D. 1935.

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Power to  
remove  
wrecks &c.

(2) For the purpose of giving effect to and in furtherance of the powers conferred on the Commissioners and the harbour master by sections 56 and 57 of the Harbours Clauses Act and the powers conferred upon the Commissioners by the Merchant Shipping Act 1894—

(a) the words “ expense ” “ expenses ” and “ charges ” in those sections and that Act respectively shall include all expenses incurred by the Commissioners in lighting watching detaining advertising marking buoying raising removing destroying breaking up taking away and selling any vessel cargo goods or property therein or any obstruction or floating timber

A.D. 1935.  
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wrecked stranded abandoned or sunken within the port of Leith or any part thereof or otherwise for any purpose in respect of such vessel cargo goods property obstruction or floating timber and also all expenses incurred by the Commissioners or the harbour master under this section or section 57 of the Harbours Clauses Act or section 530 of the Merchant Shipping Act 1894; and

(b) the word "owner" shall include (i) the owner of any vessel at the time when the same is wrecked stranded abandoned or sunk within the harbour and docks (ii) the owner of any cargo goods property obstruction or floating timber at the time when the same shall first impede the navigation of the harbour and docks and (iii) the owner of such vessel cargo goods property obstruction or floating timber at any time thereafter.

(3) The powers conferred on the Commissioners by this section and on the harbour master by sections 56 and 57 of the Harbours Clauses Act may be exercised by the Commissioners or by the harbour master and all notices or directions which the harbour master is authorised to give under the Harbours Clauses Act or this Order or under any byelaws made thereunder may be signed by the harbour master or by the clerk.

(4) The powers of the Commissioners under subsection (1) of this section shall not be exercised in respect of a vessel if the owner thereof within twenty-four hours after the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour master be necessary for the raising or removal thereof and does all things necessary to raise and remove the vessel as speedily as possible to the satisfaction of the harbour master.

(5) Notwithstanding anything contained in this Order the master of any vessel who fails to comply with any notice or direction given in pursuance of this Order or of the Harbours Clauses Act shall be guilty of an offence and shall be liable to a penalty of twenty pounds. Such penalty may be recovered under and in accordance with the provisions of the section of this Order of which the marginal note is "Offences how to be prosecuted."

(6) Except for the purpose of removing any obstruction to the port of Leith nothing in this section shall entitle the Commissioners 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 Commissioners 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 overplus of the proceeds of sale thereof as is referred to in subsection (1) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

A.D. 1935.  
—

174. No work shall be carried on on a Sunday at or in any dry or graving dock or at any staites cranes tips elevators transporters lifts hoists drops or like appliances or otherwise in the port of Leith without the permission of the Commissioners Provided that this section shall not apply to any such work required to be carried on by or on behalf of any Government department.

Sunday  
work.

175. Subject as in this section provided the agreement between the Commissioners and His Majesty's Principal Secretary of State for the War Department set forth in the Seventeenth Schedule to this Order shall continue in force and be binding on the parties thereto Provided that notwithstanding the provision respecting the two months' notice contained in the second head of the said agreement the first party thereto shall be entitled to retain occupation of (1) the existing Leith Dock Battery (being the battery presently situated upon the space delineated and coloured brown upon the plan referred to in the said agreement) until such time as the second parties thereto shall have set apart the site for a new battery in the position delineated and coloured red on the said plan and shall have constructed and provided works in terms of the provisions of the fifth head of the said agreement and (2) the existing works situated upon the areas delineated and coloured green upon the said plan until such time as the said second parties shall have set apart the other sites delineated and coloured blue upon the said plan or other substituted site or sites in terms of the provisions of the sixth head of the said agreement.

Agreement  
with War  
Depart-  
ment.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

—  
Agreement  
with Board of  
Trade and  
Commis-  
sioners of  
Crown Lands.

176. The agreement between the Board of Trade acting under the Crown Lands Act 1866 the Commissioners of Crown Lands and the Commissioners set forth in the Eighteenth Schedule to this Order shall continue in force and be binding on the parties thereto.

For protec-  
tion of  
Postmaster-  
General.

177. In the event of the works by this Order authorised involving any alteration of a telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply and have effect in relation to such alteration as aforesaid.

Saving  
rights of His  
Majesty's  
Principal  
Secretary of  
State for  
the War  
Depart-  
ment.

178. Subject to the provisions of the agreement set forth in the Seventeenth Schedule to this Order nothing in this Order contained shall authorise the Commissioners to enter upon take use or interfere with any land soil buildings or water or any rights in respect thereof vested in or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department or to take away lessen prejudice or alter any of the estates rights privileges exemptions authorities or powers vested in or enjoyed or exercised or exerciseable by the said Principal Secretary of State without his previous consent signified in writing under his hand which consent the said Principal Secretary of State is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Commissioners.

For protec-  
tion of Cor-  
poration.

179. Nothing in this Order shall prejudice diminish alter or take away any of the rights powers and authorities vested in the Corporation whether under the provisions of the Edinburgh Corporation Acts 1924 to 1935 or otherwise but all such rights powers and authorities shall be as valid and effectual as if the Act confirming this Order had not been passed.

Nothing  
to exempt  
harbour and  
docks from  
provisions of  
Merchant  
Shipping  
Acts.

180. Nothing in this Order contained shall be deemed to exempt the port of Leith or the Commissioners from the provisions of the Merchant Shipping Acts 1894 to 1932 or of any general Act relating to harbours or docks or dues on shipping or on goods carried in vessels now in force or which shall be passed during the present or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Order.

181. The Commissioners shall within the harbour and docks be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

A.D. 1935.

—  
Commissioners to  
be local light-  
house authority.

182.—(1) Subject to the provisions of this Order—

Saving from  
effect of  
repeal.

- (a) all existing annuities bonds mortgages or other securities made granted payable or created by the existing Commissioners or their authors under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (b) all actions arbitrations submissions prosecutions and proceedings by with or against the existing Commissioners by reason of any matter or thing accruing or done before the commencement of this Order under or in the execution of or in relation to any of the repealed Acts may be continued commenced taken made or prosecuted by or against the Commissioners as if the Act confirming this Order had not been passed;
- (c) all existing byelaws rules regulations orders licences appointments tables of rates or charges and lists of tolls shall continue in force until repealed altered or revoked or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;
- (d) all rates rents tolls charges and other sums at the commencement of this Order due or accruing due to the existing Commissioners or any other authority company body or person may be collected and recovered as if the Act confirming this Order had not been passed;
- (e) all books registers deeds documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if the Act confirming this Order had not been passed;

A.D. 1935.

(f) all plans sections and books of reference and all corrections and certificates of correction thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace town clerk or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed;

(g) any agreement or document relating to the provisions of any of the repealed Acts which are re-enacted in this Order shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Order.

(2) The mention of particular matters in this Order shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

Costs of  
Order.

183. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Commissioners out of the revenues of their undertaking.

The SCHEDULES referred to in the foregoing Order. A.D. 1935.

THE FIRST SCHEDULE.

Referred to in the section of this Order of which the marginal note is "Repeal of Acts &c."

Session and Chapter.	Title.	Extent of Repeal.
38 & 39 Vict. c. clx.	Leith Harbour and Docks Act 1875.	The whole Act in so far as not already repealed.
55 & 56 Vict. c. clxxvii.	Leith Harbour and Docks Act 1892.	The whole Act in so far as not already repealed.
62 & 63 Vict. c. cliv.	Leith Harbour and Docks Act 1899.	The whole Act in so far as not already repealed.
8 Edw. 7 c. xxx.	Leith Harbour and Docks Order Confirmation Act 1908.	The whole of the Order scheduled thereto in so far as not already repealed.
3 & 4 Geo. V. c. lxxxvii.	Leith Harbour and Docks Act 1913.	The whole Act in so far as not already repealed.
9 Geo. V. c. ii.	Leith Harbour and Docks Order Confirmation Act 1919.	The whole of the Order scheduled thereto in so far as not already repealed.
14 Geo. V. c. iv.	Leith Harbour and Docks Order Confirmation Act 1924.	The whole of the Order scheduled thereto.
15 & 16 Geo. V. c. cxxv.	Leith Harbour and Docks Order Confirmation Act 1925.	The whole of the Order scheduled thereto.
20 Geo. V. c. xi.	Leith Harbour and Docks Order Confirmation Act 1929.	The whole of the Order scheduled thereto.
23 & 24 Geo. V. c. li.	Leith Harbour and Docks Order Confirmation Act 1933.	The whole of the Order scheduled thereto.
24 Geo. V. c. v.	Edinburgh Corporation Order Confirmation Act 1933.	Subsections (2) and (3) of section 29 of the Order scheduled thereto.

A.D. 1935.

THE SECOND SCHEDULE.

Referred to in the section of this Order of which the marginal note is "Partners of firms trustees &c. qualified as electors (ratepayers)."

NOTICE BY FIRM OR TRUSTEES (RATEPAYERS).

To the returning officer under the Leith Harbour and Docks Consolidation Order 1935 for the election of Commissioners in November (state year in words).

\*We the firm of

\*We the trustees of (design trust)

\*I the sole trustee of (design trust)

Do hereby give notice with reference to the list of electors to be revised by you for the above election wherein \*we \*I are entered as paying rates to an amount importing qualification as electors or elector that the undernoted

\* Partners of our firm

\* Trustees in the said trust

claim in respect of the said payment a vote as a qualified elector at such election.

Name or Names.	Residence (Place of Abode).

Dated this            day of (state month and year).

For and on behalf of the firm of

Signature.....  
Partner.

For and on behalf of the trustees of  
 (design trust)

Signature.....  
Trustee.

For and on behalf of (design trust)

Signature.....  
Sole Trustee.

\* Delete those inapplicable.



THE THIRD SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Members of corporations and incorporated companies qualified as electors (rate-payers)."

NOTICE BY A CORPORATION OR COMPANY (RATEPAYERS).

To the returning officer (as before).

We hereby give notice with reference to the list of electors to be revised by you for the above election that the following member or members of our corporation or company claims or claim to be qualified to vote in respect of the rates paid by us:—

Name or Names.	Residence (Place of Abode).

Dated this                      day of (state month and year).

(To be signed by a recognised official of the corporation or company who shall add his qualification *i.e.* "director" "secretary" &c.).

A.D. 1935.

THE FOURTH SCHEDULE.

Referred to in the section of this Order of which the marginal note is "Partners of firms and trustees qualified as electors (shipowners)."

NOTICE BY FIRM OR TRUSTEES (SHIPOWNERS).

To the returning officer (as before).

We hereby give notice with reference to the list of electors to be revised by you for the above election wherein we are entered as being qualified as an elector that the tonnage belonging to us jointly in respect of which we are so entered is owned by the undernoted partner or partners of our firm or trustee or trustees of our trust in the following proportions:—

Name or Names of Owners.	Residence (Place of Abode).	Proportion of Tonnage.

Dated this                      day of (state month and year).

For and on behalf of the firm of

Signature.....  
Partner.

For and on behalf of the trustees of  
 (design trust)

Signature.....  
Trustee.

THE FIFTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Members of corporations and incorporated companies qualified as electors (ship-owners)."

NOTICE BY A CORPORATION OR COMPANY REGISTERED AS  
 SHIPOWNERS.

To the returning officer (as before).

We hereby give notice with reference to the list of electors to be revised by you for the above election wherein we are entered by our (corporation or company) name as registered owners of shipping that the tonnage belonging to us in respect of which we are so entered is owned by the undernoted member or members of our corporation or our company in the following proportions:—

Name or Names of Owners.	Residence (Place of Abode).	Proportion of Tonnage.

Dated this                      day of (state month and year).

(To be signed by a recognised official of the corporation or company who shall add his qualification *i.e.* "director" "secretary" &c.).

A.D. 1935.

THE SIXTH SCHEDULE.

Referred to in the section of this Order of which the  
marginal note is "Rules as to taking polls."

ELECTION OF COMMISSIONERS FOR THE HARBOUR AND DOCKS  
OF LEITH.

YEAR 19 .

VOTING PAPER FOR THE ELECTION BY SHIPOWNERS  
AND RATEPAYERS.

No. (*number of elector as on the register*).

I hereby vote for the following candidate (*or candidates*) at  
this election.

Signed by me the elector whose name (*or signed by me a  
member of the firm or body of trustees or the recognised official  
of the corporation or company whose names or description*) and  
address are endorsed hereon at  
this            day of            nineteen hundred and

(Signed) A.B. Voter.

Signed by the above-mentioned voter who is personally known  
to me in my presence upon the date above mentioned.

(Signed) C.D.

(*Add designation and place of residence.*)

THE SEVENTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the  
marginal note is "Rules as to taking polls."

ELECTION OF COMMISSIONERS FOR THE HARBOUR AND DOCKS  
OF LEITH 19 . .

RETURNING OFFICER'S LETTER.

No. (*number of elector as on the Register*).

NAMES AND DESIGNATIONS OF PERSONS NOMINATED.

.....  
.....  
.....

Sir (or Sirs)

I have to intimate that the above-named persons have been nominated for the office of a Commissioner (*or Commissioners*) for the Harbour and Docks of Leith to be elected by shipowners (*or ratepayers*) Along with this letter you will receive a voting paper and should you desire to vote at this election I have to request that you will either vote personally at (*insert place*) between the hours of 10 o'clock in the forenoon and four o'clock in the afternoon on (*insert date*) or that you will insert in the blanks of the voting paper the name (*or names*) of the person (*or persons*) for whom you vote and the place and date of signing and having signed in presence of one witness who will also sign his name as directed you will return the voting paper by post to me in the enclosed envelope so as to reach me on or before 10 a.m. of (*insert the day on which the poll finally closes*).

You are entitled to one vote for one candidate (*or to votes namely one vote for each of any* of the above-named candidates) and no voting paper containing the names of more candidates than you are entitled to vote for at this election will be counted.

(Signed) G.H. (*Returning Officer*).

(*Place and date*).

A.D. 1935.

THE EIGHTH SCHEDULE.

Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties."

Parish.	County.	Number on Deposited Plan.
City parish of Edinburgh	Midlothian	2 23 24 25 26.

THE NINTH SCHEDULE.

