

# Forth Ports Authority Order Confirmation Act 1969

CHAPTER xxxiv

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ELIZABETH II



1969 CHAPTER xxxiv

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
the Forth Ports Authority. [25th July 1969]

WHEREAS the Provisional Order set forth in the schedule  
hereunto annexed has after inquiry held before Com-  
missioners been made by the Secretary of State under  
provisions of the Private Legislation Procedure (Scotland)  
Act 1936, and it is requisite that the said order should be  
confirmed by Parliament:

It is therefore enacted by the Queen's most Excellent Majesty,  
with the advice and consent of the Lords Spiritual and  
Temporal and Commons, in this present Parliament assembled,  
by the authority of the same, as follows:—

The Provisional Order contained in the schedule hereunto  
annexed is hereby confirmed. Confirmation  
of Order in  
schedule.

This Act may be cited as the Forth Ports Authority Order Short title.  
Confirmation Act 1969.

## SCHEDULE

## FORTH PORTS AUTHORITY

*Provisional Order to amend the Forth Harbour Reorganisation Scheme 1966; to confer further powers on the Forth Ports Authority; for other purposes.*

1921 c. v.

1967 c. xli.

Whereas the Forth Ports Authority were constituted by the Forth Harbour Reorganisation Scheme 1966 for the purposes of improving, maintaining and managing the harbours of Burntisland, Granton, Kirkcaldy, Leith and Methil and the river and firth of Forth within the limits defined in the Forth Conservancy Order, 1921, transferred to them on the 1st January, 1968, by the said Order and by the Forth Harbour Reorganisation Scheme Confirmation (Procedure) Act 1967:

And whereas it was provided by the said Order of 1966 that statutory provisions relating to the undertakings transferred by the said Order should, in so far as they were not repealed by the said Order, only in relation to, or in connection with, the undertaking in connection with which, they applied immediately before the 1st January, 1968:

And whereas it is expedient that certain of these provisions should be repealed and that further powers should be conferred on the Forth Ports Authority as by this Order provided:

1936 c. 52.

And whereas these purposes cannot be effected without an Act confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

Now therefore, in pursuance of the powers contained in the said mentioned Act, the Secretary of State hereby orders as follows:

## PART I

## PRELIMINARY

Short and  
collective titles.

1. This Order may be cited as the Forth Ports Authority Order, 1969, and the Forth Harbour Reorganisation Scheme 1966 and this Order may be cited as the Forth Ports Authority Scheme and Order, 1969.

This Order shall come into operation on the date of the passing of an Act confirming the same, which date is hereinafter referred to as the commencement of this Order.

PART I  
—cont.

Commencement  
of Order.

The provisions of the Harbours, Docks and Piers Clauses Incorporation Act, 1847 (except sections 6 to 13, 25 and 26, 28, 50, 73, 83 to 90, 97 and 100) so far as they are applicable for the purposes of, and are not inconsistent with or varied by this Order, hereby incorporated with and form part of this Order.

(2) In construing the provisions as so incorporated—

the expression "the special Act" shall mean this Order, the expressions "the Promoters of the undertaking" and "the undertakers" shall mean the Authority and the expression "the harbour dock or pier" shall mean the port premises; and

(b) section 23 shall be read and have effect as if the words "provided that no such lease be granted for a longer term than three years" were omitted;

(c) section 33 shall not be construed as derogating from the power of the Authority to discontinue any part of the undertaking;

section 52—

(i) shall extend to empower the harbourmaster to give directions as to the areas, routes or channels in the Forth which vessels, or particular classes of vessels, are to use or refrain from using for movement or moorings;

(ii) shall not be construed to require the harbourmaster in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section, for all or any of the purposes thereof, the harbourmaster shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels;

(e) section 53 shall not be construed to require the harbourmaster to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated to the master.

this Order, unless the subject or context otherwise Interpretation.

"the Authority" means the Forth Ports Authority;

"the bed" in relation to the Forth, means the bed, shore and banks of the Forth below the level of high water;

PART I  
—cont.

1952 c. 44.

1968 c. 59.

