

ELIZABETH II



1967 CHAPTER xli

An Act to confirm in accordance with the Statutory Orders (Special Procedure) Acts 1945 and 1965 a Scheme under the Harbours Act 1964, relating to the reorganisation of a group of harbours on the estuary of the River Forth. [6th December 1967]

WHEREAS under the provisions of the Harbours Act 1964 1964 c. 40.
the National Ports Council have made a Scheme which is subject to special Parliamentary procedure and it is expedient that it should be confirmed by Parliament in accordance with section 2 as read with section 10 of the Statutory Orders (Special Procedure) Act 1945:

1945 c. 18.
(9 & 10 Geo.
6).

Be it therefore 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:—

1. The Forth Harbour Reorganisation Scheme 1966 as set out in the Schedule to this Act is hereby confirmed. Confirmation of Scheme in Schedule.

2. This Act may be cited as the Forth Harbour Reorganisation Scheme Confirmation (Special Procedure) Act 1967. Short title.

SCHEDULE

PART I

PRELIMINARY

- Citation.** 1. This Scheme may be cited as the Forth Harbour Reorganisation Scheme 1966.
- Interpretation.** 2.—(1) In this Scheme, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—
- 1964 c. 40. “the Act” means the Harbours Act 1964 ;
 “the appointed day” means the 15th December 1967 ;
 “the Authority” means the Forth Ports Authority constituted by this Scheme ;
 “the Board” means the British Transport Docks Board ;
 “Buckhaven and Methil Corporation” means the provost, magistrates and councillors of the burgh of Buckhaven and Methil ;
 “Burntisland Corporation” means the provost, magistrates and councillors of the royal burgh of Burntisland ;
 “the Commissioners” means the Commissioners for the Harbour and Docks of Leith ;
 “the Company” means Granton Harbour Limited ;
 “the Conservancy Board” means the Forth Conservancy Board ;
 “the Corporation” means the provost, magistrates and councillors of the royal burgh of Kirkcaldy ;
 “the Council” means the National Ports Council ;
 “the day of transfer” means the 1st January 1968 ;
 “dues” means ship, passenger and goods dues as defined in section 57(1) of the Act ;
 “Edinburgh Corporation” means the Corporation of the City of Edinburgh ;
 “enactment” means any Act or any order or scheme made under an Act ;
 “Grangemouth Corporation” means the provost, magistrates and councillors of the burgh of Grangemouth ;
- 1837 c. xv. “the Granton Pier Act 1837” means the Act passed on 21st April 1837, entitled an Act to enable the Duke of Buccleuch and Queensberry to make and maintain a Pier at Granton in the Parish of Cramond, and a Road therefrom to join the Road leading from Leith to Queensferry, in the county of Edinburgh ;
- 1842 c. xix. “the Granton Pier Act 1842” means the Act passed on 13th May 1842, entitled an Act to extend the Provisions of an Act of the Seventh Year of the Reign of King William the Fourth, relative to the Pier of Granton in the County of Edinburgh ;

- “the harbour of Burntisland” means the harbour of Burntisland as regards which there are vested in the Board immediately before the day of transfer statutory powers or duties of improvement, maintenance or management ;
- “the harbour of Grangemouth” means the harbour of Grangemouth as regards which there are vested in the Board immediately before the day of transfer statutory powers or duties of improvement, maintenance or management ;
- “the harbour of Granton” means the harbour of Granton as regards which there are vested in the Company immediately before the day of transfer statutory powers or duties of improvement, maintenance or management ;
- “the harbour of Kirkcaldy” means the harbour of Kirkcaldy as regards which there are vested in the Corporation immediately before the day of transfer statutory powers or duties of improvement, maintenance or management ;
- “the harbour of Leith” has the same meaning as the expression “harbour and docks” as defined in section 6 (Interpretation) of the Leith Harbour and Docks Consolidation Order 1935 ; 1935 c. liv.
- “the harbour of Methil” means the harbour of Methil as regards which there are vested in the Board immediately before the day of transfer statutory powers or duties of improvement, maintenance or management ;
- “the Minister” means the Minister of Transport ;
- “the river” has the same meaning as in the Forth Conservancy 1921 c. v. Order 1920 ;
- “the transferring authorities” means the Board, the Commissioners, the Company, the Conservancy Board and the Corporation and “transferring authority” means any one of the said authorities ;
- “the transferred harbours” means the harbour of Burntisland, the harbour of Grangemouth, the harbour of Granton, the harbour of Kirkcaldy, the harbour of Leith, the harbour of Methil and the river and “transferred harbour” means any one of the said harbours ;
- “year” in Article 17 of this Scheme means a period of twelve months beginning on 16th May and otherwise means a period of twelve months beginning on 1st January.

(2) In this Scheme, unless the context otherwise requires, a reference to the undertaking of any of the transferring authorities at any of the transferred harbours is a reference to the powers, duties, interests in property, rights and liabilities of that authority in relation to that harbour which are transferred by this Scheme and a reference to the interests of a transferring authority in fixed property used by them for the purposes of a transferred harbour includes a reference to the interest of that authority in any land delineated and edged red or coloured green on a map annexed to this Scheme.

(3) References in this Scheme to a map annexed to this Scheme are references to a map contained in the three sets of six maps numbered 1 to 6 sealed by the Minister of Transport of which one set has been deposited in the Office of the Clerk of the Parliaments.

PART I
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one in the Private Bill Office of the House of Commons and one with the Scottish Home and Health Department in St. Andrew's House, Edinburgh 1.

1889 c. 63.

(4) The Interpretation Act 1889 applies for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(5) Unless the context otherwise requires, references in this Scheme to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Scheme.

PART II

CONSTITUTION OF AUTHORITY

Incorporation
of Authority.

3.—(1) As from the appointed day there shall be constituted an authority as provided by this Scheme for the purposes of improving, maintaining and managing the transferred harbours and all improvements or enlargements thereof and doing all things necessary therefor or incidental thereto in the exercise of the powers and duties transferred to the Authority by this Scheme and of all other powers and duties for the time being vested in them in that behalf.

(2) The Authority shall be a body corporate by the name of the Forth Ports Authority and shall have perpetual succession and a common seal.

Constitution of
Authority.

4.—(1) Subject to the provisions of paragraph (7) of this article, the Authority shall consist of fourteen members appointed by the Minister in accordance with the following provisions of this article.

(2) Of the members appointed by the Minister under the last preceding paragraph—

- (a) three shall be appointed after consultation with the Council ;
- (b) three shall be appointed on the joint nomination of the Firth of Forth Shipowners' Association and the Chamber of Shipping of the United Kingdom ;
- (c) three shall be appointed on the joint nomination of the Forth Estuary Ports Committee and the British Shippers' Council ;
- (d) one shall be appointed on the nomination of Edinburgh Corporation ;
- (e) one shall be appointed on the nomination of Grangemouth Corporation ;
- (f) one shall be appointed on the joint nomination of Buckhaven and Methil Corporation, Burntisland Corporation and the Corporation ;
- (g) two shall be appointed after consultation with such persons appearing to the Minister to be representative of organised labour in Scotland as the Minister considers appropriate.

(3) At least one of the members referred to in sub-paragraph (b) of the last preceding paragraph shall be a person appearing to the Minister to have a special knowledge of, and experience in, stevedoring or master portorage :

Provided that this paragraph shall not have effect if, in the Minister's opinion, no person appearing to him to be representative

of shipowners using any of the transferred harbours and suitable for appointment as a member of the Authority (and who is willing to be so appointed) has such knowledge and experience.

PART II
—cont.

(4) The Minister shall not be obliged to appoint a person who is duly nominated in accordance with any of sub-paragraphs (b) to (f) of paragraph (2) of this article but may request the person or persons who made the nomination to nominate someone else.

(5) If it appears to the Minister in the case of any of the appointments referred to in sub-paragraphs (b) to (f) of paragraph (2) of this article that the person or persons on whose nomination the appointment is to be made has or have refused or failed to nominate a member, or to nominate a person other than one whom the Minister has refused to appoint, after being requested by the Minister to do so, the appointment in question shall be made by the Minister after consultation with the Council.

(6) (a) If the Firth of Forth Shipowners' Association or the Chamber of Shipping of the United Kingdom shall cease to exist the appointments referred to in sub-paragraph (b) of paragraph (2) of this article shall be made by the Minister after consultation with such persons appearing to him to be representative of shipowners using the transferred harbours as the Minister considers appropriate but including either of the two first mentioned bodies which continues to exist.

(b) If the Forth Estuary Ports Committee or the British Shippers' Council shall cease to exist the appointments referred to in sub-paragraph (c) of paragraph (2) of this article shall be made by the Minister after consultation with such persons appearing to him to be representative of dues payers (other than shipowners) at the transferred harbours as the Minister considers appropriate but including either of the two first mentioned bodies which continues to exist.