Referred to in the sections of this Order of which the marginal notes are "Qualification of shipowners and ratepayers" and "Commissioners to levy rates on goods and shipping &c."

(NOTE.—The rates in the following schedules or any one or more of them may pursuant to the section of this Order the marginal note of which is "Commissioners may vary rates" be varied reduced or increased but shall not at any time be increased to more than the amount leviable in conformity with that section.)

RATES ON GOODS.

All rates are given at per ton of 20 cwt. except where otherwise stated and are the same inward or outward except where otherwise stated No charge to be less than one penny Where the charge exceeds a penny no fraction of a penny to be levied unless amounting to a halfpenny or upwards and fractions of a penny amounting to a halfpenny or upwards to be charged a penny.

Articles.	Rates per ton.	
	s.	d.
Acetate of lime - - - - -	1	3
Acids in casks or cases - - - - -	1	3
Acorns - - - - -	1	10½
Aerated waters - - - - -	2	6

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Agricultural implements - - - - -	2	6	
Alabaster work - - - - -	3	1½	
Albumen - - - - -	1	3	
Albums - - - - -	3	1½	
Alcohol in casks - - - - -	1	3	
Alcohol in cases - - - - -	2	6	
Ale beer and porter in casks - - - - -	0	10	
Ale beer and porter in bottles - - - - -	1	3	
Alizarine - - - - -	1	3	
Alkali - - - - -	1	3	
Alum - - - - -	1	0½	
Alum clay - - - - -	1	0½	
Alum waste - - - - -	1	0½	
Alumina cake - - - - -	1	0½	
Alumina sulphate of - - - - -	1	0½	
Amberware - - - - -	3	1½	
Ammonia carbonate of - - - - -	1	3	
Ammonia sulphate of - - - - -	0	7½	
Ammoniacal liquor - - - - -	1	3	
Anchovies - - - - -	1	10½	
Annato - - - - -	1	3	
Antepetrin - - - - -	1	3	
Antimonium ore - - - - -	1	3	
Antimony - - - - -	1	3	
Argols - - - - -	1	3	
Arrowroot - - - - -	1	10½	
Arsenic - - - - -	1	3	
Asbestos - - - - -	1	3	
Asbestos cement slates - - - - -	1	0½	
Asbestos hemp packing - - - - -	1	3	
Asbestos sheets and ridges - - - - -	1	3	
Ashes pot or other kinds - - - - -	1	3	
Asphalte - - - - -	1	3	
Asphalte slabs - - - - -	1	3	
Bacon and pork - - - - -	1	3	
Baking powder - - - - -	1	3	
Balata belting - - - - -	3	1½	
Barium chloride of - - - - -	1	3	
Bark - - - - -	0	7½	
Bark extract of - - - - -	1	3	
Barm - - - - -	1	10½	
Barometers - - - - -	3	1½	
Barrels empty - - - - -	1	0	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Barrels empty returned	0	7½
Barrows	2	6
Barytes stone rough ground or powdered	1	3
Barytes sulphate of	1	3
Basketware	3	1½
Baths enamelled	1	3
Bauxite	0	5
Beaver boards inwards	1	6¾
Beaver boards outwards	1	0½
Bedding	3	1½
Beef viz. :—		
Fluid or extracts	3	1½
Fresh	3	1½
Preserved	1	10½
Salt	1	3
Beer spruce	1	6¾
Bees' wax	1	3
Beetroot dried in slices	0	9
Beetroot pulp	0	9
Bellows smiths' &c.	3	1½
Benzole or Benzine	0	10
Bicarbonate of soda	1	3
Bichromate of potash	1	3
Bichromate of soda	1	3
Bicycles and tricycles	3	1½
Bimol blocks	0	7½
Biscuits	1	3
Biscuit dust	1	0
Bisulphate of carbonate	1	3
Bitters	2	6
Bitumen	1	3
Blacking	1	10½
Blaes (colliery)	0	2
Bleaching powder or liquor	1	3
Blocks fireclay	0	7½
Blood manure dried	0	7½
Blubber whale and cod	1	3
Boats	3	1½
Bobbins of wood	3	1½
Bobbin blocks	1	3
Boiler composition	1	3
Bones	0	7½
Bones for knife handles &c.	1	3



[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Bones dissolved - - - - -	0	7½	
Bone ash - - - - -	0	7½	
Bone black - - - - -	1	3	
Bone dust - - - - -	0	7½	
Bone meal - - - - -	0	7½	
Books - - - - -	1	6¾	
Boots - - - - -	3	1½	
Boot friction - - - - -	0	10	
Borax - - - - -	1	3	
Bottles - - - - -	2	1	
Bottles broken - - - - -	0	5	
Boxes empty - - - - -	2	1	
Boxes empty returned - - - - -	0	7½	
Boxes fancy empty - - - - -	3	1½	
Bran - - - - -	0	9	
Brass - - - - -	1	3	
Brass refuse or slag of - - - - -	0	7½	
Brass scrap - - - - -	0	7½	
Brass side lights - - - - -	1	3	
Bread - - - - -	1	3	
Bricanion lathing - - - - -	1	3	
Bricks common fireclay and bath - - - - -	0	5	
Brimstone - - - - -	1	0½	
Bristles - - - - -	1	8	
Bromine - - - - -	1	3	
Bronze - - - - -	1	3	
Brooms birch - - - - -	1	0½	
Brooms other kinds - - - - -	3	1½	
Broom handles - - - - -	3	1½	
Brushes - - - - -	3	1½	
Brush blocks wooden - - - - -	1	3	
Brush heads - - - - -	2	6	
Brushwood - - - - -	2	6	
Bulbous roots - - - - -	2	6	
Bulrushes or flags - - - - -	1	0½	
Buoys canvas - - - - -	3	1½	
Burr stones - - - - -	1	0½	
Butcher meats canned or tinned - - - - -	1	3	
Butter - - - - -	1	3	
Butter cocoa - - - - -	1	0½	
Butter colour - - - - -	1	3	
Buttons - - - - -	3	1½	
Cake whole or ground rape linseed and others - - - - -	0	9	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Calcium carbide of	1	6 $\frac{3}{4}$
Calcium chloride of	1	3
Calves' velves or rennets	1	3
Camomile	3	1 $\frac{1}{2}$
Camphor	1	10 $\frac{1}{2}$
Canaries	each	0 0 $\frac{1}{2}$
Candles	1	0
Candle wick	3	1 $\frac{1}{2}$
Candy sugar	1	6 $\frac{3}{4}$
Cane or rattans	1	10 $\frac{1}{2}$
Cane crushed	1	0
Cane reeds weavers	1	10 $\frac{1}{2}$
Canned corn	2	6
Canoes	3	1 $\frac{1}{2}$
Canvas	2	2 $\frac{1}{4}$
Capsules	1	3
Caramel	1	3
Carbo limo	0	7 $\frac{1}{2}$
Carbon black	1	10 $\frac{1}{2}$
Carbon blocks (in cases)	3	1 $\frac{1}{2}$
Carbon—gas coke	0	7 $\frac{1}{2}$
Cardboard boxes	2	1
Cards playing	1	6 $\frac{3}{4}$
Cards show	3	1 $\frac{1}{2}$
Cards for tow or wool	3	1 $\frac{1}{2}$
Carpets rugs and upholstery	3	1 $\frac{1}{2}$
Carpet bags	3	1 $\frac{1}{2}$
Carriages including railway gun coach chariot chaise and others	3	1 $\frac{1}{2}$
Cartridges	3	1 $\frac{1}{2}$
Carts	3	1 $\frac{1}{2}$
Casein	1	3
Cases or boxes empty	2	1
Cases or boxes empty returned	0	7 $\frac{1}{2}$
Casks empty	1	0
Casks empty returned	0	7 $\frac{1}{2}$
Cassia	3	1 $\frac{1}{2}$
Cattle viz :—		
Bulls cows and oxen	each	0 5
Calves	“	0 2 $\frac{1}{2}$
Lambs	per score	0 7 $\frac{1}{2}$
Sheep	“	1 3
Asses	each	0 3 $\frac{3}{4}$

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
<i>Cattle—cont.</i>			
Deer - - - - - each	0	3 $\frac{3}{4}$	
Dogs - - - - - „	0	2 $\frac{1}{2}$	
Horses and ponies - - - - - „	0	7 $\frac{1}{2}$	
Mules - - - - - „	0	3 $\frac{3}{4}$	
Pigs - - - - - „	0	1 $\frac{1}{4}$	
Wild beasts - - - - - „	1	3	
All other animals - - - - - „	0	3 $\frac{3}{4}$	
Cattle food (not otherwise specified) - - - - -	1	0	
Caviare - - - - -	1	10 $\frac{1}{2}$	
Cement - - - - -	1	0 $\frac{1}{2}$	
Cement clinker - - - - -	0	7 $\frac{1}{2}$	
Chaff - - - - -	1	0 $\frac{1}{2}$	
Chairs - - - - -	3	1 $\frac{1}{2}$	
Chalk rough - - - - -	0	7 $\frac{1}{2}$	
Chalk refined - - - - -	0	7 $\frac{1}{2}$	
Chalk French - - - - -	0	7 $\frac{1}{2}$	
Charcoal of bone - - - - -	1	3	
Charcoal of wood - - - - -	3	1 $\frac{1}{2}$	
Charcoal spent refiners - - - - -	1	3	
Charts and maps - - - - -	3	1 $\frac{1}{2}$	
Cheese - - - - -	1	0 $\frac{1}{2}$	
Cheese colour - - - - -	1	3	
Cheese rennet - - - - -	1	3	
Chemicals (not specified) - - - - -	1	3	
Chemical food - - - - -	2	6	
Cherry juice - - - - -	2	6	
Chestnut extract - - - - -	1	3	
Chicory - - - - -	1	3	
Chimney cans clay - - - - -	1	10 $\frac{1}{2}$	
Chinaware - - - - -	3	1 $\frac{1}{2}$	
Chloride of lime - - - - -	1	3	
Chloride of barium - - - - -	1	3	
Chocolate - - - - -	2	6	
Chromate of iron ore - - - - -	1	3	
Chutney - - - - -	1	3	
Cider - - - - -	1	3	
Cigars - - - - -	3	1 $\frac{1}{2}$	
Cinnamon - - - - -	3	1 $\frac{1}{2}$	
Cinders gas and others - - - - -	0	4	
Clay china - - - - -	0	7 $\frac{1}{2}$	
Clay common - - - - -	0	7 $\frac{1}{2}$	
Clay pipe - - - - -	0	7 $\frac{1}{2}$	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Clay rhenish - - - - -	0	7½
Clocks and timepieces - - - - -	3	1½
Clothes made - - - - -	3	1½
Cloves - - - - -	3	1½
Coal - - - - -	0	2
Coal dust - - - - -	0	2
Coal briquettes - - - - -	0	4
Cobles fishing - - - - -	3	1½
Cochineal - - - - -	3	1½
Cocoa - - - - -	1	3
Cocoa beans - - - - -	1	3
Cocoanut fibre - - - - -	1	3
Cocoanut shells - - - - -	3	1½
Codilla - - - - -	0	11¼
Coffee whole or ground - - - - -	1	3
Coffee essence of - - - - -	2	6
Coke breeze - - - - -	0	4
Coke (foundry) - - - - -	1	3
Coke petroleum - - - - -	1	3
Colemanite - - - - -	1	3
Combs - - - - -	3	1½
Concrete and breeze slabs - - - - -	0	7½
Confections - - - - -	3	1½
Copper ore - - - - -	1	3
Copper - - - - -	1	3
Copper old - - - - -	1	3
Copper dross or slag of - - - - -	0	7½
Copper rollers - - - - -	1	3
Copper utensils - - - - -	3	1½
Copperas - - - - -	0	10
Coprolites - - - - -	0	6
Coral - - - - -	2	6
Cordage - - - - -	1	3
Cordials (sweetened spirits) in cases - - - - -	2	6
Cork - - - - -	1	8
Cork discs - - - - -	3	1½
Cork fenders - - - - -	3	1½
Cork lifebuoys - - - - -	3	1½
Cork shavings - - - - -	1	8
Cork squares - - - - -	1	8
Corks - - - - -	3	1½
Corkstone plates - - - - -	0	11¼

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Corn viz. :—			
Barley all kinds (including pot or hulled)	-	1 0	
Beans	-	1 0	
Bere or bigg	-	1 0	
Buckwheat	-	1 0	
Indian corn	-	1 0	
Lentils	-	1 0	
Maize Flakes and Grits	-	1 0	
Malt	-	1 0	
Oats	-	1 0	
Pease	-	1 0	
Pease split	-	1 0	
Rye	-	1 0	
Tares	-	1 0	
Wheat	-	1 0	
Wheat thirds	-	0 9	
Corn dust	-	0 9	
Corn hooks and sickles	-	1 10½	
Cotton belting	-	2 9¾	
Cotton manufactures	-	3 1½	
Cotton raw	-	3 1½	
Cotton waste	-	0 10	
Cracklings	-	1 3	
Crates empty	-	2 1	
Crates empty returned	-	0 7½	
Cream of tartar	-	1 3	
Creamola	-	2 6	
Crucibles	-	1 3	
Cryolite	-	1 3	
Crystal cut or engraved	-	3 1½	
Cummings malt	-	1 3	
Curtains	-	3 1½	
Cutch	-	1 3	
Cutlery	-	3 1½	
Cyanamide	-	0 7½	
Desiccated night soil	-	1 3	
Dextrine	-	1 3	
Disinfectant fluid &c.	-	1 3	
Draff	-	0 10	
Drapery	-	3 1½	
Dreg sediment moist or in cake	-	0 7½	
Drugs	-	2 6	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Dryers paint - - - - -	1	3
Dye stuff - - - - -	1	3
Earth fullers' - - - - -	0	7½
Earthenware - - - - -	2	1
Earth infusorial - - - - -	1	3
Earth nuts - - - - -	1	3
Earth sienna - - - - -	1	3
Earth sulphurous - - - - -	1	3
Eau de cologne - - - - -	2	6
Eggs - - - - -	2	6
Electric cable - - - - -	1	3
Emery - - - - -	1	3
Enamel - - - - -	1	3
Envelopes straw (for bottles) - - - - -	3	1½
Esparto fibre - - - - -	1	0
Extincteurs - - - - -	3	1½
Extincteurs charges for - - - - -	1	3
Eyelets - - - - -	3	1½
Farina - - - - -	1	3
Farinaceous foods - - - - -	2	6
Farola - - - - -	2	6
Fat - - - - -	1	3
Feathers - - - - -	3	1½
Feathers for manure - - - - -	0	11¼
Feeding stuffs (not otherwise enumerated) - - - - -	1	0
Felt tarred or dry woollen - - - - -	1	10½
Fibre cocoanut - - - - -	1	3
Fibre vegetable - - - - -	1	3
Filters - - - - -	1	3
Finings - - - - -	1	3
Fire lighters - - - - -	3	1½
Fireclay - - - - -	0	7½
Fireclay goods - - - - -	0	7½
Fish viz. :—		
Haddocks cod salmon &c. fresh - - - - -	1	8
Haddocks cod salmon &c. in casks cured - - - - -	1	3
Ling tusk cod &c. salted dry - - - - -	1	3
Lobsters and other shell fish - - - - -	1	8
Oysters mussels and whelks - - - - -	0	10
Fish cake and oil refuse - - - - -	0	7½
Fish hooks - - - - -	3	1½
Flags or bulrushes - - - - -	1	0½

