



### CHAPTER xxxiv.

An Act to confer additional powers on the Trustees of the Harbour of Dundee and to amend the Acts relating to the Harbour and for other purposes. [2nd July 1896.] A.D. 1896.

WHEREAS the Harbour of Dundee including the Tay Ferries as part thereof is vested in and administered by the Trustees of the Harbour of Dundee (herein-after called "the Trustees") under the provisions of the Dundee Harbour Consolidation Act 1875 (herein-after called "the Consolidation Act") the Dundee Harbour and Tay Ferries Act 1873 (herein-after called "the Ferries Act") the Dundee Harbour and Tay Ferries Act 1889 (herein-after called "the Act of 1889") and the Dundee Harbour (Amendment) Act 1892 (herein-after called "the Act of 1892") and all the said Acts are collectively herein-after referred to as "the recited Acts":

38 & 39 Vict.  
c. cl.  
36 Vict.  
c. 1.  
52 & 53 Vict.  
c. lxxxvii.  
55 & 56 Vict.  
c. lxxxiv.

And whereas the trade and shipping of Dundee have of late years greatly increased and are still increasing and the Trustees in virtue of the powers contained in the recited Acts have recently constructed subsidiary and other works for the accommodation and development of the traffic at the harbour of Dundee as defined by the Consolidation Act (which harbour including the Tay Ferries is herein-after called "the harbour") at considerable expense and additional moneys are required for further accommodation and facilities at the harbour and for the better lighting and conservation thereof:

And whereas it is expedient that the Trustees should be authorised to borrow or raise additional money for the purposes of the recited Acts and of their undertaking that the rates dues and charges leviable by the Trustees and the rules and regulations applicable thereto should in some respects be altered and revised and that certain provisions of the recited Acts should be amended and extended and further powers and provisions conferred on the Trustees all as by this Act provided:

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And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title and commencement of Act.

1. This Act may be cited as the Dundee Harbour (Additional Powers) Act 1896 and this Act shall commence and take effect on and after the first day of October one thousand eight hundred and ninety-six which date is herein-after termed and referred to as "the commencement of this Act."

Acts to be read together.

2. This Act and the recited Acts as each is altered and amended by any subsequent Act and by this Act shall be read and construed together as one Act.

Incorporation of Harbours Clauses Act.

3. The Harbours Docks and Piers Clauses Act 1847 with the exception of the clauses with respect to lifeboats with respect to keeping a tide and weather gauge and with respect to buoys light-houses and beacons unless the Board of Trade shall otherwise require and also of sections twenty-five, twenty-six and thirty is (except where expressly varied by this Act) incorporated with and forms part of this Act and in construing the said incorporated Act the expression "the harbour dock or pier" shall mean the harbour of Dundee as defined in the Consolidation Act and the expression "the undertakers" shall mean the Trustees and the expression "the special Act" shall mean this Act.

Amendment of rates.

4. From and after the commencement of this Act the schedules of rates annexed to and authorised by the Act of 1892 shall be and are hereby amended and altered in the manner and to the extent set forth in the schedule annexed to this Act and the said schedules of rates shall be read and construed and the rates thereby authorised shall be levied subject to the alterations and amendments specified and contained in the said schedule annexed to this Act.

Provision as to rates for sheds used for fish traffic.

5. Subject to the exercise by the Trustees of the powers contained in section one hundred and fifty-three of the Consolidation Act the rates for sheds in Schedule (F) annexed to the Act of 1892 shall not apply to sheds used for the accommodation of fish traffic.

Provision as to reduction or increase of rates for

6. The provisions contained in section one hundred and fifty-six of the Consolidation Act requiring the Trustees to pass and confirm resolutions at special meetings and to publish notice thereof in the event of their exercising the powers conferred by that section

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during the currency of any year to make any reduction or increase of the scheduled rates shall not apply to any reduction or increase of the rates for graving docks patent slip and cranes specified in Schedules (D) and (E) annexed to and authorised by the Act of 1892 but the said powers may as regards all such last-mentioned rates be exercised by the Trustees according to their discretion.

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graving  
docks slip  
and cranes.

7. In addition to any money which the Trustees are authorised to borrow under the recited Acts the Trustees may from time to time borrow or raise such sums as they think requisite for the purposes of the recited Acts and of this Act or any of them and of their undertaking not exceeding the sum of fifty thousand pounds on the security of the undertaking of the Trustees And the money which may be borrowed or raised under the provisions of this Act shall be a part of the debt affecting the undertaking of the Trustees and if after having borrowed or raised the said sum or any part thereof the Trustees pay off the same except by means of the sinking fund it shall be lawful for them again to borrow or raise the amount so paid off and so from time to time.

