



Harbours, Piers and Ferries (Scotland) Act 1937

1937 CHAPTER 28

PART II

CONSTRUCTION OF WORKS

4 Application for orders under 24 & 25 Vict. c. 45

Any application under the General Pier and Harbour Act, 1861—

- (a) by a local authority for a provisional order authorising the construction of a harbour, pier or boatslip which on completion will be a marine work within the meaning of this Act in such a situation that, if such work had been already in existence, the Secretary of State could have authorised its transfer to such local authority in pursuance of section one of this Act, or
- (b) by any local authority or harbour authority for a provisional order authorising the construction of any new works or the improvement of existing works in connection with a marine work vested in such authority and (where such authority is a harbour authority), certified by the Secretary of State under section eight of this Act as a marine work to which Part III of this Act ought to apply,

shall be made to the Secretary of State in lieu of the Minister of Transport.

5 Adaptation of 24 & 25 Vict. c. 45, & c

In relation to any application under the last foregoing section of this Act, the General Pier and Harbour Act, 1861, and the Acts amending that Act shall apply, subject to the following modifications :—

- (1) For references to the Board of Trade there shall be substituted references to the Secretary of State and for references to a secretary or assistant secretary there shall be substituted references to a person authorised by the Secretary of State:

Status: This is the original version (as it was originally enacted).

- (2) Section fifteen of the General Pier and Harbour Act, 1861, in so far as it relates to the levying and recovering of rates, the audit of the accounts of receipts and expenditure and the power to borrow shall not apply :
- (3) Sections eight, eleven and nineteen of the General Pier and Harbour Act, 1861, Amendment Act, shall not apply:
- (4) Sections three to five of the General Pier and Harbour Act, 1861, Amendment Act, and the schedule therein referred to shall not apply, but the applicants for an order shall publish notice of the application and of any proposed works in such manner as the Secretary of State may prescribe, and shall also send notice thereof in writing to the Board of Trade and the Minister of Transport:
- (5) Section sixteen of the General Pier and Harbour Act, 1861, shall not apply, but in lieu thereof the following provisions shall have effect: —
- (i) After a provisional order has been settled and made by the Secretary of State, he shall publish, in such manner as he thinks best adapted for informing persons affected, notice that he has settled the order and of the place where copies of the order as settled may be obtained, together with a statement that the order will become final and have effect as an Act of Parliament unless within such period, not being less than thirty days, as may be stated in the notice, a memorial by—
- (a) the county council of any county, or the town council of any burgh, in which the marine work or any part thereof is situate or is proposed to be constructed; or
- (b) any twenty or more ratepayers in any such county or burgh, is presented to the Secretary of State praying that the order shall not become law without confirmation by Parliament;
- (ii) If no memorial has been presented by any such body or persons within such period as aforesaid or if every such memorial has been withdrawn, the Secretary of State shall confirm the order and the order shall thereupon have effect as if enacted in this Act, but if any such memorial has been presented and has not been withdrawn, the order shall have no effect unless and until confirmed by Parliament, and in such case the Secretary of State may bring in a Bill to confirm the order:
- (6) No order shall be made without the consent in writing of the Minister of Transport and, in the case where any works are proposed to be constructed below high-water mark of ordinary spring tides, of the Board of Trade.

6 Adaptation of 24 & 25 Vict. c. 47

Section three of the Harbours and Passing Tolls, &c, Act, 1861, shall, as regards any works authorised by a provisional order under this Part of this Act, be read and construed as if for any reference to the Board of Trade there were substituted a reference to the Secretary of State, and for any reference to a secretary or assistant secretary there were substituted a reference to any person authorised by the Secretary of State.

7 Minor works

- (1) Where,—

- (a) a local or harbour authority in whom a marine work to which Part III of this Act applies is vested are desirous of undertaking the construction, reconstruction, extension or improvement of any works, machinery or conveniences ancillary to, or in connection with, the marine work; or
- (b) a local authority are desirous of undertaking the construction, reconstruction, extension or improvement of a marine work within any of the following counties, namely the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Zetland, or within any burgh situate therein,

and in either case it is shown to the satisfaction of the Secretary of State that the cost of the necessary operations will not exceed five thousand pounds, the Secretary of State may authorise such authority to undertake the same, subject to and in accordance with the procedure laid down in the Second Schedule to this Act.

- (2) Any works constructed under the foregoing subsection which are ancillary to, or in connection with, a marine work shall, for the purposes of this Act or of any other Act relating to the marine work, be deemed to be part thereof.