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Flax - - - - -	1	3	
Flax waste - - - - -	1	3	
Flint stones - - - - -	0	7½	
Flock - - - - -	1	10½	
Floorecloth - - - - -	1	3	
Flour viz. :—			
Barley - - - - -	1	3	
Dust sharps and bran - - - - -	0	9	
Indian corn - - - - -	1	3	
Paring meal - - - - -	0	9	
Potato - - - - -	1	3	
Wheaten - - - - -	1	3	
Flowers - - - - -	3	1½	
Flower roots - - - - -	2	6	
Fluid disinfectant - - - - -	1	3	
Fluorspar - - - - -	1	3	
Flux skimmings - - - - -	1	0½	
Frames picture - - - - -	3	1½	
Fruit viz. :—			
Apples - - - - -	1	10½	
Apricots - - - - -	3	1½	
Cherries and currants - - - - -	3	1½	
Cranberries - - - - -	3	1½	
Cucumbers - - - - -	3	1½	
Dates - - - - -	1	3	
Dry almonds - - - - -	1	10½	
Dry currants - - - - -	1	3	
Fig cake - - - - -	1	3	
Figs - - - - -	1	3	
Gooseberries - - - - -	1	10½	
Grapes - - - - -	3	1½	
Lemons - - - - -	2	1	
Melons - - - - -	3	1½	
Oranges - - - - -	2	1	
Peaches - - - - -	2	1	
Pears - - - - -	1	10½	
Plums and greengages - - - - -	1	10½	
Pomegranates - - - - -	2	6	
Prunes or dried plums - - - - -	1	3	
Raisins - - - - -	1	3	
Raspberries - - - - -	3	1½	
Strawberries - - - - -	3	1½	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Fruit— <i>cont.</i>		
Tamarinds - - - - -	2	6
Tomatoes - - - - -	3	1½
Other kinds - - - - -	3	1½
Fruits dried or preserved in tins glass or otherwise	3	1½
Furniture house or office	3	1½
Furriers' waste - - - - -	3	1½
Furs - - - - -	3	1½
Galls - - - - -	1	10½
Gambia - - - - -	1	3
Game poultry and rabbits	1	6¾
Garancine - - - - -	2	6
Gas mantles - - - - -	3	1½
Gelatine - - - - -	1	3
Gentian root - - - - -	3	1½
Ginger - - - - -	2	8½
Ginger preserved	2	6
Gingerbread - - - - -	3	1½
Glass beads - - - - -	3	1½
Glass broken - - - - -	0	5
Glass hollow - - - - -	3	1½
Glass pearls - - - - -	3	1½
Glass plates - - - - -	3	1½
Glass tongue moulds	2	1
Glass ware coloured cut or engraved	3	1½
Glass window - - - - -	3	1½
Gloves - - - - -	3	1½
Glucose - - - - -	1	3
Glue - - - - -	1	8
Glue composition	1	3
Glue waste - - - - -	0	7½
Glycerine - - - - -	1	3
Gold varnish - - - - -	1	10½
Gold and silver plate	1	5½
Grain ( <i>see</i> Corn).		
Grape nuts - - - - -	2	6
Graphite - - - - -	1	3
Gravel - - - - -	0	7½
Gravestones - - - - -	1	3
Grease butter - - - - -	1	0½
Guano - - - - -	0	11¼
Gum arabic and shellac	1	10½
Gunny bags - - - - -	1	3



Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	
Gunpowder and explosives	1	6 $\frac{3}{4}$	
Guns - - - - -	1	6 $\frac{3}{4}$	
Guts or intestinal skins	1	3	
Guttapercha	1	10 $\frac{1}{2}$	
Guttapercha goods	1	10 $\frac{1}{2}$	
Gypsum	0	7 $\frac{1}{2}$	
Haberdashery	3	1 $\frac{1}{2}$	
Hair all kinds	1	3	
Hams	1	3	
Handles wooden	1	3	
Hardware heavy	1	3	
Hardware light	3	1 $\frac{1}{2}$	
Hats all kinds	3	1 $\frac{1}{2}$	
Hay	1	3	
Heather	1	3	
Heels boot and shoe	3	1 $\frac{1}{2}$	
Hemp goods	2	6	
Hemp rough or dressed	1	3	
Herrings in barrels	0	8 $\frac{3}{4}$	
Herrings in cases	1	3	
Hide cuttings	0	7 $\frac{1}{2}$	
Hides wet and dry kip and calf	1	0 $\frac{1}{2}$	
Honey	1	3	
Honeycomb foundations	3	1 $\frac{1}{2}$	
Hoofs and horn waste	0	7 $\frac{1}{2}$	
Hoops wood lengthways	1	10 $\frac{1}{2}$	
Hoops wood coiled	0	8 $\frac{3}{4}$	
Hops	3	1 $\frac{1}{2}$	
Horn croppings	0	7 $\frac{1}{2}$	
Horns	3	1 $\frac{1}{2}$	
Horn piths for manure	0	7 $\frac{1}{2}$	
Horn tips	1	3	
Horse-flesh	3	1 $\frac{1}{2}$	
Hurdles	3	1 $\frac{1}{2}$	
Hurleys	3	1 $\frac{1}{2}$	
Husks of grain and seeds	0	9	
Ice	1	3	
Indiarubber	1	10 $\frac{1}{2}$	
Indiarubber manufactures	3	1 $\frac{1}{2}$	
Indiarubber wringer rollers	1	10 $\frac{1}{2}$	
Indigo	3	1 $\frac{1}{2}$	
Infusorial earth	1	3	
Infusorial slabs	1	3	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Ink in casks or cases	1	10½
Ink waste printers'	1	3
Instruments musical	3	1½
Instruments surgical	3	1½
Insulite inwards	1	6¾
Insulite outwards	1	0½
Iodine	1	3
Iron and steel viz. :—		
Anchors and chains	1	3
Angles steel	1	3
Anvils and forgings	1	3
Bar bolt rod sheet plate and hoop	1	0½
Billets blooms and slabs	1	0½
Boilers whole or in pieces	1	3
Cast in girders pavement retorts and sleepers	1	0½
Cast in pipes gas and water	1	0½
Drums empty	1	0
Fencing and other wire	1	3
Ferro chrome	1	0½
Ferro silicon	1	0½
Forgings in the rough	1	3
Gas &c. meters heavy	1	3
Gas &c. meters light	3	1½
Gasometers in pieces	1	3
Girders rolled	1	3
Grates chairs &c.	1	0½
Grit or sand	1	3
Ingots	1	0½
Ironmongery goods not specified	1	3
Ironwork	1	3
Iron galvanised	1	3
Locomotives	1	3
Machinery heavy	1	3
Machinery light	3	1½
Mangles	1	3
Mine dust	0	5
Nails and spikes	1	3
Old wheels and axles	1	3
Ore or ironstone	0	5
Oxide	1	3
Oxide spent	0	4
Pig iron	0	6¼
Plates	1	0½

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	s.	d.	
<b>Iron and steel—cont.</b>			
Propellers - - - - -	1	3	
Rails - - - - -	1	0½	
Rivets pins bolts nuts and tubes - - - - -	1	3	
Ropes - - - - -	1	3	
Rust - - - - -	1	3	
Scrap - - - - -	0	6¼	
Slag - - - - -	1	3	
Slag blast furnace - - - - -	0	4	
Tie bars - - - - -	1	3	
Tinned and untinned pots &c. - - - - -	1	0½	
Types - - - - -	1	3	
Wire rods - - - - -	1	0½	
Wringers - - - - -	1	10½	
Isinglass - - - - -	3	1½	
Ivory - - - - -	1	3	
Ivory black - - - - -	1	3	
Jewellery - - - - -	1	5½	
Jute raw - - - - -	1	3	
Jute carpeting and manufactured goods - - - - -	3	1½	
Jute cloth and burlaps - - - - -	1	3	
Jute cuttings - - - - -	1	3	
Jute hessian - - - - -	1	3	
Jute twist - - - - -	1	8	
Kaffir corn - - - - -	1	6¾	
Kainit - - - - -	0	7½	
Kali - - - - -	1	3	
Kelp burnt - - - - -	0	7½	
Kelp seaware raw - - - - -	0	7½	
Kerosene inwards - - - - -	1	0	
Kerosene outwards - - - - -	0	10	
Kolas - - - - -	1	3	
Lace goods - - - - -	3	1½	
Lamps - - - - -	3	1½	
Lamp black - - - - -	3	1½	
Lard - - - - -	1	3	
Lead ash - - - - -	1	0½	
Lead black red white - - - - -	1	0½	
Lead ore - - - - -	1	0½	
Lead pig - - - - -	1	0½	
Lead pipes and sheets - - - - -	1	0½	
Lead scrap - - - - -	1	0½	
Lead shot - - - - -	1	0½	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Lead slag - - - - -	1	0½
Lead sugar of - - - - -	1	0½
Lead sulphate of - - - - -	0	10
Leather - - - - -	1	10½
Leather belting - - - - -	3	1½
Leatherware - - - - -	3	1½
Leather waste (cuttings) - - - - -	0	7½
Lemon juice - - - - -	1	10½
Lemon peel - - - - -	1	10½
Limes - - - - -	2	6
Lime juice in casks - - - - -	1	3
Lime juice in cases - - - - -	2	6
Lime and limestone shells - - - - -	0	5
Lime nitrate of - - - - -	0	7½
Limestone grit - - - - -	0	5
Linen - - - - -	2	2¼
Linen bags - - - - -	2	6
Linens - - - - -	2	6
Lines fishing - - - - -	2	6
Linoleum - - - - -	1	3
Liquorice - - - - -	1	8
Liquorice root - - - - -	2	6
Litharge - - - - -	1	3
Lithographic plates - - - - -	1	3
Loam - - - - -	0	5
Locust beans - - - - -	1	0
Logwood extract of - - - - -	1	3
Looms - - - - -	1	3
Luggage passengers' - - - - -	3	1½
Macaroni - - - - -	3	1½
Mackerel - - - - -	0	8¾
Madders - - - - -	2	6
Madders ground - - - - -	2	6
Magnesia - - - - -	3	1½
Magnesite ore - - - - -	0	5
Majolica - - - - -	3	1½
Malt extract (manufacturing purposes) - - - - -	1	3
Manganese - - - - -	0	10
Manganese ore - - - - -	0	10
Manganese peroxide of - - - - -	0	10
Manganese sulphate of - - - - -	1	3
Mangles iron - - - - -	1	3
Manna croup - - - - -	1	3

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	
Manures chemical and fish - - - - -	0	7½	
Manures common street - - - - -	0	1¼	
Manures not specified - - - - -	0	7½	
Marble - - - - -	1	3	
Marbles - - - - -	1	3	
Margarine - - - - -	1	3	
Matches - - - - -	3	1½	
Mats bass - - - - -	2	6	
Mats Russian - - - - -	1	0½	
Mattings - - - - -	3	1½	
Mattresses - - - - -	3	1½	
Meal barley dust - - - - -	0	9	
Meal feeding - - - - -	0	9	
Meal groats - - - - -	1	0	
Meal maize - - - - -	0	9	
Meal nut and oat husks - - - - -	0	9	
Meal oat barley and rye - - - - -	1	0	
Meal oilcake - - - - -	0	9	
Meal pea brock - - - - -	0	9	
Meal rice - - - - -	0	9	
Meal scree dust - - - - -	0	9	
Meal seaweed - - - - -	0	7½	
Meal seeds or sids - - - - -	0	9	
Meal shellings - - - - -	0	9	
Meal shudes corn - - - - -	0	9	
Mercery - - - - -	3	1½	
Merino cloth - - - - -	2	2¼	
Metal dross - - - - -	0	7½	
Metal patent yellow - - - - -	1	3	
Metal types - - - - -	1	3	
Metal waste - - - - -	1	3	
Milk - - - - -	1	3	
Milk butter (semi-solid) - - - - -	1	0	
Milk preserved - - - - -	1	10½	
Mill waste - - - - -	0	10	
Mineral water - - - - -	2	6	
Mirrors - - - - -	3	1½	
Mistletoe - - - - -	3	1½	
Models - - - - -	3	1½	
Molascuit - - - - -	1	0	
Molasses - - - - -	1	3	
Moss Iceland or Irish - - - - -	1	8	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.			
	s.	d.		
Moss litter or peat bedding - - - - -	0	5		
Motor cars - - - - -	3	1½		
Motor spirit - - - - -	0	10		
Mouldings - - - - -	3	1½		
Muriate of lime - - - - -	1	3		
Muriate of potash - - - - -	1	3		
Muriate of soda - - - - -	1	3		
Muriate magnesia - - - - -	1	3		
Musical instruments - - - - -	3	1½		
Mustard - - - - -	2	6		
Myrabolams - - - - -	1	3		
Naphtha - - - - -	0	10		
Natrium - - - - -	1	3		
Natron - - - - -	1	3		
Needles and pins - - - - -	1	3		
Nets - - - - -	2	6		
Nickel refuse - - - - -	0	7½		
Nitrate cake - - - - -	0	4		
Nitrate of soda - - - - -	0	7½		
Nitro Chalk - - - - -	0	7½		
Noils woollen - - - - -	1	3		
Nut kernels hazel - - - - -	2	6		
Nut kernels palm - - - - -	1	3		
Nutmegs - - - - -	2	6		
Nuts chestnuts - - - - -	1	10½		
Nuts cocoa - - - - -	3	1½		
Nuts for oil crushing - - - - -	0	9		
Nuts hazel - - - - -	2	6		
Nuts walnuts - - - - -	1	10½		
Nuts all other kinds - - - - -	1	3		
Oakum or junk - - - - -	0	10		
Oat cakes - - - - -	1	3		
Ochre - - - - -	1	3		
Oil animal - - - - -	1	0		
Oil castor and others in cases - - - - -	1	3		
Oil mineral - - - - -	- {	Inwards - - - - -	1	0
		Outwards - - - - -	0	10
Oil olive in flasks - - - - -	-	-	2	6
Oil refuse (for soap) - - - - -	-	-	1	3
Oil vegetable - - - - -	-	-	1	0
Oilcans - - - - -	-	-	2	6
Oilcloth table and other - - - - -	-	-	2	2¼
Oilskins and waterproofs - - - - -	-	-	2	2¼