(7) The members of the Authority appointed by the Minister under this article may co-opt the General Manager or General Managers for the time being of the Authority to serve as a member or members of the Authority during such period as may be specified by the appointed members at the time of the co-option:

Provided that, notwithstanding the terms of his co-option, any General Manager shall cease to be a co-opted member if he ceases to be a General Manager of the Authority.

5.—(1) The Minister shall appoint the first members to be appointed by him under article 4 of this Scheme in accordance with the provisions of that article before the appointed day and the members so appointed shall come into office on that day and, subject to the provisions of Schedule 1 to this Scheme, shall continue in office until the end of December 1969.

Appointment
and terms of
office of
appointed
members of
Authority.

(2) Every vacancy other than a casual vacancy among the members of the Authority appointed by the Minister under article 4 of this Scheme shall be filled by a person appointed by the Minister on or before the date on which the vacancy will occur (or, where a casual vacancy has occurred two months or less before the end of the vacating member's normal term of office and has been left unfilled

PART II
—cont.

on or before the date on which the vacancy would normally have occurred) and in accordance with the provisions of the said article 4 and every member so appointed shall come into office on that date and, subject to the provisions of Schedule 1 to this Scheme, shall continue in office until the end of December in the third year thereafter:

Provided that if for any reason a member is not appointed on or before the date on which the vacancy will occur (or, where a casual vacancy has occurred two months or less before the end of the vacating member's normal term of office and has been left unfilled, on or before the date on which the vacancy would normally have occurred) he shall be appointed as soon as practicable thereafter and shall come into office upon his appointment and shall continue in office for the remainder of the said term.

(3) Any casual vacancy among the members of the Authority appointed by the Minister under article 4 of this Scheme shall be filled as soon as practicable by the appointment by the Minister in accordance with the provisions of the said article 4 of a new member and the member so appointed shall come into office upon his appointment, or, where the appointment is made in advance to fill a casual vacancy which is known to be about to occur, upon that vacancy occurring, and, subject to the provisions of Schedule 1 to this Scheme, shall hold office during the remainder of the term of the member in whose place he is appointed:

Provided that a casual vacancy occurring less than two months before the end of the vacating member's normal term of office may, at the Minister's discretion, be left unfilled.

6. The provisions of Schedule 1 to this Scheme (which relates to the procedure of, and other incidental matters concerning, the Authority) shall have effect with respect to the Authority.

Incidental provisions relating to Authority.

PART III

TRANSFER OF HARBOUR UNDERTAKINGS

7.—(1) On the day of transfer the powers and duties conferred or imposed on the Board by any statutory provision of local application (not being a provision applied in relation to the Authority by article 14 of this Scheme) contained in, or applied in relation to them by, the Transport Act 1962, the British Transport Docks Act 1964 or any subsequent enactment for the purpose of, or in connection with, the improvement, maintenance or management of the harbour of Burntisland, the harbour of Grangemouth or the harbour of Methil shall be transferred to the Authority and accordingly as from that day any such statutory provision of local application shall, in so far as it relates to any of the said harbours and with any necessary modifications, apply in relation to the Authority as if for references to the Board there were substituted (unless the context otherwise requires) references to the Authority.

(2) Subject to the provisions of this Scheme, on the day of transfer the interests of the Board in all fixed or movable property used by them for the purposes of the harbour of Burntisland, the harbour of Grangemouth or the harbour of Methil (including the interests of

Transfer of powers, duties, property, rights and liabilities in relation to harbours of Burntisland, Grangemouth and Methil.
1962 c. 46.
1964 c. xxxviii.

the Board in the parcels of land delineated and edged red on Maps numbers 1, 2 and 3 annexed to this Scheme but excluding the land hatched black on Map number 2 and including, without prejudice to the generality of this paragraph, the interest of the Board in the share capital of George Palmer and Sons (Stevedores) Ltd.) and all rights and liabilities enjoyed or incurred by them exclusively for any of those purposes shall be transferred to and vested in the Authority:

Provided that this paragraph shall not apply to any property which is situated outside Scotland.

8.—(1) On the day of transfer the powers and duties conferred or imposed on the Commissioners by the statutory provisions specified in Part I of Schedule 2 to this Scheme or by any statutory provision of local application contained in any subsequent enactment or in any of Edinburgh Corporation's local enactments shall be transferred to the Authority and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the Commissioners there were substituted (unless the context otherwise requires) references to the Authority.

Transfer of powers, duties, property, rights and liabilities in relation to harbour of Leith.

(2) Subject to the provisions of this Scheme, on the day of transfer the interests of the Commissioners in all fixed or movable property used by them for the purposes of the harbour of Leith (including the interests of the Commissioners in the parcels of land delineated and edged red on Map number 4, which is in six parts, annexed to this Scheme) and all rights and liabilities enjoyed or incurred by them for those purposes shall be transferred to and vested in the Authority.

9.—(1) On the day of transfer the powers and duties conferred or imposed on the Conservancy Board by the statutory provisions specified in Part II of Schedule 2 to this Scheme shall be transferred to the Authority and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the Conservancy Board there were substituted (unless the context otherwise requires) references to the Authority.

Transfer of powers, duties, property, rights and liabilities in relation to the river.

(2) Subject to the provisions of this Scheme, on the day of transfer the interests of the Conservancy Board in all fixed or movable property used by them for the purposes of the river (including the interests of the Conservancy Board in the parcel of land delineated and coloured green on Map number 2 annexed to this Scheme) and all rights and liabilities enjoyed or incurred by them for those purposes shall be transferred to and vested in the Authority.

10.—(1) On the day of transfer the powers and duties conferred or imposed on the Company by the statutory provisions specified in Part III of Schedule 2 to this Scheme shall be transferred to the Authority and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the harbour authorities therein mentioned there were substituted (unless the context otherwise requires) references to the Authority.

Transfer of powers, duties, property, rights and liabilities in relation to harbour of Granton.

(2) Subject to the provisions of this Scheme, on the day of transfer the interests of the Company in all fixed or movable property used

PART III
—cont.

by them for the purposes of the harbour of Granton (including the interests of the Company in the parcels of land delineated and edged red on Map number 5 annexed to this Scheme) and all rights and liabilities enjoyed or incurred by them for those purposes shall be transferred to and vested in the Authority except—

- (i) the minute books of shareholders' and directors' meetings, the register of charges and papers relating exclusively to the shareholders in, or the constitution of, the Company ;
- (ii) any liabilities and obligations in respect of share capital or under any charge ;
- (iii) such sum as is required to pay any amount in respect of dividends declared or interest payable under article 27 of this Scheme and any dividends or interest which are unclaimed immediately before the day of transfer.

Transfer of powers, duties, property, rights and liabilities in relation to harbour of Kirkcaldy.

11.—(1) On the day of transfer the powers and duties conferred or imposed on the Corporation by the statutory provisions specified in Part IV of Schedule 2 to this Scheme shall be transferred to the Authority and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the Corporation there were substituted (unless the context otherwise requires) references to the Authority.

(2) Subject to the provisions of this Scheme, on the day of transfer the interests of the Corporation in all fixed or movable property used by them for the purposes of the harbour of Kirkcaldy (including the interests of the Corporation in the parcels of land delineated and edged red on Map number 6 annexed to this Scheme) and all rights and liabilities enjoyed or incurred by them for those purposes shall be transferred to and vested in the Authority except—

- (i) any funds, money or securities for money representing any sinking fund or any moneys held on revenue account ;
- (ii) any liabilities or obligations in respect of borrowed money ;
- (iii) the interest of the Corporation in any property which is used by them for the general administration of all, or most, of their functions ;
- (iv) the interest of the Corporation in the parcel of land leased by them to R. Hutchison and Company Limited and used for a grain silo and the buildings erected thereon.

Service contracts not to be transferred.

12. The benefits of, and liabilities under, contracts for the employment of officers and servants shall not be transferred by this Scheme.

Authorisations under section 9 of Act and applications for harbour revision orders.

13.—(1) As from the day of transfer any authorisation under section 9 of the Act granted by the Minister to a transferring authority in relation to a transferred harbour shall have effect as if it had been granted to the Authority.

(2) Any application for a harbour revision order relating solely to a transferred harbour made to the Minister before the day of transfer by a transferring authority shall from and after that day be deemed to have been made by the Authority and may be proceeded with accordingly.

14.—(1) The statutory provisions which, by virtue of section 26(2) and (3) of the Act or section 43(2) of, and paragraph 6(2) of Schedule 9 to, the Transport Act 1962 have effect in relation to dues at a transferred harbour immediately before the day of transfer shall on and after that day continue in force in relation to dues at that harbour and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the harbour authorities therein mentioned there were substituted (unless the context otherwise requires) references to the Authority.

