



# Harbours, Piers and Ferries (Scotland) Act 1937

## 1937 CHAPTER 28

### PART I

#### TRANSFER OF HARBOURS, &C, TO LOCAL AUTHORITIES

#### **1 Transfer of Harbours, & c, to local authorities**

- (1) It shall be lawful for the owner of any marine work to transfer it, on such terms as may be agreed, to any local authority authorised by the Secretary of State under this section to accept such transfer.
- (2) The Secretary of State may authorise a local authority to accept a transfer of a marine work if the local authority is either—
  - (a) the council of any county or burgh within which the marine work is wholly or partly situated; or
  - (b) in the case of a marine work situated wholly in a burgh, the council of the county within which such burgh is situated; or
  - (c) in the case of a marine work situated wholly in a county or partly in one county and partly in another county, the council of any burgh in such county or in either of such counties situated within ten miles of the marine work:

Provided that—

- (i) where the transfer of a marine work to any one of two or more councils could be authorised by the Secretary of State in pursuance of the foregoing provisions, it shall be lawful for such councils, or for any two or more of them, to combine for the purposes of a transfer to them of that marine work on such terms and conditions as may be agreed (including provision for the appointment of a joint committee), and it shall be lawful for the Secretary of State to authorise any councils so combining to accept jointly such transfer; and

- (ii) before authorising any council to accept a transfer of a marine work not wholly situated in its own area, and before authorising any councils in combination to accept jointly a transfer of the marine work, the Secretary of State shall afford to every council who could be authorised to accept a transfer of the marine work in pursuance of the foregoing provisions, an opportunity of making representations.
- (3) The power of transfer conferred by subsection (1) of this section on the owner of a marine work shall be exercisable by any local authority in whom a marine work is vested whether by transfer under the said subsection or otherwise.

## **2 Compulsory acquisition of marine work**

- (1) Where a local authority are desirous of acquiring a marine work of which they could be authorised to accept a transfer under this Part of this Act and are unable to do so by agreement on terms which are in their opinion reasonable they may purchase the marine work compulsorily by means of a compulsory purchase order made by them and confirmed by the Secretary of State in accordance with the provisions of Part I of the First Schedule to this Act.
- (2) Any two or more councils who might combine for the purposes of a transfer to them of a marine work shall have the like power of combining for the purpose of the compulsory purchase of that marine work and may purchase the same compulsorily by means of such a compulsory purchase order as is mentioned in the foregoing subsection.
- (3) The provisions of Part II of the First Schedule to this Act shall have effect with regard to the validity and date of operation of compulsory purchase orders made under this section.
- (4) At any time within six weeks after the determination of any question of disputed compensation payable in respect of a marine work or of any interest therein in pursuance of a compulsory purchase order made under this section, the local authority may, unless they have exercised any power of entry on the marine work, withdraw any notice to treat served on any person interested in the marine work, and intimation of any such withdrawal shall be given forthwith by the local authority to the Secretary of State, and the compulsory purchase order shall thereupon cease to be operative.
- (5) Where, in pursuance of the last foregoing subsection, a local authority withdraw a notice to treat, they shall be liable to pay to the person to whom such notice was given, and to any other person interested in the marine work, compensation for any expense properly incurred by him in connection with the making of the compulsory purchase order, or with his claim to compensation, and the amount of such compensation shall, in default of agreement, be determined in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.
- (6) No award of compensation in respect of a marine work or of any interest therein made in pursuance of a compulsory purchase order under this section shall be enforceable before the expiration of six weeks from the date of such award, and where, in pursuance of subsection (4) of this section, a notice to treat has been withdrawn, any award of compensation to the person on whom such notice was served shall cease to have effect.

### **3 Effect of Transfers and acquisitions of marine works**

- (1) Nothing in any Act whereby any marine work is vested in or belongs to any body or person shall be deemed to prevent the transfer of such work to a local authority under section one of this Act, and where any such marine work is so transferred or is purchased compulsorily by a local authority under section two of this Act the provisions of such first mentioned Act and of any other Act relating to the marine work shall, save as provided in section nineteen of this Act or in so far as they are inconsistent with the provisions of this Act, have effect as if the local authority had been the undertakers named in such first mentioned Acts.
- (2) On the application of the local authority to whom any marine work has been transferred under section one of this Act or by whom any marine work has been purchased compulsorily under section two of this Act, the Secretary of State may, by order, make such adaptations or modifications of the provisions of any local Act applying to such marine work as may seem to him necessary to bring those provisions into conformity with the provisions of this Act.