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	s.	d.	
Olive refuse	1	3	
Opium	2	6	
Orange peel	2	6	
Ore bog	0	5	
Ore burnt (pyrites)	0	3	
Ore chrome	0	10	
Ore manganese	0	10	
Ore nickel	0	5	
Ore wolfram	0	10	
Oxide of zinc	1	3	
Oxide red	1	3	
Oxide spent (residue)	0	5	
Oyster shells	1	0	
Pack-thread	1	8	
Pails metal	2	6	
Paints and colours in casks	1	3	
Paints and colours in cases	1	10½	
Paper including hangings sheathing and pasteboards	{ Inwards - Outwards	{ 1 6¾ 1 0½	
Paper friction	0	10	
Paper stock and shavings	1	0½	
Paraffin scale	0	10	
Paris white	0	9	
Pastepots	2	1	
Pasteware	3	1½	
Patent foods	2	6	
Patterns	3	1½	
Pavement of clay and clay retorts	0	7½	
Pearl hardening	0	5	
Peats	0	5	
Peat bedding or moss litter	0	5	
Peel willow	0	7½	
Pelts or wet skins	1	0½	
Pencils in wood	2	7	
Penholders	3	1½	
Pepper	1	10½	
Perambulators	3	1½	
Perfumery	2	6	
Perry in casks	1	3	
Perry in cases	2	6	
Petroleum	{ Inwards	{ 1 0	
Petroleum residuum	{ Outwards	{ 0 10	
Pewter	1	3	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Phosphate rock whole or ground - - - - -	0	6
Phosphate sand - - - - -	0	6
Phosphate slag whole or ground - - - - -	0	4
Piassava - - - - -	1	8
Pickles - - - - -	1	10½
Pictures - - - - -	3	1½
Pigs' heads and feet - - - - -	1	3
Pimento - - - - -	1	10½
Pipes clay-drain - - - - -	0	7½
Pipes concrete lined - - - - -	1	0½
Pipes tobacco - - - - -	3	1½
Pitch coal tar - - - - -	0	6
Pitch shale and oil - - - - -	0	6
Pitch vegetable - - - - -	1	3
Plants shrubs or trees - - - - -	3	1½
Plaster - - - - -	0	7½
Plaster boards inwards - - - - -	1	6¾
Plaster boards outwards - - - - -	1	0½
Plumbago - - - - -	1	3
Plumbago pots - - - - -	1	3
Plush - - - - -	3	1½
Polishing paste - - - - -	2	6
Pollard or bran - - - - -	0	9
Porcelain - - - - -	3	1½
Potash - - - - -	1	3
Potash bi-carbonate of - - - - -	1	3
Potash chloride - - - - -	1	3
Potash nitrate. - - - - -	1	3
Potash prussiate - - - - -	1	3
Potash sulphate - - - - -	1	3
Potash waste of - - - - -	0	6
Potassium chloride - - - - -	1	3
Powder baking - - - - -	1	3
Powder disinfectant - - - - -	1	6¾
Preserves - - - - -	1	10½
Printers' rollers old - - - - -	1	10½
Provisions preserved not otherwise specified - - - - -	2	6
Puddlers' tap - - - - -	1	3
Pulp of wood &c. (for paper) - - - - -	1	0
Pumice sand - - - - -	0	5
Pumice stone - - - - -	1	3
Putty - - - - -	1	3
Pyrites or sulphur ore - - - - -	0	6



[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Quills	3	1½	
Rabbits (dead)	1	6¾	
Rags	0	10	
Railway plant (not otherwise specified)	1	10½	
Rattans	1	10½	
Reeds crushed	1	0	
Rennet cheese	1	3	
Rice	1	0½	
Rice bran	0	9	
Rice dust	1	0½	
Rice ground	1	0½	
Riddles	2	6	
Riggings of ships	2	6	
Roots flower and others ( <i>see</i> Bulbous roots)	2	6	
Ropes new hemp &c.	1	3	
Ropes old	0	10	
Rosin	1	3	
Rudder frames	1	3	
Rugs	3	1½	
Rushes	1	0½	
Rusks	3	1½	
Saccharine	1	3	
Sago	1	10½	
Sails	2	6	
Sailcloth	2	2¼	
Sal ammoniac (Chloride of ammonia)	1	3	
Salt cake	1	3	
Salt refined	0	7½	
Salt waste and rock	0	7½	
Salt white	0	7½	
Saltpetre	1	0½	
Salts Epsom &c.	0	10	
Sand	0	5	
Sand fresh water	0	2½	
Sandstone (broken for concrete)	0	2½	
Sardines	1	6¾	
Sauce	1	10½	
Sausages	1	3	
Sawdust	1	0½	
Saw strips	1	3	
Screenings	1	3	
Scrows	0	7½	
Scythes	1	3	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Scythe stones - - - - -	1	3
Sea grass - - - - -	2	6
Seeds viz. :—		
Ajowan - - - - -	1	0
Alsyke - - - - -	1	3
Anise - - - - -	1	10½
Canary - - - - -	1	6¾
Carraway - - - - -	1	8½
Carrot - - - - -	3	1½
Clover and grass - - - - -	1	3
Cockle - - - - -	0	7½
Coriander - - - - -	1	0
Cotton - - - - -	0	9
Dari - - - - -	1	6¾
Flax - - - - -	1	4¼
Garden - - - - -	1	10½
Hemp - - - - -	0	9
Linseed - - - - -	0	9
Mangold wurzel - - - - -	3	1½
Millet - - - - -	1	6¾
Mustard - - - - -	1	3
Niger - - - - -	0	9
Onion - - - - -	1	10½
Poppy - - - - -	0	9
Rape - - - - -	0	9
Rye grass - - - - -	2	6
Sesame - - - - -	0	9
Sunflower - - - - -	0	9
Timothy - - - - -	1	8½
Turnip - - - - -	1	3
Whin - - - - -	1	3
Other kinds - - - - -	1	0
Seed cleanings - - - - -	0	9
Seltzer water - - - - -	2	6
Semolina - - - - -	2	6
Senna - - - - -	3	1½
Sewing machines - - - - -	2	6
Sewing machine stands - - - - -	2	6
Shakes or packs of staves for casks - - - - -	1	6¾
Shale oil crude - - - - -	0	6
Sharps corn - - - - -	0	9
Sheathing metal (see Metal) - - - - -	1	3
Sheep dip - - - - -	1	3

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	
Shellac - - - - -	1	10½	
Ships' closets - - - - -	1	3	
Ships' stores heavy - - - - -	1	3	
Ships' stores light - - - - -	1	10½	
Shoddy - - - - -	2	2¼	
Shoes - - - - -	3	1½	
Shoe pegs - - - - -	1	10½	
Shot lead and iron - - - - -	1	0½	
Shovels and spades - - - - -	1	6¾	
Shudes corn - - - - -	1	0½	
Shumac - - - - -	1	3	
Shuttles - - - - -	1	3	
Sickles or corn hooks - - - - -	1	10½	
Silica - - - - -	1	3	
Silicol - - - - -	1	0½	
Silicon carbide - - - - -	1	3	
Silk goods - - - - -	3	1½	
Silk waste - - - - -	1	6¾	
Size - - - - -	1	3	
Skins lamb with wool - - - - -	3	1½	
Skins rabbit hare and others dry - - - - -	1	10½	
Skins sheep - - - - -	1	8	
Skins wet - - - - -	1	0½	
Slag basic - - - - -	0	4	
Slag fumed - - - - -	1	0½	
Slag phosphate whole or ground - - - - -	0	4	
Slag tarred - - - - -	0	5	
Slag wool - - - - -	1	3	
Slate pencils - - - - -	1	3	
Slate slabs and school slates - - - - -	1	3	
Slates school framed - - - - -	1	3	
Slates roofing all kinds - - - - -	0	8¾	
Smallwares - - - - -	3	1½	
Smalts - - - - -	1	3	
Snuff - - - - -	2	9¾	
Soap hard and soft - - - - -	1	3	
Soap perfumed - - - - -	1	10½	
Soap powder dry - - - - -	1	3	
Soapers' waste - - - - -	0	5	
Soda - - - - -	1	3	
Soda ash - - - - -	1	3	
Soda bicarbonate of - - - - -	1	3	
Soda bichromate of - - - - -	1	3	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Soda caustic - - - - -	1	3
Soda hyposulphite - - - - -	1	3
Soda prussiate of - - - - -	1	3
Soda water - - - - -	2	6
Soil desiccated night - - - - -	1	3
Solder - - - - -	1	3
Soot - - - - -	0	7½
Soups tinned or canned - - - - -	1	10½
Soya beans - - - - -	0	9
Spanish earth - - - - -	1	3
Spanish juice (liquorice) - - - - -	1	8
Spar - - - - -	1	3
Specie - - - - -	1	3
Spelter - - - - -	1	3
Spermaceti - - - - -	1	3
Spindles - - - - -	2	6
Spirits and wines in casks - - - - -	1	3
Spirits and wines in cases - - - - -	2	6
Spirits other viz. (spirits of wine in cases) - - - - -	2	6
Spirits tar of - - - - -	1	3
Spirits turpentine of - - - - -	1	3
Sponges - - - - -	3	1½
Sprats in barrels - - - - -	0	7½
Sprats in cases - - - - -	0	10
Starch - - - - -	1	10½
Stationery - - - - -	1	6¾
Stearine - - - - -	0	10
Sticks flower - - - - -	3	1½
Sticks walking - - - - -	3	1½
Stone barytes rough ground or powdered - - - - -	1	3
Stones viz.—		
Ashlar - - - - -	0	7½
Causeway - - - - -	0	5
Curb - - - - -	0	5
Granite chips - - - - -	0	2½
Granite ground - - - - -	0	5
Granite polished - - - - -	0	7½
Granite rough or dressed - - - - -	0	7½
Grind - - - - -	1	3
Hearth - - - - -	1	3
Lithograph - - - - -	1	3
Macadamising - - - - -	0	5
Mill - - - - -	1	0½

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates per ton.		A.D. 1935.
	s.	d.	
<i>Stones—cont.</i>			
Pavement or flag - - - - -	0	7½	
Polished or hewn - - - - -	0	7½	
Rubble - - - - -	0	5	
Soap - - - - -	1	3	
Whin chips - - - - -	0	2½	
Stoneware - - - - -	2	1	
Stoneware bottles - - - - -	2	1	
Strawboards - - - - -	1	6¾	
Straw - - - - -	1	3	
Stucco and plaster - - - - -	0	7½	
Succades - - - - -	2	6	
Sugar refined in cubes or in loaves whole or broken - - - - -	1	3	
Sugar refined and not in loaves whole or broken - - - - -	1	3	
Sugar all other kinds - - - - -	1	3	
Sugar candy - - - - -	1	6¾	
Sugar moulds - - - - -	1	10½	
Sugar beet dried slices and pulp - - - - -	0	9	
Sulphate of barytes - - - - -	1	3	
Sulphate copper iron zinc or copperas - - - - -	0	10	
Sulphate of soda - - - - -	1	3	
Sulphate potash - - - - -	1	3	
Sulphur - - - - -	1	0½	
Sulphurophosphate - - - - -	0	6	
Superphosphate of lime - - - - -	0	6	
Sylvinite - - - - -	0	7½	
Syphons - - - - -	3	1½	
Syrup - - - - -	1	3	
Talc - - - - -	1	3	
Tallow - - - - -	1	0½	
Tan extract of - - - - -	1	3	
Tanners' waste or scrows - - - - -	0	7½	
Tannin - - - - -	1	3	
Tapioca - - - - -	1	10½	
Tapioca roots ground - - - - -	1	0	
Tap puddlers - - - - -	1	3	
Tar coal - - - - -	1	3	
Tar vegetable - - - - -	0	11¼	
Tarpaulings - - - - -	2	2¼	
Tea - - - - -	3	1½	
Teasles - - - - -	2	6	
Tents - - - - -	2	6	
Thread - - - - -	2	6	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Tiles drain - - - - -	0	7½
Tiles encaustic - - - - -	1	3
Tiles roofing - - - - -	0	3¼
Tin of all kinds - - - - -	1	3
Tinplate - - - - -	1	3
Tobacco in leaf - - - - -	1	3
Tobacco juice - - - - -	1	3
Tobacco manufactured - - - - -	1	3
Tomatoes tinned - - - - -	2	6
Tongues salted - - - - -	1	3
Tongues smoked - - - - -	1	10½
Tongues tinned - - - - -	1	10½
Tow - - - - -	0	11¼
Toys - - - - -	3	1½
Treacle - - - - -	1	3
Trunks leather covered - - - - -	2	9¾
Turmeric - - - - -	2	3½
Turpentine - - - - -	1	3
Twine - - - - -	1	8
Types metal - - - - -	1	3
Ultramarine - - - - -	1	10½
Umber - - - - -	1	3
Valonia - - - - -	1	3
Varnish - - - - -	1	3
Vegetables viz.:—		
Cabbage - - - - -	3	1½
Carrots - - - - -	0	7½
Cauliflower - - - - -	3	1½
Chumps - - - - -	1	3
Cucumber - - - - -	3	1½
Gherkins - - - - -	1	3
Mangold wurzel - - - - -	0	7½
Onions - - - - -	1	10½
Pease green - - - - -	3	1½
Potatoes - - - - -	0	7½
Radish - - - - -	1	3
Tomatoes - - - - -	3	1½
Turnips - - - - -	0	7½
All other kinds - - - - -	1	3
Vegetables in brine - - - - -	2	6
Vegetables preserved - - - - -	2	6
Venetian blinds - - - - -	3	1½