PART III
—cont.
Charges.
1962 c. 46.

(2) Any statutory provision of local application which immediately before the day of transfer authorises a transferring authority other than the Board to demand, take and recover charges other than dues at a transferred harbour or which otherwise has effect in relation to such charges imposed by a transferring authority other than the Board at a transferred harbour shall on and after that day continue in force to the same extent as before and accordingly as from that day any such provision shall, with any necessary modifications, apply in relation to the Authority as if for references to the harbour authority therein mentioned there were substituted (unless the context otherwise requires) references to the Authority.

(3) (a) As from the day of transfer the Authority, subject to the provisions mentioned in sub-paragraph (b) of this paragraph, shall have power to demand, take and recover such reasonable charges other than dues as they think fit at each of the harbours of Burntisland, Grangemouth and Methil.

(b) The statutory provisions which, by virtue of section 43(2) of, and paragraph 6(2) of Schedule 9 to, the Transport Act 1962 have effect in relation to charges other than dues at any harbour mentioned in the preceding sub-paragraph immediately before the day of transfer shall on and after that day continue in force in relation to such charges at that harbour and accordingly as from that day those provisions shall, with any necessary modifications, apply in relation to the Authority as if for references to the Board there were substituted (unless the context otherwise requires) references to the Authority.

(4) Nothing in this article shall apply in relation to the Authority any provision of the Granton Harbour Order 1919 or the Granton Harbour Order 1950.

1919 c. civ.
1950 c. xxviii.

15. Except as otherwise expressly provided by this Scheme nothing therein shall operate to extend the application of any statutory provision applied in relation to the Authority by article 7(1), 8(1), 9(1), 10(1), 11(1) or 14 of this Scheme and, except as aforesaid, on and after the day of transfer any such provision shall continue to apply only in relation to, or in connection with, the transferred harbour or harbours in relation to, or in connection with, which it applied immediately before that day (but without prejudice to its application otherwise than in relation to, or in connection with, a transferred harbour).

Application of
statutory
provisions not
to be extended.

PART III
—cont.

Consideration
for transfer of
harbour of
Granton.

16.—(1) Subject to the provisions of this article, the Authority, as consideration for the transfer to them by virtue of this Scheme of the Company's undertaking at the harbour of Granton, shall pay to the Company on the day of transfer or, if that is not possible, as soon as practicable thereafter, the sum of £575,000 and, if such sum is not paid on the day of transfer, shall pay interest thereon at the rate of one per cent. per annum above bank rate from time to time prevailing (save that it shall not be reduced below five per cent.) (less income tax) from the day of transfer until the date on which the said sum is paid.

(2) If at any time after 31st October 1964 the Company have paid dividends otherwise than out of the net profits of the Company earned after that date or have disposed of any of the Company's assets otherwise than at the full market price or have taken any other action otherwise than in the ordinary course of carrying on their undertaking at the harbour of Granton which substantially reduces the value of that undertaking the sum specified in the last preceding paragraph shall be reduced by such amount as may be appropriate:

Provided that the said sum shall not be reduced by reason of the payment of the dividends declared and paid by the Company before this Scheme was submitted to the Minister in respect of the year ended 31st October 1964.

(3) Any question which may arise under this article between the Authority and the Company shall be determined by arbitration.

Repayment of
loan charges to
Corporation.

17.—(1) Subject to the provisions of this article, the Authority shall pay to the Corporation in the year current on the day of transfer and in each year thereafter any amounts which in pursuance of arrangements in force immediately before the day of transfer for the redemption of loan and the payment of interest thereon would, but for this Scheme, have fallen on or after that day to be debited in the accounts of the Corporation's undertaking at the harbour of Kirkcaldy for that year in respect of money borrowed for the purposes of that undertaking:

Provided that—

(a) the Authority shall not be liable to pay so much of any amount as aforesaid as is attributable to any period before the day of transfer and any such amount shall be calculated as if the amount due in respect of redemption of loan and payment of interest thereon accrued from day to day;

(b) in calculating the amount which would have fallen to be debited in respect of any loan regard shall be had to the income earned by any sinking fund established for the redemption of that loan.

(2) Any question which may arise as to the method of calculating any amount for the purposes of paragraph (1) of this article shall be determined by an arbiter to be appointed either by agreement between the parties, or, in default of agreement, by the President of the Institute of Municipal Treasurers and Accountants.

(3) In this article references to redemption of loan shall include a reference to repayment of advances.

PART III
—cont.

18. The Authority shall pay to the Corporation as soon as reasonably practicable after the day of transfer—

Payments by
Authority to
Corporation.

(a) an amount equal to the value immediately before the day of transfer of all stores which have been purchased on revenue account by the Corporation and which are transferred to the Authority by virtue of this Scheme ; and

(b) the amount of any capital expenditure incurred by the Corporation for the purposes of their undertaking at the harbour of Kirkcaldy which was not defrayed from moneys raised by the exercise of a statutory borrowing power and in respect of which the Corporation intended to exercise a statutory borrowing power which was available to them immediately before the day of transfer.

19. The Authority may borrow on the security of the revenues of their total undertaking and by any method or methods they see fit such sums as they may require to enable them to make the payments required by articles 16, 17 and 18 of this Scheme.

Power to
borrow for
certain purposes.

PART IV

TRANSFER OF OFFICERS AND SERVANTS

20.—(1) As from the day of transfer the Authority shall take over and employ any officer or servant who immediately before the day of transfer is employed on a full-time basis by any of the transferring authorities wholly or mainly in connection with any of the transferred harbours (and who shall be willing to enter the service of the Authority) on terms and conditions not less favourable than those on which he is employed by that authority immediately before the day of transfer:

Transfer of
staff.

Provided that the Authority shall not be required to take into their service any officer or servant whose contract of service was entered into after 1st March 1966, unless such contract was entered into to replace an officer or servant who had left the service of a transferring authority and contained terms and conditions substantially similar to those of the contract with that officer or servant or unless such contract was entered into with the approval of the Authority or, before the first meeting of the Authority, the Council.

(2) As from the day of transfer the Authority shall indemnify the Board against all liability arising in respect of any guarantee previously given by the Board to the Halifax Building Society of a loan made by that society to a person who subsequently entered the service of the Authority pursuant to the last preceding paragraph to assist that person to purchase a dwelling-house.

21.—(1) In this article—

Pensions, etc.

“pension rights” in relation to any person means the rights of that person, his spouse and dependants, as respects pensions,

PART IV
—cont.

gratuities and other like benefits and includes the possibility of receiving any such benefits pursuant to the exercise of a statutory discretion or to a customary practice and also the right to a return of contributions to a pension fund, with or without interest thereon ; and

“pension scheme” includes any form of arrangement for the payment of pensions, gratuities or other like benefits.

(2) The Authority, in relation to any person who enters their service pursuant to article 20 of this Scheme, shall, as from the day of transfer, provide, or secure the provision of, pension rights (taking into account all service before that day in respect of which pension rights applicable in relation to that person by virtue, or in consequence, of his employment by a transferring authority have accrued) not less favourable than those which apply in relation to that person immediately before that day by virtue, or in consequence, of his employment by a transferring authority regard being had to any contributions payable by the person in question in respect of pension rights applicable in relation to him by virtue, or in consequence, of his employment either before or after the day of transfer.

(3) If as a result of a person leaving the service of a transferring authority and entering that of the Authority pursuant to article 20 of this Scheme contributions paid by that person under any pension scheme are returned to him, with or without interest thereon, the amount so returned shall be paid by that person to the Authority and if he fails to make such payment within a reasonable time of being requested by the Authority so to do the Authority's obligations in relation to him under this article shall cease to have effect.

(4) Subject to the provisions of this article, the Authority may provide and maintain such pension schemes (whether contributory or not) as they see fit to provide pension rights in relation to any of their officers or servants.

(5) Any pension or gratuity by way of periodical payments being paid immediately before the day of transfer by the Commissioners, the Company or the Conservancy Board to a person previously employed by them or the spouse or dependants of such a person shall on and after the day of transfer continue to be paid by the Authority instead of the Commissioners, the Company or the Conservancy Board, as the case may be, in accordance with the terms and arrangements relating to such pension or gratuity in operation immediately before the day of transfer and, following the death of any such person, the Authority shall make such payments to his spouse and dependants (if any survive him) as, in accordance with terms and arrangements in operation immediately before the day of transfer, the Commissioners, the Company or the Conservancy Board would have done if this Scheme had not been confirmed.

(6) The Authority shall pay to the Board the amount of—

(a) any payment made by the Board after the day of transfer with the consent of the Minister (whether given before or after that day) for the purpose of supplementing the pension of a person who immediately before he retired was employed on a full time basis by the Board or one of their predecessors at the harbour of Burntisland, the harbour of

Grangemouth or the harbour of Methil and any payment which the Board are liable to make after the day of transfer under the provisions of the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962 to meet a deficiency in a pension fund in relation to such a pension as aforesaid ;

PART IV
—cont.