Power to  
borrow  
additional  
money.

8. The money authorised to be borrowed or raised by this Act may be secured by mortgages or assignments in security or by debenture stock of the Trustees in terms of and as provided for in the Consolidation Act and the Act of 1889 and Acts therewith incorporated with regard to the money thereby authorised to be borrowed or raised and subject to the provisions of this Act all the powers and provisions of the Consolidation Act and the Act of 1889 and Acts therewith incorporated with regard to the borrowing or raising of money thereby authorised shall mutatis mutandis apply to the money by this Act authorised to be borrowed or raised and to all mortgages or assignments in security or debenture stock or certificates of debenture stock granted or created and issued for the same or any part thereof and to the transfer transmission redemption and discharge of such mortgages or assignments in security and such debenture stock Provided always that sections eight to thirty-two of the Act of 1889 shall apply to all debenture stock created or issued under the powers contained in this Act but the certificates to be issued therefor shall set forth the short title of this Act as well as the short title of the Act of 1889.

Security for  
borrowed  
money.

9. The provisions for and applicable to a sinking fund contained in sections thirty-four thirty-five and thirty-six of the Act of 1889 as regards the additional money thereby authorised to be borrowed shall mutatis mutandis apply to the money authorised to be borrowed or raised by this Act.

Sinking  
fund.

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Reserve  
fund.

10. The Trustees may after providing for their working and establishment expenses interest on borrowed money and contributions to the sinking fund set apart annually as a reserve fund out of the rates and revenues to be received by them under the authority of the recited Acts and this Act a sum of not more than two pounds ten shillings per centum of such rates and revenues which reserve fund shall from time to time be applied by the Trustees in their discretion to meet and provide against risks and losses by injury to or destruction of works other than ordinary wear and tear or to defray such claims of compensation or reparation consequent upon accidents or damages sustained that may be legally competent against the Trustees or for any other lawful purpose duly sanctioned by the Trustees at any meeting specially called for that end and the Trustees may invest the moneys so set apart when the same are not required in such way and manner as they may deem expedient and accumulate the interest thereof with the principal Provided always that the Trustees shall keep a special account applicable to such reserve fund which shall be balanced annually and that the said fund shall never be allowed to accumulate so as to exceed at any time the sum of twenty thousand pounds.

Lighting of  
harbour.

11. The Trustees may alter extend and improve the lights and lighting of the harbour and provide lay down erect and maintain gas buoys and electric or other cables and mains or other apparatus within the harbour for the purposes of and applicable to such lights and lighting Provided that all electric cables apparatus and works provided laid down erected or maintained under the authority of this Act for the purpose of electric lighting shall be so constructed and used as not to affect telegraphic communication by means of any telegraphs used or intended to be used by the Postmaster-General.

Power  
to make  
additional  
byelaws.

12. In addition to the byelaws authorised by the recited Acts and Acts incorporated therewith or reserved thereby the Trustees may from time to time make such byelaws as they may think fit for the following purposes or any of them (that is to say) For regulating the use and management of small boats and the management of steamboat traffic within the limits of the harbour to prohibit and prevent betting or the making or settling of bets of any kind within the harbour to prohibit or regulate the carriage or conveyance of carcases of animals or offensive matter of any kind on the steam ferry boats or other boats of the Trustees or their lessees or licencees on or over the Tay Ferries specified in section six of the Ferries Act or in the harbour and to regulate dredging for mussels or other shell fish or for any other purpose on or near to any electric or other cable or main or other apparatus of the

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Trustees within the harbour Provided always that the penalty for breach of any byelaw regulating any of the said matters shall not exceed ten pounds and the Trustees may from time to time as they shall think fit repeal or alter any such byelaws Provided further that all such byelaws shall be confirmed by the sheriff of the county of Forfar in terms of the Harbours Docks and Piers Clauses Act 1847.

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**13.** All contraventions of or offences declared by any byelaws to be made under this Act shall be prosecuted and followed out in the same manner as contraventions or offences are provided to be prosecuted and followed out by sections one hundred and eighty-three and one hundred and eighty-four of the Consolidation Act and these sections of the said Act as amended by section twenty-five of the Dundee Police and Improvement Consolidation Act 1882 shall apply to all such contraventions and offences and the jurisdiction prosecution and punishment thereof.