[25 & 26 GEO. 5.] *Leith Harbour* [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

Articles.	Rates		A.D. 1935.
	per ton.	—	
	s.	d.	
Verdigris	1	3	
Vinegar in casks	1	10½	
Vinegar in cases	2	6	
Vitriol in carboys	1	10½	
Vulcanite goods	3	1½	
Washing powder	1	3	
Watches trinkets and jewellery	1	5½	
Water bottle friction	0	10	
Waters mineral and aerated	2	6	
Wax bees' and other similar kinds	1	3	
Wax paraffin and other mineral	0	10	
Wearing apparel	3	1½	
Whalebone	1	10½	
Whale finners	1	10½	
Whips	3	1½	
White Paris	0	9	
Whiting	0	6	
Willows	1	8	
Window frames glazed and unglazed	3	1½	
Wire	1	3	
Wire scrap	1	3	
Wire rope	1	3	
Witherite	1	3	
Woad	1	3	
Wood viz. :—			
Baltic red and white deals and battens American yellow pine spruce deals and battens flooring deals whitewood staves and rough-boards—all at 50 cubic feet calliper measure to a ton	1	0	
Masts poles oars Baltic fir logs and spars—all at 50 cubic feet calliper measure to a ton	1	0	
Pitch pine at 50 cubic feet calliper measure to a ton	1	0	
Staves birch and oak at 48 cubic feet calliper measure to a ton	1	6	
Baltic hard wood logs ash birch elm oak wainscot at 50 cubic feet calliper measure to a ton	1	0	
Greenheart and teak at 50 cubic feet calliper measure to a ton	1	0	
American yellow pine and whitewood at 50 cubic feet calliper measure to a ton	1	0	
American hardwood logs at 50 cubic feet calliper measure to a ton	1	0	

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.

Articles.	Rates per ton.	
	s.	d.
Wood— <i>cont.</i>		
Dogwood	1	10
Handspikes naves for wheels &c. at 50 cubic feet calliper measure to a ton	1	0
Spokes felloes wedges at 50 cubic feet calliper measure to a ton	1	0
Treenails at 50 cubic feet calliper measure to a ton	1	0
Rollers	3	1
Veneers	1	10
Barwood boxwood Brazilwood camwood dye-wood ebony fustic lancewood lignum vitæ logwood mahogany Nicaraguawood rosewood sassafras and walnut—all at 20 cwt. to a ton	1	3
Turned wood at 20 cwt. to a ton	1	3
Shavings or woodwool at 20 cwt. to a ton	0	7½
Firewood and lathwood at 50 cubic feet calliper measure to a ton	1	0
Baltic oakboards box boards and plywood at 20 cwt. to a ton	1	0
Pitprops and sleepers at 50 cubic feet calliper measure to a ton	0	10
Smokingwood for curing at 20 cwt. to a ton	0	5
Woodware and utensils	3	1½
Wooden doors	2	6
Wooden handles	1	3
Wooden huts in sections	1	0
Wooden shoes	3	1½
Wood not otherwise rated per load	1	0

(NOTE.—A load is to be taken as 50 cubic feet of King's calliper measure or extreme measure.)

Wood flour or sawdust	0	5
Wool	3	1½
Woollen goods or cloth	3	1½
Wrappers	2	2¼
Yarn—coir cotton lint or flax manilla mohair worsted and all other kinds	1	8
Yarn—hemp and tow	1	8
Yarn—jute	1	8
Yeast	1	0½
Zinc and zinc goods	1	3
Zinc ashes	1	0½



Articles.	Rates		A.D. 1935.
	per ton.		
	s.	d.	—
Zinc blend - - - - -	0	7½	
Zinc ore - - - - -	0	10	
Zinc vitriol of - - - - -	1	3	

The Commissioners shall charge—

- (1) Half rates inwards only on all goods which are transhipped overside from one vessel to another and this privilege shall cover landing on the quays for facilitating such transhipment provided such goods are reshipped within four days after having been so landed.
- (2) Full rates inwards only and no rates outwards on all goods which are landed on the quays to facilitate such transhipment and which are not reshipped within four days but are reshipped within six days after having been so landed or within such longer period not being more than ten days as the Commissioners shall fix :

Provided with reference to both (1) and (2) hereof—

- (a) That such four days six days and ten days respectively shall in all cases be reckoned as excluding Sundays but including holidays ;
- (b) That such goods shall not between landing and reshipment have been removed from the quays or works of the Commissioners or other premises in which the Commissioners permit such goods to be placed ; and
- (c) That in order to entitle such goods to the privileges above mentioned evidence in such form as may be required by the Commissioners of compliance with the conditions requisite to entitle them to such privileges shall be produced to the collector at the time of transhipment or reshipment by the party claiming to benefit and that after the expiry of the period of six days or longer period so fixed by the Commissioners the full rates inward and outward on such goods shall be charged.

A.D. 1935.

THE TENTH SCHEDULE.

Referred to in the sections of this Order of which the marginal notes are "Qualification of shipowners and ratepayers" and "Commissioners to levy rates on goods and shipping &c."

BRANCH I.—RATES ON VESSELS.

ALL VESSELS	Per register ton per inward or outward voyage. s. d.
Group 1.—From or to ports or places in the Firth of Forth including the Forth and Clyde Canal not eastward of a line drawn between Fife Ness and Barns Ness—	
(A) Vessels carrying passengers and their luggage exclusively - - - -	0 1
(B) Vessels other than those comprehended in (A) - - - -	0 6¼
Group 2.—From or to ports or places in Great Britain and Ireland the Isle of Man and the Channel Islands other than those comprehended in Group 1 - - - -	0 10
Group 3.—From or to ports or places in Europe between the River Elbe and Brest inclusive -	1 0½
Group 4.—From or to ports or places in Europe without the Straits of Gibraltar including the Faroe Islands and Iceland other than those comprehended in Groups 1 2 or 3 - - -	1 2
Group 5.—From or to ports or places wherever situated other than those comprehended in Groups 1 2 3 or 4 - - - -	1 6

A minimum charge of four shillings shall be levied on a vessel when the tonnage rates on such vessel chargeable under this schedule Branch I shall amount to less than four shillings.

Boats entirely open landing or taking on board goods or fish and not liable in the rates for the harbour of Newhaven (Branch II of this schedule) two shillings each.

Steam tugs belonging to or registered at the Port of Leith or regularly frequenting it for the privilege of coaling accommodation including rates on bunker coal twenty shillings each per calendar month payable in advance. A.D. 1935.

BRANCH II.—NEWHAVEN HARBOUR RATES.

1. Every fishing boat to be charged for each entry to the harbour of Newhaven according to the following classification videlicet :—
 

	<i>s.</i>	<i>d.</i>
Class (A) boat of forty feet keel and upwards	3	0
Class (B) boat of thirty feet keel and under forty feet keel	2	0
Class (C) boat under thirty feet keel	1	0

and the Commissioners may in the case of any such boat allow a commuted rate of three pounds per annum for boats falling under Class (A) two pounds per annum for boats falling under Class (B) and one pound per annum for boats falling under Class (C).
2. Every fishing smack and every fishing craft other than fishing boats aforesaid on each arrival at the harbour of Newhaven or at any place within fifty yards thereof
3. Every steam or other trawl fishing vessel and every steam tug employed in fish trawling on each such arrival
4. Every barge lighter boat or craft landing fish from any fishing smack or fishing craft trawling vessel or steam tug aforesaid where such smack or craft vessel or tug does not come into the harbour of Newhaven or within the distance therefrom aforesaid for any one trip or any number of trips with portions of any one cargo
5. All fish landed at the harbour of Newhaven or within fifty yards thereof as under—
 

Salmon cod and all other white fish and sprats (excepting winter herrings landed between 1st September and 15th March) per ton or 24 boxes	1	8
Oysters lobsters and crabs per ton	1	8
Winter herrings (as above) sprats mussels whelks and other shell fish (not for use as bait at the harbour of Newhaven) per cwt.	0	0½

A.D. 1935.

THE ELEVENTH SCHEDULE.

Referred to in the section of this Order of which the marginal note is "Commissioners to levy rates on goods and shipping &c."

REGULATIONS APPLICABLE TO THE NINTH AND TENTH SCHEDULES.

1. All new vessels launched at the port of Leith shall be charged the following rates :—

- (a) One-half tonnage rates on the first voyage outward if cargo is taken. For the purpose of calculating such rates the full tonnage rates shall be taken to be those payable by any vessel arriving at the port of Leith with cargo from the port of destination of such new vessel;
- (b) If the half-tonnage rates payable under (a) would amount to less than twopence per register ton the rate shall be twopence per ton;
- (c) Any new vessel remaining in the port of Leith over two months after being launched shall pay full tonnage rates and also the layage rates mentioned in regulation 3 of these regulations;
- (d) No rates shall be charged in respect of a new vessel if sailing in ballast within two months after being launched.

2. Any vessel entering the harbour and docks for safety only shall be charged half rates provided that such half rates shall amount to not less than twopence per register ton but if such vessel shall land or take on board goods or passengers or shall remain in the harbour and docks for more than fourteen days such vessel shall be charged the full rates payable under Branch I (Rates on vessels) of the Tenth Schedule to this Order notwithstanding anything contained in this schedule.

3.—(i) (a) No vessel other than the vessels mentioned in paragraph (ii) of this regulation shall enter the harbour and docks for the purpose of laying up or shall remain therein for any purpose for more than one month at any one time unless with the consent of the Commissioners in writing.

(b) If any vessel other than the vessels mentioned in paragraph (ii) of this regulation remains in the harbour and

docks beyond one month the Commissioners may demand and take such reasonable layage rates for such vessel remaining after the expiry of the said one month as they shall fix and may also impose such other reasonable terms and conditions as they think fit for such vessel laying up. A.D. 1935.

(ii) (a) Any vessel entering which has paid in the aggregate not less than one shilling and eightpence per register ton during the six months immediately preceding the date on which such vessel enters the harbour and docks may enter the harbour and docks for the purpose of laying up and may remain therein for a period of not exceeding one month from such date upon payment as layage rates of the same rates as are exigible under regulation 2 of these regulations.

(b) If any such vessel lays up or remains in the harbour and docks beyond such month the Commissioners may charge a layage rate not exceeding twopence per register ton for every week or part of a week such vessel is allowed by the Commissioners to lay up or remain in the harbour and docks beyond such month.

4. If any vessel shall remain in the harbour and docks after the expiration of a month without having paid the rates exigible from such vessel or shall infringe any of the terms and conditions imposed by the Commissioners the Commissioners may by resolution order the removal of such vessel or they may themselves remove and may moor or lay up such vessel at any place outside the docks or outside the harbour and docks at the risk and expense of the owner thereof.

5. All lighters with goods from vessels in the precincts of the port shall be exempt from tonnage rates if such vessels enter the harbour and docks or are otherwise liable in tonnage rates but if such vessels do not enter the harbour and docks and are not liable in tonnage rates the lighters shall be charged threepence per ton on their register tonnage for each trip.

6. During the period between Whitsunday in one year and Whitsunday in the following year when a vessel shall have paid the full rates exigible for eight voyages inward or outward under one or more of Groups 3 4 and 5 specified in Branch I (Rates on vessels) of the Tenth Schedule to this Order such vessel shall for any further voyage under any of these groups pay twopence halfpenny per register ton per voyage and when any vessel shall have so paid the full rates exigible for eight inward or outward voyages under Group 1 or Group 2 specified in the said schedule such vessel shall for any further voyage under either of these groups pay either (1) twopence halfpenny per register ton per

A.D. 1935.

voyage or (2) such (if any) lower rate as shall be applicable to the case Provided that the Commissioners may by resolution modify the rates exigible in respect of any voyage or voyages of a vessel under the said Groups 1 and 2 or either of them or under the said Groups 3 4 and 5 or one or more of them after that vessel shall have paid the full rates exigible for one or more voyages in the same group or groups.

Any voyage upon which a vessel shall have paid rates at or over ninepence or such less rate per register ton as the Commissioners may by resolution fix shall be reckoned in computing the number of voyages inward or outward under the said Groups 3 4 and 5.

7. The rates in Branch I (Rates on vessels) of the Tenth Schedule to this Order shall be levied on vessels coming within the precincts of the port but remaining in the roadstead and not landing or entering the harbour and docks only when such vessels shall embark or disembark passengers or discharge or take on board goods and the rates in the Ninth Schedule to this Order shall be levied on all goods so discharged or taken on board Provided that if such vessels embark or disembark passengers only or discharge or take on board goods not exceeding ten tons in weight they shall be liable for twopence per ton on their register tonnage instead of the rates in the Tenth Schedule to this Order.

8. All meters or others who measure and weigh grain bark salt kelp coals and other merchandise delivered out of or put on board any vessel shall within six hours after such vessel is discharged or loaded give an account of the same at the collector's office and any person not complying with this regulation shall be liable in a penalty of twenty shillings for every transgression.