S.I. 1962/2768.

(b) any payment made by the Board after the day of transfer which they are liable to make in respect of any pension payable under the provisions of section 99(2) of the Transport Act 1947 to a person who immediately before he retired was employed on a full time basis by the Board or one of their predecessors at the harbour of Burntisland, the harbour of Grangemouth or the harbour of Methil.

1947 c. 49.

(7) Any gratuity by way of periodical payments or annuity being lawfully paid immediately before the day of transfer by the Corporation to a person who immediately before he retired was employed by them wholly or mainly in connection with the harbour of Kirkcaldy or to the widow or to any other dependant of a person so employed shall on and after the day of transfer continue to be paid by the Authority instead of by the Corporation in accordance with the terms and arrangements relating to such gratuity in operation immediately before the day of transfer.

(8) The Authority shall pay to the Corporation the amount of any payments which the Corporation are required to make—

(a) to their superannuation fund under, or in pursuance of, any provisions in the Local Government Superannuation (Scotland) Acts 1937 to 1953 ; or

(b) by virtue of, or by reference to, increases under the Pensions (Increase) Acts 1920 to 1965 or by virtue of, or by reference to, increases under any similar enactment for the time being in force ;

and which, but for this Scheme, would have fallen on or after the day of transfer to be debited in the accounts of the Corporation's undertaking at the harbour of Kirkcaldy.

22. Any question which may arise under article 20(1) or article 21(2) of this Scheme between the Authority and a person who enters their service pursuant to the said article 20(1) may be reported by the Authority or by such person to the Minister of Labour and, if a dispute so reported is not otherwise disposed of, that Minister shall refer it for determination by the industrial court.

Determination of questions whether terms of service or pension rights are not less favourable than those enjoyed before day of transfer.

23. Where at any time after the day of transfer the Authority consider it necessary in the interests of their more efficient organisation or administration to require an officer or servant who has entered their employment pursuant to article 20 of this Scheme to work at a place other than that at which he worked before the day of transfer the Authority shall reimburse that officer or servant for any removal expenses and increase in travelling expenses which he may incur to such extent and for such period as may be reasonable in the circumstances.

Allowance for removal or travelling expenses.

PART IV
—cont.

General provisions as to terms and conditions of employment of staff.

24.—(1) It shall be the duty of the Authority, except so far as they are satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the Authority to be appropriate, with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Authority, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ; and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Authority and the discussion of other matters of mutual interest to the Authority and such persons, including efficiency in the operation of the Authority's services.

(2) Nothing in this article shall be construed as prohibiting the Authority from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.

PART V

DISSOLUTION OF COMMISSIONERS AND CONSERVANCY BOARD
AND WINDING UP OF COMPANY

Dissolution of Commissioners.

25.—(1) As from the day of transfer the Commissioners shall be dissolved.

1935 c. liv.

(2) The accounts of the Commissioners shall be made up to the day of transfer and shall be audited by the auditor appointed under section 122 (Auditor to be appointed) of the Leith Harbour and Docks Consolidation Order 1935.

(3) Any sum certified by such auditor to be due from any person at the audit mentioned in the last preceding paragraph shall be paid to the Authority who shall pay the auditor's reasonable fee for such audit.

Dissolution of Conservancy Board.

26.—(1) As from the day of transfer the Conservancy Board shall be dissolved.

1921 c. v.

(2) The accounts of the Conservancy Board shall be made up to the day of transfer and shall be audited by the auditor appointed under section 76 (Appointment of auditor) of the Forth Conservancy Order 1920.

(3) Any sum certified by such auditor to be due from any person at the audit mentioned in the last preceding paragraph shall be paid to the Authority who shall pay the auditor's reasonable fee for such audit.

27.—(1) The directors of the Company may without first obtaining the sanction of the Company in general meeting declare and pay dividends out of any profits of the Company properly applicable for the purpose in respect of the period ending on the day immediately preceding the day of transfer (being a period not exceeding fifteen months).

PART V
—cont.

Payment of
dividends, etc.

(2) Any dividends authorised by this article may be declared either before or after the day of transfer and paid either before or after that day.

(3) The directors of the Company may also pay interest (less income tax) at the appropriate rate or rates on any debentures, debenture stock, mortgages or loans of the Company in respect of any period ending on the day immediately preceding the day of transfer for which interest has not previously been paid notwithstanding that payment of such interest is not due until after the day of transfer.

28. If the Company is wound up as soon as reasonably may be after the day of transfer the costs and expenses reasonably incurred in the winding up shall be repaid by the Authority to the Company.

Costs of
winding up
Company.

29. The receipt in writing of the Company for any money paid to them by the Authority pursuant to this Scheme shall effectually discharge the Authority from all liability in respect of any sum of money which shall be acknowledged therein to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof.

Receipt for
payments to
Company.

PART VI

MISCELLANEOUS

30.—(1) The Board in respect of their undertakings at the harbours of Burntisland, Grangemouth and Methil and the Corporation in respect of their undertaking at the harbour of Kirkcaldy shall be entitled to and may recover all rates, rents, charges, profits and sums of money, and shall discharge and pay all debts and liabilities, which have become payable before the day of transfer and the Authority shall be entitled to and may recover all such revenues, and, subject to the provisions of this Scheme, shall discharge and pay all such outgoings, which may become payable on or after that day:

Recovery and
apportionment
of debts.

Provided that (except so far as may be otherwise agreed between the Authority and the Board or the Corporation as the case may be) so much of any amount recovered or paid by the Board or the Corporation by virtue of this article as is attributable to any period beginning on or after the day of transfer shall (as the case may require) be paid by them to, or be repaid to them by, the Authority and so much of any amount recovered or paid by the Authority by virtue of this article as is attributable to any period before that day shall (as the case may require) be paid by them to, or repaid to them by, the Board or the Corporation as the case may be.

PART VI
—cont.

(2) Where necessary for the purposes of this article any revenues and outgoings shall be apportioned between the Authority and the Board or the Corporation as the case may be.

(3) Any question which may arise under this article between the Authority and the Board or the Corporation as the case may be shall be determined by an arbiter to be appointed either by agreement between the parties or, in default of agreement, by the President of the Institute of Chartered Accountants of Scotland.

Carrying on of
undertakings of
transferring
authorities.

31.—(1) A transferring authority in carrying on their undertaking at a transferred harbour until the day of transfer shall not, without the previous consent of the Authority or, before the first meeting of the Authority, the Council—

(a) enter into any contract or incur any liability otherwise than in the ordinary course of carrying on their undertaking extending beyond the day of transfer or make any unnecessary expenditure or any exceptional expenditure other than expenditure reasonably incurred in respect of accountancy, engineering or legal costs in connection with the transfer of their undertaking under this Scheme ;

(b) increase the remuneration, salaries, wages or emoluments of their officers and servants in connection with their undertaking except in accordance with any contract of service or scale of remuneration or at the instance of any joint industrial council or other wage-negotiating body.

(2) Nothing in this Scheme shall impose any liability on the Authority in respect of anything done in contravention of this article.

Inspection of
books, etc.

32. The Authority may at all reasonable times inspect, and shall at their expense be entitled to copies of, all registers, books of account, maps, plans, specifications, engineering reports and other documents which relate to the undertaking of a transferring authority at a transferred harbour and are under the control of a transferring authority.

Repeal of
enactments, etc.

33.—(1) As from the day of transfer the enactments specified in Schedule 3 to this Scheme shall, to the extent therein specified, be repealed.

1950 c. xxv.

(2) As from the day of transfer section 12 (Certain provisions in Order of 1935 applied to additional borrowing powers) of the Leith Harbour and Docks Order 1950 shall have effect as if there were substituted for the figure “103” the figure “105”.

Amendment of
Forth Pilotage
Order 1947.

34.—(1) As from the day of transfer the Forth Pilotage Order 1947 shall have effect as if—

(a) in article 4(2) there was substituted for sub-paragraphs (b), (c), (d) and (e) the following sub-paragraph:—

“(b) Four members appointed by the Forth Ports Authority ;”

and sub-paragraphs (f) and (g) were re-lettered (c) and (d) respectively ;

(b) in paragraph 2(2) of the Schedule there were substituted for the words preceding the words “shall act” the words “the Secretary to the Authority”.

S.R. & O.
1947/1938.

(2) Notwithstanding anything contained in the Forth Pilotage Order 1947 the members of the Forth Pilotage Authority appointed by the Board, the Commissioners and the Conservancy Board holding office immediately before the day of transfer shall cease to hold office on that day and the Authority shall at a meeting to be held before the day of transfer appoint the four members of the Forth Pilotage Authority to be appointed by them and the members so appointed shall come into office on the day of transfer and shall hold office for so long as the persons who under this paragraph cease to hold office would otherwise have been entitled to continue in office.