Contraven-  
tions and  
offences.

**14.** The saving provisions contained in sections one hundred and eighty-seven to one hundred and ninety-five of the Consolidation Act shall apply to this Act and the provisions thereof.

Saving pro-  
visions in  
Consolida-  
tion Act.

**15.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates authorised to be levied or the moneys authorised to be borrowed by the recited Acts and this Act.

Expenses of  
Act.

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The SCHEDULE referred to in this Act.

1. Article 13 of "Miscellaneous Rates" specified in Part IV. of Schedule (B) of the Act of 1892 is hereby amended and shall be read and construed subject to the following provision viz. Provided always that in the case of vessels navigating from or to the southward of the Tropic of Cancer the amount of cargo loaded or discharged at another port during the same voyage necessary to entitle the vessel to the reduction of rates stated in the said Article 13 shall be not less than one fifth of the whole cargo.

2. The last paragraph of Article 10 of "Exemptions and Regulations" in the said Schedule (B) of the Act of 1892 is hereby repealed and in lieu thereof the following is substituted viz. "The exception of trawlers from exemption from rates in this article shall not apply till the Trustees have set apart or adapted existing jetties wharves sheds or other works or have erected additional jetties wharves sheds or other works at any part of the harbour sufficient in their judgment for the accommodation of such trawlers after which such trawlers shall be liable in rates as specified in Articles 6 and 7 of 'Miscellaneous Rates' in this schedule."

3. Article 3 of "Exemptions and Regulations" in Schedule (C) annexed to the Act of 1892 is hereby repealed and in lieu thereof the following is substituted viz. "All goods from foreign ports discharged by vessels from such ports and verified by through bills of lading from the port of shipment to have been destined for conveyance via Dundee to any place not within ten miles of Dundee sent by rail and certified by the railway companies certificates to have been actually forwarded to any place of destination not within ten miles of Dundee whether it be the place specified in the bill of lading or not or if otherwise sent certified to the satisfaction of the Trustees to have been actually forwarded to such place of destination shall be liable in half the rates leviable on such goods provided the goods are removed from the quays or works of the Trustees within seventy-two hours after they have been landed otherwise they shall be liable in full rates provided also that in cases where not less than two hundred and fifty tons of goods verified and destined as above specified are landed from the same vessel the time within which such goods must be removed shall be extended to one hundred and twenty hours."

4. The last paragraph of Article 10 of "Exemptions and Regulations" in the said Schedule (C) annexed to the Act of 1892 is hereby repealed and in lieu thereof the following is substituted viz. "The exception of fresh fish including fresh herrings delivered by trawlers from exemption from rates in this article shall not apply till the Trustees have set apart or adapted existing jetties wharves sheds or other works or have erected additional jetties wharves sheds or other works at any part of the harbour sufficient in their judgment for the accommodation of such trawlers after which fresh fish including fresh herrings delivered by such trawlers shall be liable in rates as specified in this schedule."

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5. In laying on and collecting the rates authorised by the said Schedule (C) A.D. 1896.  
the following rules shall apply to the extent following viz:—

(A) In the administration of Articles 3 4 5 and 6 of the "Exemptions and Regulations" in the said Schedule (C) Sundays and public holidays when work is suspended shall be excluded from the forty-eight hours after the reporting of the cargoes of vessels at the Shore-Dues Office within which the declaration of goods to be sent to places not within ten miles of Dundee and of goods to be re-shipped must be made and Sundays and such public holidays shall also be excluded from the seventy-two hours within which the removal of such goods from the sheds and quays and their re-shipment must take place;

(B) In the administration of Articles 5 and 6 of the said "Exemptions and Regulations" in the said Schedule (C) relative to the reporting of the cargoes of vessels at the Shore-Dues Office the hour of reporting shall not be reckoned until twelve o'clock noon although the report may have actually been made previous to that hour and in cases of reports made after four o'clock afternoon the hour of report shall not be reckoned till twelve o'clock noon of the next day;