9. The master of every ship vessel bark boat or lighter arriving shall immediately on arrival or as soon thereafter as the collector's office if then closed is opened and in any case within two hours after the same is open report such arrival at the collector's office and give an account of his cargo by producing at such office the manifest bills of lading manifest book cargo book freight account book invoices of goods Custom House papers and such other documents as the collector shall deem necessary and demand for ascertaining the true contents thereof and if he fail to do so he shall be liable in a penalty not exceeding ten pounds for every time he shall so fail Such master or the owners or agents or managers of the owners of such ship vessel bark boat or lighter shall within the time aforesaid pay to the collector at his office aforesaid the rates exigible in respect

thereof or give security for such payment by deposit in the collector's hands of such amount as he shall deem sufficient under the like penalty in case of failure and the owners proprietors or consignees of such cargo or their agents shall within the time aforesaid and before breaking bulk pay to the collector at his office aforesaid the rates exigible in respect thereof or give security for such payment by deposit in the collector's hands of such amount as he shall deem sufficient also under the like penalty in case of failure and no goods shall be discharged without a permit or warrant obtained from the collector's office. The master of every ship vessel bark boat or lighter taking goods on board shall give notice thereof at the collector's office and procure a warrant to ship the same before he begins to load and shall immediately on their being shipped and before sailing give an account of the cargo shipped by producing at the collector's office the documents aforesaid under the like penalty in case of failure and such master or the owners proprietors or consignees of such goods or their agents shall before the vessel sails pay the rates on such goods under the like penalty in case of failure. And no ship vessel bark boat or lighter shall be entitled to leave the harbour and docks until these regulations applicable to such vessel and her cargoes inwards and outwards are complied with. The owner manager or person in charge of all goods otherwise imported or exported shall give an account thereof at the collector's office and produce therewith all documents necessary to vouch such account and pay at the said office the rates exigible in respect of such goods immediately on their arrival and before their removal from the quays sheds or landing places in the case of imports and before they leave the harbour and docks in the case of exports under the like penalty in case of failure. And the forty-fourth section of the Harbours Clauses Act shall be read and construed as applicable to any refusal neglect or failure to pay or grant security for the rates exigible from vessels by any person or persons required to do so by these regulations and the other clauses of the said Act with respect to the collection and recovery of rates shall be held to be varied by these regulations so far as such clauses are not consistent therewith. The master of every vessel shall produce to the harbour master at least one hour before leaving any dock basin or harbour a permit or dock pass which may be obtained at the office of the collector after payment of all rates and charges for which such vessel is liable and notwithstanding anything contained in the provisions of the Harbours Clauses Act with respect to the payment collection and recovery of rates or in this schedule the Commissioners may agree with the owner or agent of any vessel as to the mode in which and the time at which the rates and charges exigible in respect of such vessel shall be paid and the Commissioners may in or in connection with such agreement require such guarantees or other security for payment of such rates and charges as they may think fit.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.  
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10. The rates on all vessels arriving light or in ballast shall be paid immediately on arrival and on all others on their arrival or as soon as the cargo is discharged.

11. When a cargo imported shall belong to more than six persons the collector may demand and exact from the master agent or other person who collects the freight a deposit for the whole cargo before breaking bulk.

12. Steam launches used in the harbour and  
docks—per month payable in advance - - - 5s. 0d.

13. Steam tugs not belonging to or registered at the port of Leith but regularly frequenting it shall mean such tugs coming into the harbour and docks at least three times within any period of a month and such tugs shall be liable to the monthly rate on steam tugs under Branch I (Rates on vessels) of the Tenth Schedule to this Order as from the date of the first arrival which shall be payable before leaving the harbour and docks on the third arrival.

14. Vessels shall not be charged rates both on the inward and next outward voyage but if a vessel having paid rates inwards shall sail to a port or places the rates to which are higher than those paid inwards the difference between the two rates shall be charged.

15. In charging the rates authorised by the Ninth Schedule (Rates on goods) to this Order the gross weight or measurement of the articles shall be taken and in all cases of weight or measurement not proved by evidence satisfactory to the collector the owner shall be bound at his own expense to have the goods weighed or measured at the sight of the collector before the goods are removed from the quays.



THE TWELFTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Commissioners to levy rates on goods and shipping &c."

RATES FOR DRY DOCKS.

I.—RATES FOR DRY DOCKS EXCEPT IMPERIAL DRY DOCK.

Days in Dock.	FOR EVERY VESSEL ON GROSS REGISTER TONNAGE.					
	Not exceeding 600 tons.	Over 600 and not exceeding 900 tons.	Over 900 and not exceeding 1,200 tons.	Over 1,200 and not exceeding 1,500 tons.	Over 1,500 and not exceeding 1,800 tons.	Above 1,800 tons.
1 to 3	£ 8	£ 12	£ 16	£ 20	£ 24	For the first two days £1 6s. 8d. per 100 tons or part of 100 tons thereafter £8 per day for each vessel.
4	11	16	21	27	32	
5	13	20	27	33	40	
6	16	24	32	40	48	
7	19	28	37	47	56	
8	21	32	43	53	64	
9	24	36	48	60	72	
10	27	40	53	67	80	

(a) Every vessel remaining in dock more than two days to be charged £4 for pumping and use of shores.

(b) Every vessel remaining in dock after ten days and not over fourteen days to be charged £8 for each and every day beyond ten days.

(c) Every vessel remaining in dock more than fourteen days to be charged £16 for each and every day beyond fourteen days.

A.D. 1935.

II.—RATES FOR IMPERIAL DRY DOCK.

Not exceeding twice the amount of the above rates Provided that the minimum rates exigible in respect of that dock shall be the rates exigible in respect of a vessel of three thousand tons gross register using such dock.

*Regulations applicable to all dry docks.*

- (1) Every vessel to be charged on the gross register tonnage.
- (2) The day on which a vessel enters and that on which it leaves a dry dock shall be together reckoned as one day.
- (3) No Sundays to be at any time reckoned chargeable days unless work is done in which case double rates may be charged.
- (4) The master owner and agent of every vessel in any of the dry docks shall be liable in such additional rates damages costs and penalties as are or shall be specified in the byelaws and regulations applicable thereto with reference to any contingency therein expressed or breach or non-observance of or non-compliance with anything thereby enjoined or required and no vessel occupying any dry dock shall be removed from such dry dock without the consent in writing of the superintendent or other duly authorised officer of the Commissioners until all claims against such vessel in respect of or relating to such occupation are settled.
- (5) The harbour-master may in his discretion order into any dry dock in preference to all other vessels any damaged vessel or any vessel which circumstances render it expedient should be so docked.
- (6) The Commissioners may exclude any vessel under three thousand tons gross register from the Imperial Dry Dock notwithstanding that the exclusion of such vessel may result in that dock remaining unoccupied and that no other dry dock is available for the use of such vessel :

Provided that if the master or owner of a vessel of less than three thousand tons gross register agrees with the Commissioners to pay for the use of the Imperial Dry Dock rates in respect of his vessel to the amount of the rates exigible for a vessel of three thousand tons gross register using that dock and engages the use of that dock for his vessel on those terms his vessel shall not be excluded from that dock in favour of a vessel of not less than three thousand tons gross register the master or owner of which shall subsequently engage the use of that dock.

THE THIRTEENTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Commissioners to levy rates on goods and shipping &c."

RATES FOR THE USE OF CRANES CAPSTANS JIGGERS  
 WEIGHING MACHINES RAILS SHEDS QUAYS CATTLE  
 SHEDS YARDS AND STORAGE GROUND.

I.—FOR USE OF CRANES CAPSTANS &C.

DURING ORDINARY WORKING HOURS—

(A) *Hand cranes not exceeding four tons capacity.*

For fixed or travelling cranes of this class the use of such cranes being given subject to absolute control by the superintendent as regards the time and purposes for which the use of them is to be allowed and to the condition that parties getting the use of them shall be held to take all risks and be responsible for all damage done to persons and property or to the cranes machinery or gearing sheds or other dock or harbour works arising in any way whatever in connection with the use of such cranes

per hour 1 0

(B) *Other hand cranes and steam hydraulic and other cranes not exceeding five tons capacity.*

For the hand cranes not comprehended in article (A) above ... per ton or part of a ton lifted 0 3

For the steam and hydraulic cranes under four tons capacity ... per ton or part of a ton lifted 0 3

For the use of "Remote Control" Appliances connected with such last-mentioned cranes per day or part of a day 10 0

For all other cranes under this article (B) per ton or part of a ton lifted 1 0

For hydraulic jiggers per ton or part of a ton lifted 0 3

Small hydraulic and movable cranes may be charged (in the option of the user to be declared in advance) instead of above rates

per hour or part of an hour 5 0

No single charge for any of the above cranes shall be less than ten shillings.

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935.	For the use of locomotive steam cranes under four tons capacity - per ton or part of a ton lifted	s. d. 0 3
—	For the use of locomotive steam cranes of four tons capacity and upwards per ton or part of a ton lifted	0 9

(c) *Hand steam hydraulic and other cranes exceeding five but not exceeding ten tons capacity.*

	Hand crane.	Hydraulic steam or other crane.
	s. d.	s. d.
Per ton lifted - - - - -	1 6	2 0
No single charge for any such crane shall be less than ten shillings.		

(D) *Hand steam hydraulic and other cranes exceeding ten but not exceeding thirty tons capacity.*

Per ton lifted - - - - -	5 0
No single charge for any such crane shall be less than as for five tons.	

(E) *Steam hydraulic or other cranes exceeding thirty tons capacity.*

Per ton lifted ... ..	£1 0 0
No single charge for any such crane shall be less than as for ten tons.	

(F) *Hydraulic or other capstans or jiggers.*

For the use of any capstan or jigger for hauling purposes per ton of articles for which it is used threepence and the wages of the men attending and working it at the rates payable to them at the time or in the case of railway companies such other yearly or periodical payment for the use of it as may be agreed on with such companies in lieu of the rate per ton.

(G) *Coal cranes tips or hoists of steam hydraulic or other power.*

For each ton or part of a ton of coal coke or cinders shipped twopence and when worked before or after usual or specified working hours five shillings per hour while so worked in addition to the rate per ton.

For each ton or part of a ton of sulphur or brimstone coal briquettes coal tar pitch limeshells nitre cake sandstone

broken for concrete granite chips burnt ore and other minerals shipped by coal cranes tips or hoists (when not required for coal shipments) fourpence.

A.D. 1935.  
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No charge for any single employment of a crane to be less than ten shillings.

(H) *All cranes except coal cranes.*

*Small cranes and exceptional cranes.*

The Commissioners may by resolution modify the rates for the use of each or any crane except a coal crane so that (A) the rate for lifts not exceeding the number of tons lifted specified in the resolution may be less per ton than the rate for lifts exceeding that number of tons and (B) where boilers or heavy machinery exceeding fifteen ton lifts are lifted and set down on the quay and within the number of days thereafter specified in the resolution (not reckoning Sunday) are re-lifted and put on board a vessel lighter wagon or cart the rates for the second lift may be reduced to any extent not exceeding fifty per centum below the rate charged for the first lift.

No single charge for the use of any crane shall cover a period exceeding a day of ordinary working hours.

(I) *All cranes capstans and jiggers.*

When employed for discharging the whole of a cargo or for any other purpose implying extensive and prolonged use which the Commissioners may by resolution decide to be a use warranting them in charging by agreement the charge may in the option of the Commissioners be (1) the charges prescribed by this schedule or (2) such charges as may be fixed by agreement between the Commissioners and the user.

In all cases excepting the cranes under article (A) of this Part of this schedule permits for the use of cranes capstans and jiggers will be given only at the collector's office Persons desiring the use of them shall deposit with him such sum as he shall estimate as sufficient to cover the rates or charges in each case before any permit is issued and the use of the cranes capstans and jiggers is to be held as given subject to the regulations and orders applicable thereto for the time being and to the conditions printed on the permit notes or subject to agreement as the case may be.

The Commissioners may if they think fit by resolution fix for the use of each or any crane capstan or jigger a modified charge per day hour or part of an hour with or without a minimum charge for any one hire of such crane capstan or jigger Provided that the user of any crane capstan or jigger shall when making application for the use of the same be entitled by

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. — notice in writing to the Commissioners to elect to pay such modified charge instead of the charge authorised by this schedule. Every fraction of a ton of each lift by a crane of any capacity shall be reckoned and charged for as a ton.

EXCEPTION.

Except during ordinary or specified working hours—

For the use of any crane (other than coal cranes tips or hoists under article (g) of this schedule otherwise specially provided for) or capstan or jigger at or during any other hours than the ordinary or specified working hours of the day the rates and men's wages shall be one-half more than those payable during the ordinary working hours.

II.—FOR USE OF WEIGHING MACHINES INCLUDING TRUCKS  
STEELYARDS AND ALL OTHERS.

For weighing coal minerals iron and other goods in railway trucks per ton one halfpenny.

For weighing any other articles or goods not in railway trucks per cart lorry or wagon threepence.

For use of weight indicator on cranes per ton or part of a ton twopence.

The rates for weighing coal to be paid only when weighed on the application of the owner.

III.—FOR USE OF RAILS ON HARBOUR AND DOCKS ON QUAYS  
AND ON PIERS.

For all goods minerals and other traffic thereon three farthings per ton or in the case of railway companies such percentage on the cost of the railways or such other yearly or periodical payment for the use of them as may be agreed on with such companies in lieu of the rate per ton.

IV.—FOR USE OF SHEDS QUAYS AND SPARE GROUND NOT  
SET APART FOR STORING GOODS.

For each ton of eight barrel bulk or forty cubic feet or for each ton of twenty hundredweight which shall remain in any shed or on the quays of the port of Leith or on any spare ground not set apart for storing goods for a longer time than forty-eight hours the Commissioners may if they think fit charge a rate not exceeding threepence per ton per day for each day during which the said goods shall remain after the first

A.D. 1935.

forty-eight hours but the payment of the rate shall not confer right to continue the occupation of any such shed or quay or any part thereof or of any such spare ground after such forty-eight hours and all goods must be removed from such sheds quays and spare ground within twenty-four hours after notice has been given to that effect by the Commissioners or their superintendent or other officers and failing their being so removed the Commissioners or their officers shall be entitled to remove the same and store them where they think proper at the risk and expense of the owners or consignees or in the option of the Commissioners they may if they think fit charge and the owners or consignees shall pay one shilling per ton per day for any goods remaining unremoved after the expiry of such twenty-four hours.

Five cubic feet not exceeding two and a half hundred-weight shall be rated a barrel bulk but when the weight of five cubic feet is greater than two and a half hundredweight then two and a half hundredweight shall be rated a barrel bulk—all where barrel bulk measurement is required for ascertaining any rates exigible.

In any case where the superintendent shall certify to the collector that the delay in removal of goods is due to good and sufficient causes such certificate shall thereupon be reported by the collector to the Commissioners who may in their discretion modify or remit such charges of threepence and one shilling per ton.

For special shed accommodation including double-floored sheds such rates and terms as may be agreed upon.