35.—(1) Where by this Scheme the liability under or for any mortgage or other security charged on the undertaking, property or revenues of the Commissioners or the Conservancy Board is transferred to the Authority, such mortgage or other security shall, as from the day of transfer, take effect as a security created or issued by the Authority charged on the revenues of their total undertaking and, subject to the provisions of this article, the holders thereof shall enjoy and be subject to the same rights, liabilities and incidents against and in relation to the Authority as they would have enjoyed and been subject to against and in relation to the Commissioners or the Conservancy Board as the case may be if this Scheme had not been confirmed. Mortgages, etc.

(2) The mortgages and other securities referred to in the last preceding paragraph and all securities created or issued by the Authority shall rank equally without any priority and any security created or issued by the Authority under a statutory provision applied in relation to them by this Scheme shall be charged on the revenues of their total undertaking.

(3) The provisions of section 76 (Register of mortgages to be kept and to be open to inspection) and section 78 (Register of transfers to be kept) of the Commissioners Clauses Act 1847 shall apply in relation to the Authority as regards both the securities mentioned in paragraph (1) of this article and any securities created or issued by the Authority subject to the modifications that for references to the Clerk to the Commissioners there shall be substituted references to the officer of the Authority for the time being designated by the Authority to keep the registers specified in the said sections and that the words "every such transfer" in the said section 78 shall be construed as meaning every transfer of any such security as is hereinbefore referred to. 1847 c. 16.

36. The Authority may, with the consent of the Minister, borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require for meeting their obligations or discharging their functions under or in pursuance of this Scheme. Temporary borrowing.

37.—(1) The accounts of the Authority shall be audited annually by qualified auditors appointed by the Authority. Audit.

(2) For the purposes of the last preceding paragraph, "qualified auditor" means a person who is a member, or a firm all the

PART VI
—cont.

partners wherein are members, of one or more of the following bodies, that is to say:—

The Institute of Chartered Accountants of Scotland.

The Institute of Chartered Accountants in England and Wales.

The Association of Certified and Corporate Accountants.

The Institute of Chartered Accountants in Ireland.

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

1948 c. 38.

Continuance of
proceedings.

38. Nothing in this Scheme shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the day of transfer by or in favour of or against a transferring authority in relation to their undertaking at a transferred harbour and, subject to the provisions of this Scheme, any such action, arbitration or proceeding or cause of action, arbitration or proceeding may be maintained, prosecuted or continued by or in favour of or against the Authority.

National Ports
Council Levy.
S.I. 1965/2196.

39. As from the day of transfer the liability of any of the transferring authorities other than the Board under the provisions of the National Ports Council Provision of Funds Scheme 1965 to pay any sum for which a demand has been issued to them under article 3 of that Scheme shall be transferred to and become the liability of the Authority.

Saving of
agreements,
etc.

40. Subject to the provision of this Scheme, all sales, conveyances, leases, grants, assurances, deeds, contracts (other than contracts the benefits of, and liabilities under, which are not transferred by this Scheme), bonds, agreements, notices and demands affecting the undertaking of a transferring authority at a transferred harbour and in force immediately before the day of transfer shall (in so far as they relate to such an undertaking) on and from that day be as binding and of as full force and effect in every respect and may be enforced as fully and effectively against or in favour of the Authority as if instead of the transferring authority the Authority had been a party thereto or bound thereby or entitled to the benefits thereof.

Saving of
byelaws, etc.

41. As from the day of transfer, any byelaw, regulation, licence or consent made, issued or granted by a transferring authority in relation to a transferred harbour and in force immediately before that day shall continue in force to the same extent as if this Scheme had not been confirmed and shall be deemed to have been made, issued or granted by the Authority.

Reimbursement
of expenditure
incurred by
Board to
establish new
offices for
harbours of
Ayr and Troon.

42.—(1) If in consequence of this Scheme it becomes necessary for the Board to obtain or provide fresh office accommodation to be used for accounting or engineering purposes in connection with their harbours at Ayr and Troon, the Authority shall reimburse the Board the amount of the expenditure reasonably incurred by them for that purpose.

(2) Any question which may arise under this article between the Authority and the Board shall be determined by arbitration.

PART VI
—cont.

43.—(1) Where any property, rights or liabilities which apart from this article would be transferred by article 7(2), 8(2), 9(2), 10(2) or 11(2) of this Scheme is or are used, enjoyed or incurred in part for the purposes of a transferred harbour and in part for other purposes the transferring authority and the Authority may, notwithstanding any previous provision of this Scheme, enter into agreements for the adjustment of any such property, rights or liabilities. Adjustment of property, rights and liabilities.

(2) Without prejudice to the generality of paragraph (1) of this article any such agreement may provide for the joint user of any property, for payments to be made in respect of any of the terms or conditions of the agreement and for any such property, rights or liabilities as are mentioned in paragraph (1) of this article to be excluded from the transfer under this Scheme.

(3) In default of agreement as to any matter requiring adjustment under this article the question shall be referred to arbitration and the award of the arbiter may provide for any matter for which an agreement under this article might have provided.

(4) Where a question has arisen under this article in respect of any property, right or liability and has not been agreed or determined by arbitration before the day of transfer such property, right or liability shall not on that day be transferred by virtue of this Scheme but any such property or right, so far as may be necessary for the effective operation of a transferred harbour by the Authority, may be used or enjoyed by the Authority on such terms as may be agreed or, failing agreement, as may subsequently be determined by arbitration and, if it is subsequently agreed or determined that such property, right or liability shall be transferred to the Authority, the same shall by virtue of this Scheme be transferred in such manner and upon such terms and conditions as shall be agreed or determined and on a date stated in the agreement or in the award of the arbiter, as the case may be.

44. Nothing in this Scheme shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any Order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. Saving for powers of Treasury. 1946 c. 58.

45. Nothing in this Scheme affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained authorises the Authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty, first had and obtained for that purpose. Crown rights

PART VI
—cont.
Valuation of
lands and
heritages by
Assessor of
Public
Undertakings
(Scotland).
1854 c. 91.

46. It shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix the value of all lands and heritages in Scotland belonging to or leased by the Authority (other than dwellinghouses or lands and heritages which are let by the Authority or are not used or adapted for use for the purposes of the undertaking), and for that purpose the provisions of the Lands Valuation (Scotland) Act 1854 and the Acts amending it shall apply in like manner as that Act as so amended applies in relation to the valuation of the lands and heritages belonging to any company or body which it is the duty of the assessor to value.

Costs of
Scheme.

47. All costs, charges and expenses of or in connection with the preparation, submission and confirmation of this Scheme and the transfer by virtue thereof of property of the transferring authorities (other than costs, charges and expenses which any person is lawfully ordered to pay, any costs, charges and expenses incurred in opposing the Scheme and the costs incurred by the Company in negotiating the amount of the consideration referred to in article 16(1) of this Scheme) shall be paid or reimbursed by the Authority.

SCHEDULES

SCHEDULE 1

INCIDENTAL PROVISIONS WITH RESPECT TO THE AUTHORITY

Appointment of Chairman and Vice-Chairman

1. The first chairman of the Authority shall be appointed by the Minister from among the members thereof and such chairman shall, unless he resigns his office or ceases to be a member of the Authority, continue in office until the first meeting of the Authority in 1970.
2. The Authority shall at their first meeting in 1970 and at their first meeting in every subsequent year appoint one of their number to be chairman and the chairman shall, unless he resigns his office or ceases to be a member of the Authority, continue in office until the next annual appointment of a chairman.
3. The Authority shall at their first meeting in each year appoint one of their number to be vice-chairman and the vice-chairman shall, unless he resigns his office or ceases to be a member of the Authority, continue in office until the next annual appointment of a vice-chairman.
- 4.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Authority the vacancy shall be filled by the appointment by the Authority of one of their number at a meeting held as soon as practicable after the vacancy occurs.
(2) The person appointed under this paragraph to fill a vacancy shall hold office until the date on which the person in whose place he is appointed would ordinarily have retired and shall then retire.

First meeting of Authority

SCH. 1
—cont.

5. The first meeting of the Authority shall be convened by the chairman for such day previous to the day of transfer and at such place as he may fix and the chairman shall make arrangements for notice of the meeting to be sent by post to each member of the Authority.

Vacation of office by members of Authority

6. An appointed member of the Authority may resign his office at any time by notice in writing given to the Minister and to the chairman of the Authority.