(C) In the administration of Articles 3 4 5 and 6 of the said "Exemptions and Regulations" in the said Schedule (C) should a small part only of a lot of goods under through bills of lading or under declaration be not removed within the prescribed time that part shall also be allowed to be removed although a few days but not exceeding a week beyond the prescribed time may have elapsed and shall be charged only half-rates inwards and shall be exempt from rates outwards. Further in the case of goods for re-shipment the removal of the goods from the place where they may have been landed to the place where they are to be re-shipped shall be reckoned as equivalent to re-shipment. Provided however that in all such cases shed rates shall be charged when the goods remain in any shed beyond forty-eight hours as provided for in Schedule (F) to the Act of 1892;

(D) In the administration of Article 8 of the said "Exemptions and Regulations" in the said Schedule (C) goods stored in any harbour warehouse from the quays or sheds and on which shed dues have not become exigible shall be allowed to be re-shipped free of outward dues although the re-shipment may take place beyond seventy-two hours after the goods have been landed.

6. The rates in the said Schedule (C) shall as regards the following goods be altered and amended as follows viz:—

The rate on wool shall be one shilling and eightpence per ton inwards and one shilling and eightpence per ton outwards;

The rate on paper for printing and packing purposes shall be one shilling and fourpence per ton inwards and one shilling and fourpence per ton outwards;

The rate on manure chemical shall be sixpence per ton inwards and sixpence per ton outwards;

The inward rate on linseed rape cotton &c. cakes shall be eightpence per ton;

The inward rate on cotton wool shall be one shilling and sixpence per ton;

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- The rate on leather shall be one shilling and sixpence per ton inwards and one shilling and sixpence per ton outwards ;
- The rate on tobacco shall be one shilling and sixpence per ton inwards and one shilling and sixpence per ton outwards ;
- The rate on tobacco juice tobacco paper and tobacco cloth shall be one shilling and sixpence per ton inwards and one shilling and sixpence per ton outwards ;
- The rate on hare and rabbit skins untanned shall be two shillings per ton inwards and two shillings per ton outwards ;
- The outward rate on seal skins untanned in casks shall be two shillings per ton ;
- The outward rate on narwhal and white whale skins untanned in casks shall be two shillings per ton ;
- The outward rate on walrus skins untanned in casks shall be two shillings per ton ;
- The rate on ice shall be sixpence per ton inwards and sixpence per ton outwards ;
- The rate on flower roots shall be two shillings per ton of twenty hundred weight inwards and two shillings per ton of twenty hundred weight outwards ;
- Corn :—
- The inward rate on barley bere or big shall be ninepence per ton ;
- The rate on beans shall be eightpence per ton inwards and fivepence per ton outwards ;
- The inward rate on malt shall be one shilling and one penny per ton ;
- The inward rate on oats shall be one shilling per ton ;
- The rate on pease shall be eightpence per ton inwards and fivepence per ton outwards ;
- The inward rate on rye shall be ninepence per ton ;
- The rate on tares shall be eightpence per ton inwards and fivepence per ton outwards ;
- The outward rate on wheat shall be sevenpence per ton ;
- The rate on bacon or hams shall be one shilling per ton inwards and one shilling per ton outwards ;
- The rate on cured beef or pork shall be one shilling per ton inwards and one shilling per ton outwards ;
- The rate on fresh beef shall be one shilling and eightpence per ton inwards and one shilling and eightpence per ton outwards ;
- The inward rate on wainscot logs and oak or wainscot boards and planks shall be one shilling per fifty cubic feet ;
- The rate on mahogany and lignum vitæ shall be one shilling per fifty cubic feet inwards and sixpence per fifty cubic feet outwards ;
- The rate on sleepers (home wood) nine feet long and twelve inches by six inches per one hundred shall be three shillings and sixpence inwards and three shillings and sixpence outwards ;
- The rates on pit props contained in the schedule shall be deleted and instead thereof the rates on pit props mining and telegraph poles fencing posts and rails per fifty cubic feet shall be sixpence inwards and sixpence outwards ;



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The rate on blubber shall be one shilling per ton or per two hundred and fifty-two gallons inwards and the same rate outwards. A.D. 1896.

7. The following shall be added to the said Schedule (C) viz. :—

“Glucose” the rate on which shall be one shilling per ton inwards and one shilling per ton outwards.

8. In the administration of the recited Acts and Schedule (F) of the Act of 1892 the rates for weighing shall be charged for and in respect of all the goods mentioned in the said schedule whether the weighing be at the instance of the Trustees themselves or at the instance of the shipowner agent or other person in charge of the vessel or the owner consignee or other person in charge of the goods or to whom they shall be deliverable.

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