V.—FOR USE OF CATTLE SHEDS AND YARDS.

For the first twenty-four hours or part thereof—

	<i>s.</i>	<i>d.</i>
Horses ponies oxen bulls cows and other cattle of that class - - - - - each	1	0
Calves - - - - - „	0	3
Pigs - - - - - „	0	3
Sheep and lambs - - - - - „	0	1½
Sheep and lambs in open pens or yards but not using sheds—under a score - - - - - „	0	0½
If a score or more - - - - - per score	0	6

And for the succeeding twenty-four hours or part thereof one-half of these rates and for every twenty-four hours thereafter or any part thereof such reasonable rates as the Commissioners think fit.

A.D. 1935. VI.—FOR USE OF SPARE AREAS OF SHEDS QUAYS AND OTHER  
GROUND SET APART FOR STORING GOODS.

For each month or part thereof—

						<i>s. d.</i>
Deals and battens	-	-	-	per square yard		0 3
Spars	-	-	-	" " "		0 2½
Square timber	-	-	-	" " "		0 2
Other goods	-	-	-	" " "		0 3

The superintendent or other official of the Commissioners thereto empowered by them may at any time and from time to time (A) set apart any part or parts of such spare areas as may have been classified by them as available for storing goods when not otherwise in use and (B) fix the period or periods for which such part is or parts are so set apart at such rates not exceeding those authorised by this Part of this schedule as the Commissioners may from time to time fix.

The rates for spare areas not so set apart shall be as fixed by the Commissioners under Part IV of this schedule.

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## THE FOURTEENTH SCHEDULE.

### FORM OF BOND AND MORTGAGE.

Referred to in the section of this Order of which the marginal note is "Form of bond and mortgage for exercise of borrowing powers."

*Payable at specified terms.*

We the Commissioners for the Harbour and Docks of Leith do hereby acknowledge to have by virtue of the powers contained in the Leith Harbour and Docks Consolidation Order 1935 borrowed and received from (state name or names and designations &c. of lender) the principal sum of \_\_\_\_\_ sterling which sum we bind ourselves and our successors to repay to the said \_\_\_\_\_ and his (or their) heirs executors or assignees (or otherwise as the lender may desire) within the office of our collector at Leith at the term of \_\_\_\_\_ (state term and year) with a fifth part more of penalty in case of failure in punctual payment and interest on the said principal sum at the rate of \_\_\_\_\_ pounds per centum per annum from the (state term or date and year) when the said sum was received till the same be repaid such interest being payable half-yearly at (state place of payment)



at each term of Whitsunday and Martinmas after the date hereof A.D. 1935. . .  
till repayment of the said principal sum and that to the bearer  
of the warrants or coupons for the same which by our authority  
are signed by or on behalf of the clerk to the Commissioners and  
issued herewith and the redelivery of which shall discharge such  
interest so far as payable at the term specified in such warrants  
respectively And in security of the principal sum so borrowed  
and interest thereon we do hereby assign and convey to the  
said \_\_\_\_\_ and his (or their) fore-  
sails the undertaking of the harbour and docks of Leith and the  
rates by the aforesaid Order authorised to be levied and rents  
and feu-duties thereof and other revenues whatsoever to arise  
under the said Order and from the said harbour and docks and the  
works and property thereof and all the rights competent to  
mortgagees under the said Order and subject to the provisions  
thereof relating to the several moneys thereby authorised to be  
borrowed In witness whereof these presents are sealed with  
our corporate seal and signed at and in presence of a meeting  
of us the said Commissioners by three of us the said Commissioners  
present thereat all at Leith on the \_\_\_\_\_ day of  
\_\_\_\_\_ hundred and \_\_\_\_\_ before the witnesses subscribing.

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## THE FIFTEENTH SCHEDULE.

### CERTIFICATE OF FUNDED DEBT.

Referred to in the section of this Order of which the  
marginal note is "Commissioners may create funded  
debt."

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Number (Register Folio ) £ .

The Commissioners for the Harbour and Docks of Leith  
hereby certify that

\_\_\_\_\_ is a holder of  
\_\_\_\_\_ pounds sterling of the Leith Harbour  
funded debt created by and under the statutory powers of  
the said Commissioners and is entitled to receive payment  
from the said Commissioners half-yearly at the terms of  
Whitsunday and Martinmas after the (state date or term at  
which principal paid to the Commissioners) an annuity on or  
in respect of the said principal sum at the rate of  
\_\_\_\_\_ per centum per annum but subject to the provisions of the  
said statutory powers relative to the funded debt thereby  
authorised to be created and the condition that it shall be

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. — in the power and option of the Commissioners to redeem the said annuity by payment of the aforesaid principal sum to the holder thereof for the time being at the term of nineteen hundred and  
or thereafter at any term of Whitsunday  
on giving such holder in either case twelve months' notice of such redemption and that in exchange for such payment the Commissioners shall be entitled to redelivery of this certificate with a receipt by the registered holder thereof for the said principal sum endorsed thereon.

Entered in the register by

.....Registrar.

.....Commissioner.

.....Collector.

( L.S. )

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**THE SIXTEENTH SCHEDULE.**

**TRANSFER OF FUNDED DEBT.**

Referred to in the section of this Order of which the marginal note is "Transfer of funded debt."

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I (or we—state name and designation of holder or holders) in consideration of the sum of (words) paid to me (or us) by (name and designation including residence or place of business) (or other cause of granting as the case may be) do hereby transfer to the said  
his executors administrators and assignees the sum of  
of the Leith Harbour funded debt  
standing in my (or our) name in terms of certificate thereof number (in words) and all my (or our) right and interest in and to the same and the future annuities thereon In witness whereof (add testing clause and subscription &c. as required by the law of Scotland).

THE SEVENTEENTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Agreement with War Department."

AGREEMENT between HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE WAR DEPARTMENT (hereinafter called "the First Party") of the first part and THE COMMISSIONERS FOR THE HARBOUR AND DOCKS OF LEITH (hereinafter called "the Second Parties") of the second part.

WHEREAS the Second Parties have made or are about to make an application to His Majesty's Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 for an Order (hereinafter called "the Order") for power to abandon certain works authorised by the Leith Harbour and Docks Acts 1875 to 1924 and for authority to construct other harbour or dock works of a like nature and in a like position and for other purposes :

And whereas by section 23 (Commissioners to set apart a portion of reclaimed land for War Department) of the Leith Harbour and Docks Act 1892 and section 13 (Land for War Department) of the Leith Harbour and Docks Act 1913 certain reciprocal rights and obligations were conferred or imposed upon the said Parties with reference to the setting apart by the Second Parties of a space or a substituted space on the dock and harbour works constructed by the Second Parties as defined in these sections which space should be occupied by the First Party for the purpose of a battery which sections are herein referred to and held as repeated :

And whereas the Second Parties as required by the said section 23 set apart a space approved by the Secretary of State for War which was occupied by the War Department for the purpose aforesaid and the Secretary of State for War also took possession of and occupied (originally under the Defence of the Realm Act and subsequently by tolerance of the Second Parties) certain other areas of ground in connection with the said purpose and a battery and other works were constructed upon the said space and areas which space areas battery and other works continue to be occupied by the First Party :

And whereas the First Party is liable to the Second Parties in certain annual and other payments in respect of such occupancy of such space and areas of ground :

And whereas the space so set apart and occupied under the powers of the said section 23 is delineated and coloured brown upon the plan docquetted and signed as relative hereto and the

A.D. 1935. — said other areas of ground are delineated and coloured green upon the said plan :

And whereas the provisions of the said sections 23 and 13 are found to be inadequate or inappropriate for regulating the rights and interests of the said parties in relation to the circumstances which have arisen or are likely to arise should the Second Parties obtain and exercise the powers sought by them under the Order :

And whereas it is expedient that the rights and interests of the said parties in relation to the provision of a suitable battery and relative works for the use of the War Department upon such harbour and dock works as may be constructed by the Second Parties under the power so sought should be regulated in manner hereinafter provided :

And whereas it is also expedient that Parliament's sanction should be obtained to this agreement and that it should be scheduled to and confirmed by the Order :

Therefore the parties hereto have agreed and do hereby agree as follows :—

1. Clauses 2 to 14 both inclusive of this agreement shall come into force on the date of the passing of the Act confirming the Order.

2. If and when the Second Parties shall resolve to construct the breakwater or reclamation embankment to the north or east of the embankment referred to in the said section 23 under the authority of the Order or of any other Provisional Order to be made by the Secretary for Scotland and confirmed by Parliament or under the authority of any Act of Parliament the Second Parties may on two months' notice to the First Party take possession of and thereafter occupy the said space and other areas delineated and coloured brown and green respectively upon the said plan as aforesaid. And the First Party shall within such two months remove from the said space coloured brown at the expense of the Second Parties and from the said other areas coloured green free of cost to the Second Parties all guns plant appliances fittings or fixtures not abandoned to the Second Parties declaring that the expense to the Second Parties shall not exceed the actual cash outlay of the First Party with eighteen and a half per centum added and at the expiry of the said period of two months the First Party shall give up possession and occupancy of such space and other areas and thereafter the Second Parties may remove the whole or any part of the works of the battery and other works constructed as aforesaid upon the said space and other areas and also any guns plant appliances fittings or fixtures then remaining thereon which shall be held to be abandoned to the Second Parties as aforesaid. And the First Party's whole rights and interests to or in the

said space and other areas and all liability by the First Party to the Second Parties for annual or other payments in respect of the First Party's occupancy (except in respect of occupancy before the expiry of the said two months) shall cease at the date of such expiry. A.D. 1935.

3. If and when the Second Parties shall have taken possession of the said space and other areas the First Party may at any time intimate to the Second Parties a national emergency and may thereupon proceed to construct at the cost of the Second Parties such temporary defence works as the First Party may see fit in such position upon the harbour or dock works of the Second Parties as the First Party may deem necessary for the purposes of defence provided that the works so to be constructed shall be upon a scale not exceeding the scale of the works at present existing upon the said space and other areas.

4. When such national emergency shall have ceased to exist the First Party shall intimate accordingly to the Second Parties and thereupon the arrangements hereinbefore conceived in relation to the Second Parties taking possession of the foresaid space and other areas and for the removal therefrom of all guns plant appliances fittings or fixtures and for everything consequential therein provided shall mutatis mutandis apply to the Second Parties resuming possession of the site of the temporary defence works and the removal therefrom of all guns plant appliances fittings and fixtures and to everything consequential as aforesaid.

5. Within five years after the date when the Second Parties shall have given the notice stipulated for under the second head of this agreement the Second Parties shall free of all charge to the First Party (except as aftermentioned) set apart to be occupied by the First Party for the purposes hereinafter specified a site for a new battery upon a scale not exceeding the scale of the battery at present existing and of an extent and in a position delineated and coloured red on the said plan and shall construct and provide all such works (including without prejudice to the said generality fittings or fixtures and such extension of the existing telegraph or telephone cables as will be rendered necessary by the change of site to connect the new battery with the existing military electrical communication system but not guns plant or other appliances) as may be required by the First Party to be constructed or provided on in or under the said site for the purposes of such new battery and also adequate connections for water supply and drainage and sanitary works but the Second Parties shall be under no obligation to make provision for connecting the said site with public or other lighting or power supplies outside of the said site.

6. Within the said period of five years the Second Parties shall also set apart to be occupied by the First Party free of all

[Ch. liv.] *Leith Harbour* [25 & 26 GEO. 5.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

A.D. 1935. — charge (except as aftermentioned) the other sites delineated and coloured blue upon the said plan or other substituted site or sites of like extent as may be agreed between the Parties hereto Provided that the First Party shall pay the whole cost of constructing and providing on such other sites or substituted site or sites such works guns plant appliances fittings and fixtures as the First Party may see fit to construct or provide thereon and of constructing and providing electrical connections therewith.

7. The sites so delineated and coloured red and blue respectively upon the said plan or any substituted site or sites agreed on (hereinafter referred to as "the said sites") shall remain the property of and continue to be vested in the Second Parties and the First Party shall pay to the Second Parties a yearly rent at the rate of ten pounds sterling at the term of Whitsunday yearly for the occupancy of the said sites for the year or part of the year preceding from and after the date at which the said sites and the works to be constructed or provided by the Second Parties upon the site delineated and coloured red on the said plan shall be ready for occupation by the First Party Provided that the said date at which the said sites and others shall be ready as aforesaid shall be ascertained by a certificate to be granted under the hand of the superintendent of the harbour and docks of Leith for the time.

8. The said sites shall be used by the First Party subject to all statutory enactments relative thereto for purposes connected with the Defence of the Realm and for no other purposes and in the exercise of the rights of the First Party under this agreement the First Party will respect so far as is compatible with military requirements the interests of navigation and commerce so as not to interfere unduly therewith.

9. The First Party shall maintain in good order and repair during his whole occupancy thereof the works to be constructed or provided on the said sites except those sections of the reclamation wall or embankment of the Second Parties which will be included in the said sites all to the satisfaction of the Second Parties And whereas the said sections will be part of the sea-defence of the harbour and dock works of the Second Parties Therefore the superintendent of the harbour and docks of Leith or other officer or official of the Second Parties thereto authorised by them shall have access to the said reclamation wall or embankment at all reasonable times for the purposes of inspecting the structure thereof and of carrying out such operations thereon for maintaining or strengthening the said structure as he shall from time to time see fit but if the First Party shall conduct on the said sites any operation by which damage shall be done to the said structure the whole cost of making good such damage as the same shall from time to time be ascertained by a certificate under the hand of the said superintendent containing such details

of the cost as may be reasonably required by the First Party shall be paid by the First Party to the Second Parties. A.D. 1935.

10. The rights of the First Party under this agreement shall remain in force for a period of nine hundred and ninety-nine years from the last date hereof unless sooner abandoned and the First Party may abandon the said rights and terminate this agreement at any time on six months' notice but without prejudice to the subsistence of the said agreement for the purpose of either Party's enforcing against the other implement of obligations and discharge of liabilities incurred thereunder prior to the expiry of the said six months.