7. A member of the Authority appointed by the Minister shall vacate his office on the 31st December being or occurring next after his seventieth birthday whether or not his term of office would have expired in any case on that day and where a member vacates his office pursuant to this paragraph before the date when his term of office would otherwise have expired the vacancy shall be deemed for the purposes of this Scheme to be a casual vacancy.

8.—(1) A member of the Authority appointed by the Minister shall vacate his office if he—

- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors; or
- (b) is convicted in the British Islands of any offence, and ordered to be imprisoned for a period of not less than three months without the option of a fine; or
- (c) has, for a period of six consecutive months, been absent from meetings of the Authority, otherwise than by reason of illness or some other cause approved during that period by the Authority.

(2) For the purposes of head (c) of the last preceding subparagraph, the attendance of a member of the Authority at a meeting of any committee of the Authority of which he is a member shall be treated as attendance at a meeting of the Authority.

Disqualification for, and re-appointment to, membership of Authority

9. No person who has attained the age of sixty-four shall be appointed by the Minister as a member of the Authority for the first time.

10.—(1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment by the Minister as a member of the Authority if he—

- (a) is a paid officer or servant of the Authority; or
- (b) has been adjudged bankrupt, or has made a composition or arrangement with his creditors; or

SCH. 1
—cont.

(c) has, within the period of five years ending on the date on which his qualification for appointment falls to be determined, been convicted in the British Islands of any offence, and ordered to be imprisoned for a period not less than three months without the option of a fine.

(2) For the purposes of head (a) of the last preceding sub-paragraph a person shall not be regarded as a paid officer or servant of the Authority by reason only that expenses incurred by him in the performance of his duties are defrayed by the Authority or that he is paid fees or allowances under paragraph 17 of this Schedule.

(3) The disqualification attaching to a person under head (b) of sub-paragraph (1) of this paragraph by reason of his having been adjudged bankrupt shall cease—

(a) if the bankruptcy is recalled, either on the ground that he ought not to be adjudged bankrupt, or on the ground that his debts have been paid in full, on the date of the recall ; or

(b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of discharge ; or

(c) in any other case, on the expiry of five years from the date of his discharge.

(4) The disqualification attaching to a person under that head by reason of his having made a composition or arrangement with his creditors shall cease—

(a) if he pays his debts in full, on the date on which the payment is completed ; or

(b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(5) For the purposes of head (c) of sub-paragraph (1) of this paragraph, the ordinary date on which the period allowed for making an appeal with respect to the conviction expires or, if such an appeal is made, the date on which it is finally disposed of, or abandoned, or fails by reason of the non-prosecution thereof, shall be taken to be the date of conviction.

11. Subject to the provisions of this Schedule, a vacating member of the Authority shall be eligible to serve again as a member of the Authority.

Appointment of Committees

12. The Authority may appoint such committees consisting of members of the Authority as the Authority think fit and may delegate to a committee appointed under this paragraph any of their powers or duties except their powers to borrow money or to fix or vary charges.

Proceedings of Authority and committees

13. The proceedings of the Authority, or of any committee thereof, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of

any person as a member, or as chairman or vice-chairman, of the Authority or committee.

SCH. 1
—cont.

14. Subject to the provisions of this Schedule, the Authority may determine their own quorum and procedure and the quorum and procedure of committees appointed by them under paragraph 12 of this Schedule.

15. If a member of the Authority is in any way directly or indirectly interested in any contract or proposed contract to which the Authority is, or would be, a party and is present at a meeting of the Authority or of any committee of the Authority at which that contract is the subject of consideration, he shall at that meeting as soon as practicable after the commencement thereof disclose that fact and shall not take any part in any deliberation or decision of the Authority or committee with respect to that contract.

Officers and Servants

16. The Authority shall appoint a general manager, or, if they think fit, two joint general managers, who shall be their chief executive officer or officers, and, subject to the provisions of this Scheme, may appoint such other officers and servants as the Authority think fit.

Remuneration and expenses

17. The Authority may pay to the chairman, and other members, of the Authority such fees and such allowances as the Authority think fit.

18. Subject to the provisions of this Scheme, the Authority shall pay to their officers and servants such remuneration as the Authority think fit.

19.—(1) The Authority may pay or make reasonable subscriptions or donations, whether annually or otherwise, to the funds of such associations, public institutions or charities as the Authority think fit.

(2) The Authority may defray reasonable expenses incurred in connection with official receptions or entertainment connected with the affairs of the Authority.

Power to promote and oppose legislation

20. The Authority may promote or oppose Bills in Parliament or may apply for or oppose applications for orders, byelaws, schemes or awards to be made under any Act.

Authentication of seal

21.—(1) The application of the seal of the Authority shall be authenticated by the signature of the chairman of the Authority or some other member of the Authority authorised by the Authority to authenticate the application of the seal thereof, and of the secretary of the Authority or some person authorised by the Authority to act in his stead in that behalf.

(2) The Authority may authorise a person to act instead of the secretary under this paragraph whether or not the secretary is absent or incapable of acting.

SCHEDULE 2

STATUTORY PROVISIONS (OTHER THAN CHARGING PROVISIONS)
APPLIED IN RELATION TO THE AUTHORITY

PART I

STATUTORY PROVISIONS RELATING TO THE HARBOUR OF
LEITH

1935 c. liv.

Leith Harbour and Docks Consolidation Order 1935—

- Section 1 (Short title) ;
- Section 4 (Incorporation of Acts) in so far as it incorporates the Lands Clauses Acts ;
- Section 5 (Partial incorporation of Harbours Clauses Act) ;
- Section 6 (Interpretation) except the definitions of “ Clerk ”, “ Collector ”, “ Commissioners ”, “ Electing bodies ”, “ Electors ”, “ Existing Commissioners ” and “ Returning Officer ” ;
- Section 7 (Repeal of Acts &c.) ;
- Section 11 (Commissioners’ works to be deemed to be in city) ;
- Section 44 (Power to construct authorised works) ;
- Section 45 (Power to deviate) ;
- Section 47 (Purchase of lands by agreement) ;
- Paragraphs (1), (7) and (9) of Section 50 (For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1919) ;
- Paragraphs (11), (12), (13), (15), (17), (18), (19) and (20) of Section 51 (For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1925) ;
- Section 52 (For protection of London Midland and Scottish Railway Company) ;
- Section 53 (For further protection of London Midland and Scottish Railway Company) ;
- Section 55 (Power to stop up roads &c.) ;
- Section 56 (For protection of London and North Eastern Railway Company) ;
- Section 57 (For further protection of London and North Eastern Railway Company) ;
- Section 58 (Facilities for sea views) ;
- Section 59 (Power to make subsidiary works) ;
- Section 60 (Commissioners may carry on works &c.) ;
- Section 62 (Works below high-water mark to be subject to approval of Board of Trade) ;
- Section 63 (Lights on works during construction) ;
- Section 64 (Permanent lights on works) ;
- Section 65 (Life buoys to be kept) ;

- Section 66 (Survey of works by Board of Trade) ;
Section 67 (Abatement of work abandoned or decayed) ;
Section 68 (Provision against danger to navigation) ;
Section 69 (Compensation for damage to salmon fishings) ;
Section 70 (Works to be deemed vested in Commissioners) ;
Section 90 (Commissioners may act as warehouse keepers) ;
Section 91 (Commissioners' liability and lien on goods) ;
Section 92 (Commissioners may issue certificates of warehoused goods) ;
Section 93 (Certificates &c. may be signed by officers) ;
Section 94 (As to payment of rates on warehoused goods) ;
Section 95 (As to assessment of warehouses) ;
Section 96 (Borrowing powers) ;
Section 97 (Application of borrowing powers) ;
Section 98 (Consolidation of debt) except the words in brackets ;
Section 99 (Commissioners may borrow by cash credit) except the words in brackets ;
Section 100 (Commissioners may borrow by mortgages payable at specified terms) except the words from the beginning of subsection (2) to " the repayment " ;
Subsection (1) of Section 101 (Commissioners may grant mortgages for payment of principal and interest by instalments) ;
Section 105 (Power to grant bonds payable to bearer) ;
Section 106 (Commissioners not bound to see to execution of trusts) ;
Section 107 (Mortgagees may apply for judicial factor) ;
Section 108 (Commissioners may create funded debt) ;
Section 109 (Register of funded debt) ;
Section 110 (Transfer of funded debt) ;
Section 111 (Rights of funded debt holders) ;
Section 112 (Annuities for funded debt) ;
Section 113 (Terms for funded debt) ;
Section 114 (Premiums on funded debt) ;
Section 115 (Deposit of moneys) ;
Section 116 (Commissioners may repay money borrowed before due date) ;
Section 117 (Power to renew postpone &c. mortgages) ;
Section 118 (Provision for sinking fund) ;
Section 119 (Annual return to Minister of Transport) ;
Section 127 (Exempting harbour master from serving on juries) ;
Section 131 (Commissioners may appoint meters and weighers) ;
Section 132 (Measuring weighing tipping and trimming goods and charges therefor) ;

SCH. 2
—cont.

- Section 133 (Licensing weighers &c. of coal) ;
- Section 134 (Penalties on other than licensed persons weighing coal &c.) ;
- Section 135 (Commissioners may appoint watchmen) ;
- Section 136 (Commissioners may contract for police) ;
- Section 137 (Newhaven Harbour may be used for ordinary shipping) ;
- Section 138 (Use and letting of building at Newhaven &c.) ;
- Section 139 (Water and lighting and regulation of building at Newhaven) ;
- Section 140 (Receptacle for fish offal and refuse) ;
- Section 141 (No cleansing &c. of fish on quays or piers) ;
- Section 142 (No deposit or cleansing of fish on roads or streets &c.) ;
- Section 143 (Penalty for breach of Newhaven provisions) ;
- Section 145 (Additional powers as to byelaws) ;
- Section 146 (Regulations as to explosives or petroleum) ;
- Section 147 (Power to make additional byelaws for preventing fire) ;
- Section 148 (Byelaws &c. as to aviation) ;
- Section 149 (Offences how to be prosecuted) ;
- Section 150 (Offenders against byelaws to make good damage) ;
- Section 151 (Public access across quays) ;
- Section 152 (Additional accesses) ;
- Section 153 (Quays and piers may be enclosed) ;
- Section 154 (Public quays of Imperial Dock &c.) ;
- Section 155 (Power to make agreements for purposes of Order) ;
- Section 156 (Leasing of land) ;
- Section 157 (Power to let sheds and buildings for reception of goods) ;
- Section 158 (Dangerous commodities prohibited) ;
- Section 159 (Power to use buildings as bonded warehouses) ;
- Section 160 (Bonds and security to Customs &c.) ;
- Section 161 (Regulations for sheds, buildings &c.) ;
- Section 162 (Reserving surface of quays) ;
- Section 163 (Rails may be altered or extended) ;
- Section 164 (Commissioners may grant special rights to berthage) ;
- Section 165 (Commissioners may lay buoys &c.) ;
- Section 166 (Commissioners to control ballasting of vessels &c.) ;
- Section 167 (Commissioners may contract for water, lighting and power) ;
- Section 168 (Saving obligations as to streets and exemption from taxation) ;

Section 169 (Master of vessel to declare draught and beam of vessel);

SCH. 2
—cont.

Section 170 (Commissioners may let dry docks &c.);

Section 171 (No ship-building &c. in dry docks);

Section 172 (Commissioners may run docks dry for repairs &c.);

Section 173 (Power to remove wrecks &c.);

Section 175 (Agreement with War Department);

Section 176 (Agreement with Board of Trade and Commissioners of Crown Lands);

Section 177 (For protection of Postmaster General);

Section 178 (Saving rights of His Majesty's Principal Secretary of State for the War Department);

Section 179 (For protection of Corporation);

Section 180 (Nothing to exempt harbour and docks from provisions of Merchant Shipping Acts);

Section 181 (Commissioners to be local lighthouse authority);

Schedules 16, 17, 18 and 19.

Leith Harbour and Docks Order 1950—

1950 c. xxv.

Section 1 (Short and collective titles) except for the words from "and the Leith Harbour and Docks Consolidation Order 1935" to the end of the section;

In Section 3 (Interpretation) the definition of "the Order of 1935";

Section 8 (Definition of existing borrowing powers);

Section 9 (Application of existing borrowing powers);

Section 10 (Additional borrowing powers);

Section 11 (Application for additional borrowing powers);

Section 12 (Certain provisions in Order of 1935 applied to additional borrowing powers);

Section 13 (Saving for emergency restrictions on borrowing);

Paragraphs (b) and (c) of Section 15 (Amendment of incorporated provisions of Commissioners Clauses Act 1847 and Order of 1935).

Leith Harbour and Docks Order 1952—

1952 c. xviii.

Subsection (1) of Section 1 (Short and collective titles);

Section 3 (Interpretation) except the definition of "the Commissioners";

Section 4 (Commissioners may provide tugs etc.);

Section 5 (Power to license tugs etc.);

Section 9 (Power to invest in securities of towage companies).

Leith Harbour and Docks Order 1959—

1959 c. xxxv.

Subsection (1) of Section 1 (Short and collective titles);

Section 4 (Interpretation) except definition of "the Commissioners";

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—cont.

- Section 5 (Power to construct work) ;
- Section 6 (Power to deviate) ;
- Section 7 (Alteration and improvement of work) ;
- Section 8 (Application of Section 59 of Order of 1935) ;
- Section 9 (Works below high-water mark to be subject to approval of Minister) ;
- Section 10 (Survey of certain works by Minister) ;
- Section 11 (Abatement of work abandoned or decayed) ;
- Section 12 (Lights on work during construction) ;
- Section 13 (Permanent lights on work) ;
- Section 14 (Provision against danger to navigation) ;
- Section 15 (Facilities for sea views) ;
- Section 16 (Crown rights) ;
- Section 20 (Registration of guardians, executors etc.) ;
- Section 21 (Evidence of title to be recorded) ;
- Section 22 (Power to issue duplicate bonds etc.) ;
- Section 23 (Power to purchase funded debt out of sinking fund) ;
- Paragraph (1), except the words preceding “ in Section 176 ”, and paragraphs (8), (9) and (15) of Section 24 (Further amendment of Order of 1935) ;
- Section 25 (Increase of borrowing powers) ;
- Section 26 (Repeal of certain provisions of Order of 1935 and Order of 1952) ;
- Section 27 (Saving for powers of Treasury).

1962 c. xxxiv.

Leith Harbour and Docks Order 1962—

- Subsection (1) of Section 1 (Short and collective titles) ;
- Section 4 (Incorporation of Harbours, Docks and Piers Clauses Act) ;
- Section 5 (Interpretation) except definition of “ the Commissioners ” ;
- Section 6 (Power to construct works) ;
- Section 7 (Power to deviate) ;
- Section 8 (Alteration and improvement of works) ;
- Section 9 (Subsidiary works) ;
- Section 10 (Power to dredge) ;
- Section 11 (Works below level of high water to be subject to approval of Minister) ;
- Section 12 (Survey of certain works by Minister) ;
- Section 13 (Abatement of works abandoned or decayed) ;
- Section 14 (Lights on works during construction) ;
- Section 15 (Permanent lights on works) ;
- Section 16 (Provisions against danger to navigation) ;
- Section 17 (Crown rights) ;

- Section 18 (Abandonment of existing lock gates) ;
Section 19 (Abandonment of certain docks) ;
Section 20 (Power to impound waters) ;
Section 21 (For protection of Postmaster General) ;
Section 22 (For protection of Edinburgh Corporation) ;
Section 23 (For further protection of Edinburgh Corporation) ;
Section 24 (Commissioners to provide land in certain events for
sewerage undertaking of Corporation) ;
Section 25 (Arbitration) ;
Section 26 (Commissioners' works to be deemed to be in city) ;
Section 27 (Increase of borrowing powers) ;
Section 32. (Amendment of Agreement confirmed by Order of
1958) ;
Section 33 (Penalty for using or employing vessels for towing
without licence of Commissioners) ;
Section 34 (As to transfer of funded debt) ;
Section 35 (As to public quays of Imperial Dock) ;
Section 37 (Saving for powers of Treasury) ;
Section 38 (Saving for town and country planning).

SCH. 2
—cont.

PART II

STATUTORY PROVISIONS RELATING TO THE RIVER

Forth Conservancy Order 1920—

1921 c. v.

- Section 1 (Short title) ;
Section 4 (Incorporation of Acts) except in so far as it incor-
porates the Commissioners Clauses Acts ;
Section 5 (Interpretation) except the definitions of " the Board "
and " the local authorities " ;
Section 6 (Deposit of plan relating to river) ;
Section 27 (Undertaking of commissioners vested in Board)
except the words in subsection (1) preceding the words
" the Board shall " and the words " as from the date of
transfer and " in that subsection ;
Section 36 (Power to dredge, &c.) ;
Section 37 (Power to execute works &c.) ;
Section 38 (Ballast &c. not to be thrown into river) ;
Section 39 (Prohibition against dredging &c. without licence) ;
Section 40 (Licences for wharves &c.) ;
Section 41 (Wharves piers and banks to be repaired) ;
Section 42 (Lighting and buoying of river) ;
Section 43 (Buoys for adjusting compasses of vessels) ;
Section 44 (Removal of stranded or sunk vessels) ;

SCH. 2
—cont.