11. The First Party shall not encroach upon or lay down materials upon any ground or roads or paths belonging to the Second Parties adjoining the said sites or obstruct the use of the same by any means whatever the full and unlimited use of the said ground and roads or paths being specially reserved to the Second Parties with full power to deal therewith as they may think proper but the Second Parties shall warrant to the First Party during his occupancy under this agreement full and sufficient access by the said roads or paths or other sufficient roads or paths to each of the said sites the Second Parties being always entitled to make such alterations as they may see fit upon the said roads and paths provided that they shall supply to the First Party full and sufficient access to the said sites for the purposes aforesaid Provided that the main road or access to the site of the said battery shall be not less than ten feet wide throughout its length.

12. The Second Parties shall at the expense of the First Party make such alterations upon any road path or access to the said sites as the First Party may declare to the Second Parties to be necessary for military purposes.

13. The Second Parties shall afford to the First Party at his cost all reasonable facilities for establishing such telephonic telegraphic and power cable communication as may be required by the First Party.

14. Every notice to be given by the First Party under this agreement shall be given in writing under the hand of the Chief Engineer Scottish Command or other person duly authorised by the First Party and all notice to be given under this Agreement by the Second Parties shall be given in writing under the hand of their clerk or other official duly authorised by them.

15. The plan hereinbefore referred to shall be held as sufficiently identified by being docketted as relative to this agreement and by such docket being signed by the Director of Fortification and Works on behalf of the First Party and by the

A.D. 1935. chairman presiding at the meeting of the Second Parties at which  
 — this agreement shall be executed by them on their behalf.

16. This agreement is made subject to such alterations as may be made thereon during the progress of the Order but if any material alteration be made it shall be competent to either party to withdraw the same provided that in the event of the agreement being withdrawn by the Second Parties section 11 of the Order shall also be withdrawn.

17. The whole expenses of this agreement shall be borne by the Second Parties.

In witness whereof these presents consisting of this and the six preceding pages are executed in duplicate as follows videlicet they are subscribed by Sir Laming Worthington-Evans Baronet G.B.E. M.P. His Majesty's Principal Secretary of State for the War Department at London on the fourth day of May nineteen hundred and twenty-five before these witnesses Austin Earl civil servant Twenty-four Mallord Street Chelsea London and Eric Bourne Bentinck Speed civil servant Two Uxbridge Road Kingston-upon-Thames Surrey and they are sealed with the corporate seal of The Commissioners for the Harbour and Docks of Leith and are signed at and in presence of a meeting of the said Commissioners as follows videlicet on each page by Patrick James Pringle merchant Leith one of the said Commissioners the chairman of the said meeting and on this page by William Alexander Whitelaw shipowner Hugh Rose merchant James Harper Paterson merchant and Sir James Wishart Thomson K.B.E. shipowner all of Leith being four others of the said Commissioners present at the said meeting all at Leith on the eighth day of the month and year last mentioned before these witnesses Alexander Charles Sutherland and James Taylor both clerks in the offices of the said Commissioners at Leith.

AUSTIN EARL Witness.  
 E. B. B. SPEED Witness.

} L. WORTHINGTON-EVANS.

ALEX. C. SUTHERLAND  
 Witness.

{ PATRICK J. PRINGLE  
 Chairman.  
 WM. A. WHITELOW  
 Commissioner.  
 HUGH ROSE  
 Commissioner.  
 J. H. PATERSON  
 Commissioner.  
 J. WISHART THOMSON  
 Commissioner.

JAMES TAYLOR Witness

(L.S.)



THE EIGHTEENTH SCHEDULE.

A.D. 1935.

Referred to in the section of this Order of which the marginal note is "Agreement with Board of Trade and Commissioners of Crown Lands."

IT IS CONTRACTED AGREED AND ENDED between the parties following videlicet The Board of Trade acting under the Crown Lands Act 1866 and in exercise of such of the powers conferred by the Crown Lands Act 1829 the Crown Lands (Scotland) Act 1833 and the Crown Lands Act 1852 as were transferred by the first mentioned Act (hereinafter referred to as "the First Parties") of the first part THE COMMISSIONERS OF CROWN LANDS on behalf of His Majesty acting in exercise of the powers of the Crown Lands Acts 1829 to 1927 (hereinafter referred to as "the Second Parties") of the second part and THE COMMISSIONERS FOR THE HARBOUR AND DOCKS OF LEITH incorporated under "the Leith Harbour and Docks Act 1875" and in exercise of the powers conferred by "the Leith Harbour and Docks Acts 1875 to 1929" (hereinafter referred to as "the Third Parties") of the third part as follows That is to say

Whereas His Majesty claims to be the proprietor of the foreshore and bed of the sea and of the mines and minerals thereunder hereinafter described with the exception of certain unascertained areas vested in the Third Parties under heritable title the administration of which foreshore and others in so far as the property of the Crown and except as regards the mines and minerals is vested in the First Parties under the provisions of the Crown Lands Act 1866 the administration of the said mines and minerals being entrusted to the Second Parties under the provisions of the same Act :

And whereas the Third Parties repudiate the said claim :

And whereas questions have from time to time arisen and negotiations have been conducted between the First Parties and the Third Parties with regard to the rights and interests of the Third Parties or their predecessors or authors in certain heritable subjects being the waters and the foreshore and bed of the sea within the limits of the port of Leith (the undertaking of which port is vested in the Third Parties) and in lands and heritages formerly forming parts of the said foreshore or bed of the sea :

And whereas the Third Parties claim that the whole of the rights and interests which have at any time been vested in the Crown in the said waters and foreshore and bed of the sea with certain exceptions aftermentioned are vested in the Third Parties

A.D. 1935. — under charters title deeds or conveyances of or to the same and under the said Leith Harbour and Docks Acts 1875 to 1929 the said exceptions being (a) the Crown's general guardianship under the jus publicum of the public rights attaching to all such waters and to tidal lands (b) such parts if any of the said rights or interests as have been alienated by the Third Parties their predecessors or authors in title and (c) the Crown's right and title to the superiority of the whole lands and heritages held in property by the Third Parties :

And whereas the said claim of the Third Parties was intimated to the Second Parties who were cognisant of the said negotiations and the First Parties and the Second Parties on behalf of His Majesty repudiate the said claim except in so far as hereinafter expressly admitted by them :

And whereas all the parties are agreed that it is expedient and proper in the public interest and for the avoidance of litigation that the said claims of the parties hereto should be settled by way of compromise Therefore the whole parties hereto (the First and Second Parties acting throughout these presents on behalf of the King's Most Excellent Majesty and as regards the Second Parties by virtue of an Order or Warrant under the Royal Sign Manual and the hands of two of the Lords Commissioners of His Majesty's Treasury dated the fourteenth day of February nineteen hundred and thirty) have agreed and do hereby agree to settle the said claims by way of compromise as follows videlicet (First) The Third Parties shall immediately on delivery of one copy of these presents duly executed in triplicate by or on behalf of the parties hereto pay to the First Parties the sum of three hundred pounds sterling being the value to the Crown (as assessed by or on behalf of the First Parties) of the rights and interests hereinafter mentioned (Second) The First and Second Parties on behalf of His Majesty in respect of the said payment and in exercise of the powers for the purpose given by the fifth section of the Act sixteen and seventeen Victoria cap. fifty-six and by the Crown Lands Act 1866 as extended to Scotland by section eleven of the Crown Lands Act 1894 and of all powers in anywise enabling them respectively in this behalf according to their respective estates interests and powers in and over the said foreshore bed of the sea and mines and minerals as from the date of the said payment without prejudice to the release hereinafter granted in favour of His Majesty Renounce in favour of the Third Parties and their successors in title the rights or claims of the Crown to All and Whole the solum of the whole foreshore and bed of the sea between or within the eastern and western limits of the said port of Leith as these limits are defined in section seven of the Leith Harbour and Docks Act 1875 (thirty-eight and thirty-nine Victoria chapter clx) and extending seaward to the northern boundary of the precincts of the said port as defined

in section eighteen of the Leith Harbour and Docks Order Confirmation Act 1919 (9 George V chapter ii) which foreshore and bed of the sea is shewn approximately by red colour (but not by way of limitation or enlargement) on the one inch map marked " A " docketted as relative hereto and held as sufficiently authenticated by being signed by George Edwin Baker C.B.E. on behalf of the First Parties and by Douglas Robert Crawford Smith on behalf of the Second Parties and by the chairman of the meeting of the Third Parties at which these presents are executed on their behalf and include the whole mines metals and minerals and all beds seams or veins of coal or stone or any metallic or other mineral substances in on or under the same and all mines or quarries thereof (all which are hereinafter referred to as " the minerals ") but excepting from the said renunciation (one) the Crown's general guardianship under the jus publicum of the public rights attaching to the waters and tidal lands situated within the said limits as far to seaward as the said northern boundary of the said precincts (two) The rights if any of oyster scalps or fisheries belonging to or claimed by the city of Edinburgh and the Duke of Buccleuch and all right which the Crown may have granted to others and (three) His Majesty's right title or interest in the minerals in on or under a rectangular area of tidal lands (being bed of the sea) two thousand one hundred and ninety one imperial acres and seven hundred and seventy six decimal or one thousandth parts of an imperial acre or thereby in extent situated between the said limits of the said port which area extends southward for a distance of one nautical mile from the said northern boundary of the said precincts throughout the whole length of the said boundary and is bounded on the north by the said northern boundary of the said precincts measuring five thousand two hundred and twenty seven yards or thereby in length on the east by the said eastern limit measuring one nautical mile in length on the south by a straight line parallel to the said northern boundary measuring five thousand two hundred and twenty seven yards or thereby in length and on the west by the said western limit measuring one nautical mile in length which area is shown approximately (but not by way of limitation or enlargement) coloured red on the one inch map marked " B " docketted and authenticated in the same manner as the said map " A " and which whole foreshore and bed of the sea above described are situated within the county of the city of Edinburgh or partly therein and partly in the county of Midlothian and the Third Parties have released as they hereby release in favour of His Majesty and His Royal Successors any right of prospective support which the Third Parties have or may have from the said excepted minerals (Third) The First Parties and the Second Parties on behalf of His Majesty bind and oblige themselves on behalf of His Majesty and His Royal Successors if and when at any time and from time to time when

A.D. 1935.

called upon by the Third Parties or their foresaids so to do to grant in favour of the Third Parties or their successors in title a conveyance or conveyances in appropriate form of the rights and interests if any of the Crown which are (under exceptions) hereby renounced in or in respect of any part or parts or of the whole of the said solum of the foreshore or bed of the sea provided that any such conveyance shall contain all the appropriate clauses and shall be granted in further implement of these presents at the expense of the grantees the Third Parties or their foresaids but without any price or consideration payable by the said grantees or exigible in respect thereof (Fourth) The First Parties and the Second Parties on behalf foresaid admit the claim of the Third Parties to the heritable subjects now or formerly tidal lands and to the heritable rights all specified in the schedule hereto and agree that the terms of the feu disposition dated the sixteenth and recorded in Chancery the nineteenth both days of October nineteen hundred and seventeen granted by the First Parties in favour of the Third Parties are not binding upon the Third Parties or their foresaids and that the said feu disposition (unrecorded in the vassals' interest in the register of sasines) is now held as superseded by these presents saving and without prejudice to the rights and interests of all parties other than the parties to these presents and (Last) The whole parties hereto consent to registration hereof for preservation and execution.

In Witness whereof these presents typewritten on this and the four preceding pages are together with the schedule annexed and the said maps "A" and "B" executed in triplicate (together with a further copy of these presents with relative schedule and maps made for the purpose of being lodged in Chancery) as follows videlicet they are sealed with the corporate seal of The Commissioners for the Harbour and Docks of Leith and are signed at and in presence of a meeting of the said commissioners on each page by Thomas Aitken Wright merchant Leith one of the said Commissioners the chairman of the said meeting and on this page also by Robert Anderson Somerville shipowner Hugh Rose merchant William Alexander Whitelaw shipowner and Robert Ramsay merchant all of Edinburgh being four others of the said Commissioners present at the said meeting at Leith on the twenty eighth day of February nineteen hundred and thirty before these witnesses Robert Notman and George Gilmour both clerks in the offices of the said Commissioners at Leith they are subscribed for and on behalf of the Board of Trade by George Edwin Baker Commander of the British Empire an assistant secretary to the Board of Trade at London on the thirteenth day of March and year last mentioned before these witnesses Herbert George Lindsell and Reginald Walter Eves both clerks in the Office of the Board of Trade Westminster London and they are

[25 & 26 GEO. 5.]      *Leith Harbour*      [Ch. liv.]  
*and Docks Consolidation Order Confirmation Act, 1935.*

subscribed in terms of Act of Parliament by Douglas Robert A.D. 1935.  
Crawfurth Smith a secretary of the Office of Commissioners of  
Crown Lands on behalf of and as the Act and Deed of the Com-  
missioners of Crown Lands at London on the twenty ninth day  
of March and year last mentioned before these witnesses Edward  
Unwin Brockway and Eric John Pedlar both Civil Servants of  
the said Office of Commissioners of Crown Lands London.  
(Signed) G. E. BAKER D. R. CRAWFURTH SMITH THOS. A. WRIGHT  
Chairman ROBERT A. SOMERVILLE Commissioner HUGH ROSE  
Commissioner WM. A. WHITELOW Commissioner R. RAMSAY  
Commissioner (L.S.) HERBERT G. LINDSELL Witness REGINALD W.  
EVES Witness EDWARD U. BROCKWAY Witness E. J. PEDLAR  
Witness ROBERT NOTMAN Witness GEORGE GILMOUR Witness.

SCHEDULE referred to in the foregoing AGREEMENT.

(1) All lands and heritages within the precincts of the port  
of Leith situated to landward of the line of high water of ordinary  
spring tides as now existing which were at any previous times  
situated to seaward of the line of high water mark of ordinary  
spring tides as then existing and all artificial works situated on  
in or under the said lands and heritages.

(2) All lands and heritages forming water areas enclosed by  
or forming parts of the said artificial works.

(3) A heritable right of extending the harbour works towards  
the sea and for that purpose of occupying the foreshore and bed  
of the sea within the precincts of the port of Leith in so far as  
the said foreshore and bed of the sea are the property of the  
Crown without payment or disposition of the land.

(Signed) G. E. BAKER  
D. R. CRAWFURTH SMITH  
THOS. A. WRIGHT Chairman.

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