- Section 45 (Acquisition and provision of ferries) ;
 Section 46 (Supply of water to vessels) ;
 Section 47 (Byelaws) ;
 Section 48 (Confirmation of byelaws) ;
 Section 49 (Vessels for dredging river) ;
 Section 50 (Power to provide tugs &c.) ;
 Section 51 (Board may purchase &c. quarries) ;
 Section 52 (Power to purchase lands by agreement) ;
 Section 53 (Power to sell &c. lands) ;
 Section 58 (Power to borrow) except for the words in subsection
 (1) from " upon the security " to " to the Board " ;
 Section 59 (Sinking fund) ;
 Section 60 (Annual return to Ministry of Transport with respect
 to sinking fund) ;
 Section 61 (Board may borrow on cash credit) ;
 Section 66 (Board not to regard trusts) ;
 Section 67 (Mortgages to be personal property) ;
 Section 70 (Protection of lender from inquiry) ;
 Section 71 (Appointment of judicial factor) ;
 Section 72 (Powers and duties of judicial factor) ;
 Section 74 (Reserve fund) ;
 Paragraphs (4) and (5) of Section 78 (For protection of town
 council of Stirling) ;
 Section 79 (Saving for Commissioners of Northern Lighthouses) ;
 Section 80 (For protection of town council of Dunfermline) ;
 Section 81 (For protection of Scottish Central Electric Power
 Company) ;
 Section 82 (For protection of Caledonian Railway Company) ;
 Section 83 (For protection of riparian and coastal owners and
 their tenants and lessees) ;
 Section 84 (For protection of Fordell Trustees) ;
 Section 85 (For protection of North British Railway Company) ;
 Section 86 (For protection of Forth Bridge Railway Company) ;
 Section 87 (For protection of Caldwell and Company (Paper-
 makers) Limited) ;
 Section 88 (For protection of the Admiralty) ;
 Section 91 (Application of penalties) ;
 Section 95 (Crown rights) ;
 Paragraphs (1), (3) and (4) of Section 96 (Surveys of and reports
 on river by Board) ;
 Section 97 (Works below high-water mark not to be commenced
 without consent of Board of Trade) ;
 Section 98 (Survey of works by Board of Trade) ;

- Section 99 (Abatement of work abandoned or decayed) ;
Section 100 (Lights on works during construction) ;
Section 101 (Permanent lights on works) ;
Section 102 (Provision against danger to navigation) ;
Section 103 (Land reclaimed by works not to be taken without
consent of Board of Trade) ;
Section 104 (Cables &c. across tidal waters) ;
Section 105 (For protection of Crown salmon fishings).

SCH. 2
—cont.

PART III

STATUTORY PROVISIONS RELATING TO THE HARBOUR OF
GRANTON

Granton Pier Act 1837—

1837 c. xv.

Section I (Power to construct a Pier with Quays, Jetties and other Works and also a Road) except for the words from “and also to make and complete the said line of Road” to “Inverleith Row” ;

Section IV (Power to lay down Moorings within Boundaries of Pier) ;

Section XVIII (Power to erect Cranes and Weighing Machines) ;

Section XX (Power to remove Articles from the Pier) except the words “herein-before authorised to be” and “as afore-said” ;

Section XXI (No Gunpowder or other Combustibles to remain on the Pier) ;

Section XXII (Penalty for boiling Pitch &c.) ;

Section XXIII (Power to appoint Pier Masters) ;

Section XXIV (Vessels in Distress to have Preference) ;

Section XXV (Power to make Byelaws) ;

Section XXVI (Penalty for throwing out Ballast within Bounds) ;

Section XXVII (Damage done to the Pier and other Works to be made good) except the words “granted by this Act” ;

Section XXVIII (Masters and Owners made answerable for their Servants) ;

Section XXIX (Penalty for destroying Ropes &c.) ;

Section LVII (Reservation of Rights of Commissioners for Northern Lights).

Granton Pier Act 1842—

1842 c. xix.

Section II (Power to construct Works) ;

Section III (Reservation of Rights of Commissioners for Northern Lights) ;

Section V (Respecting the Ground to be reclaimed from the Sea) ;

SCH. 2
—cont.

- Section VI (Power to dredge) ;
- Section VII (No Works to be constructed below high-water mark without Consent of Admiralty) ;
- Section X (Byelaws) except the words “ For regulating the Police of the said Pier and the Times and Manner in which the Police Officers shall perform their Duties ” ;
- Section XI (For enforcing Byelaws) ;
- Section XII (Byelaws to be confirmed) ;
- Section XIV (Publication of Byelaws) ;
- Section XV (Byelaws to be binding on all Parties) ;
- Section XVI (Evidence of Byelaws) ;
- Section XVII (Penalty on pulling down Boards exhibiting Byelaws).

1919 c. civ.

- Granton Harbour Order 1919—
- Subsection (2) of Section 5 (Amending Act of 1842).

PART IV

STATUTORY PROVISIONS RELATING TO THE HARBOUR OF KIRKCALDY

1939 c. vi.

- Kirkcaldy Corporation Order 1939—
- Section 5 (Incorporation of Lands Clauses Acts) in so far as it relates to the harbour of Kirkcaldy ;
- Section 95 (Definitions of Part of Order relating to harbour) except the definitions of “ authorised rates ” and “ authorised rate ” ;
- Section 96 (Incorporation of Harbours Clauses Act) ;
- Section 98 (Harbour and rating limits) ;
- Section 99 (Additional lands for harbour undertaking) ;
- Section 100 (Power to maintain and improve works) ;
- Section 101 (Power to retain sell &c. parts of harbour undertaking) ;
- Section 102 (Excavating rock and dredging harbour) ;
- Section 103 (Power to purchase dredgers &c.) ;
- Section 104 (Meters and weighers) ;
- Section 105 (Removal of stranded or sunk vessels) ;
- Section 106 (Corporation may regulate ferries and license vessels to ply thereat) ;
- Section 107 (Rates payable at ferries may be leased by Corporation) ;
- Section 108 (Byelaws) ;
- Section 109 (Confirmation of byelaws) ;
- Section 110 (Recovery of penalties) ;
- Section 120 (Penalty for not making a true report of ship's destination &c.) ;

Section 122 (Certain officers to have free access to harbour without payment);

Section 123 (Life-buoys);

Section 124 (Permanent lights on works);

Section 125 (As to buoys and lights in case of decay of works);

Section 126 (Nothing to exempt harbour or Corporation from provisions of Merchant Shipping Acts);

Section 127 (Life-saving apparatus may be attached to harbour works);

Section 128 (Extensions of Sections 28 and 99 of Harbours Clauses Act);

Section 129 (For protection of Crown salmon fishings);

Section 130 (Local lighthouse authority);

Section 276 (Works below high-water mark not to be constructed without consent of Board of Trade) in so far as it relates to the harbour of Kirkcaldy;

Section 277 (Crown rights) in so far as it relates to the harbour of Kirkcaldy;

Section 278 (Surveys of works by Board of Trade) in so far as it relates to the harbour of Kirkcaldy;

Section 279 (Abatement of work abandoned or decayed) in so far as it relates to the harbour of Kirkcaldy.

SCHEDULE 3

ENACTMENTS REPEALED

- Leith Harbour and Docks Consolidation Order 1935— 1935 c. liv.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.
- Leith Harbour and Docks Order 1950— 1950 c. xxv.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.
- Leith Harbour and Docks Order 1952— 1952 c. xviii.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.
- Leith Harbour and Docks Order 1959— 1959 c. xxxv.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.
- Leith Harbour and Docks Order 1962— 1962 c. xxxiv.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.
- Forth Conservancy Order 1920— 1921 c. v.
The whole order except the provisions thereof applied in relation to the Authority by this Scheme.

- SCH. 3
—cont.
1837 c. xv.
- Granton Pier Act 1837—**
The whole Act in so far as it relates to the harbour of Granton except the provisions thereof applied in relation to the Authority by this Scheme.
- 1842 c. xix.
- Granton Pier Act 1842—**
The whole Act in so far as it relates to the harbour of Granton except the provisions thereof applied in relation to the Authority by this Scheme.
- 1919 c. civ.
- Granton Harbour Order 1919—**
The whole order except the provision thereof applied in relation to the Authority by this Scheme.
- 1950 c. xxviii.
- Granton Harbour Order 1950—¹**
The whole order.
- 1939 c. vi.
- Kirkcaldy Corporation Order 1939—**
In Section 1 the words “ Part V—Harbour ” ;
Part V except the provisions thereof applied in relation to the Authority by this Scheme ;
Part VII in so far as it relates to the harbour of Kirkcaldy except the provisions thereof applied in relation to the Authority by this Scheme.

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Forth Harbour Reorganisation Scheme Confirmation (Special Procedure) Act 1967

CHAPTER xii

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SCHEDULE

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8. Transfer of powers, duties, property, rights and liabilities in relation to harbour of Leith.

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Article

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