“charges” includes fares, rates, tolls and dues of every description for the time being payable to the Authority and enactment;

“the city” means the city of Edinburgh;

“the corporation” means the Corporation of the city;

“daily fine” means a fine for each day on which an offence continued after conviction;

“docks” means the docks for the time being belonging to, and administered by the Authority and includes locks and cuts;

“duties of customs or excise” include any tax, levy, surcharge or other sum to the collection of which the general provisions of the Customs and Excise Act, 1952, relating to customs and excise have been applied by statute;

“enactment” means any Act, whether public, general or local, and any order made thereunder and any provisions in any Act or in any such order;

“financial year” means the financial year of the Authority and includes any accounting period, whether shorter or longer than a year, adopted to effect a change in the Authority's financial year;

“the Forth” means so much of the river and the Firth of Forth, the estuary thereof and the sea as is within the limits described in Schedule 1 to this Order;

“goods” includes fish, livestock and animals of all descriptions;

“the harbourmaster” means the harbourmaster appointed by the Authority and includes his authorised deputies and assistants;

“hovercraft” has the same meaning as in section 4 of the Hovercraft Act 1968;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

“land” includes land covered with water;

“landing places” means wharves and other waterside landing places, piers, jetties and similar installations and inclines approaches from land to such installations;

“level of high water” means the level of mean high-water spring tides;

“master” in relation to a vessel, means any person having the command, charge or management of the vessel;

“the Minister” means the Minister of Transport;

“owner” in relation to a vessel includes the owner, agent, consignee or other person in charge of the vessel, and used in relation to goods includes the owner, agent, consignee, shipper, consignee or other person in charge of the goods and their respective agents in relation thereto;

“pleasure craft” means any vessel not used solely as a dredger, pontoon or craft engaged in maintaining waterways or docks or wholly or mainly for the carriage of goods, and includes any vessel of not more than 100 tons gross weight wholly or mainly for the carriage of passengers for hire;

“the port” means the Forth and the port premises;



“the port of Leith” includes the harbour of Newhaven and that part of the port premises vested in the commissioners for the port of Leith on the 29th July, 1959;

“port premises” means and includes the docks, landing places, and other works and conveniences and the lands, buildings and heritages and property of whatever nature of, or at any time belonging to, the Authority;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel;

“statutory securities” means any securities in which trustees are for the time being authorised by the law of Scotland to invest moneys and any bond or stock granted or issued by the Authority;

“work” means so much of any work belonging to the Authority as is on, under or over tidal waters or tidal lands below the level of high water;

“trading vessel” means a sea-going vessel engaged in trading and includes a tug;

“tug” means a vessel propelled by mechanical power and used for towing or pushing another vessel or a raft or float of timber;

“the undertaking” means the undertaking of the Authority as for the time being authorised;

“works” means works of every description, other than moorings laid down for pleasure craft.

In this Order and in the provisions of the Harbours, Docks and Clauses Act, 1847, as incorporated in this Order “vessel” 1847 c. 27. means every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel and any thing (whether in or on water) constructed or used to carry persons or goods by water or a seaplane on or in the water.

References in this Order to any enactment shall be construed as references to that enactment as amended by any other enactment in force at the time of the coming into force of this Order.

## PART II

### DUTIES AND GENERAL POWERS OF THE AUTHORITY

It shall be the duty of the Authority—

General duties  
and powers.

to provide, maintain, operate and improve such port and harbour services and facilities in, or in the vicinity of, the port as they consider necessary or desirable and to take such action as they consider incidental to the provision of such services and facilities;

to take such action as they consider necessary or desirable or incidental to the improvement and conservancy of the Forth.

PART II  
—cont.

(2) The Authority shall have power either themselves or by agreement between themselves and another person to take such action as the Authority consider necessary or desirable whether or not in the vicinity of, the port—

- (a) for the purpose of discharging or facilitating the discharge of any of their duties, including the proper development or operation of the undertaking;
- (b) for the provision, maintenance and operation of—
  - (i) warehousing services and facilities;
  - (ii) services and facilities for the consignment of goods on routes which include the port premises;
- (c) for the purpose of turning their resources to account as not required for the purposes of the undertaking;

(3) Particular powers conferred or particular duties laid upon the Authority by this Order shall not be construed as derogating from each other or from the generality of subsections (1) and (2) of this section.

Power to  
acquire  
undertakings.

6. The Authority may acquire by agreement an undertaking providing or intended to provide services or facilities of a kind which the Authority are themselves authorised to provide.

Powers relating  
to land.

7.—(1) The Authority may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, lease, feu, lease or otherwise.

1947 c. 42.

(2) The Minister may authorise the Authority to purchase compulsorily any land which they require for the purposes of the undertaking and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply as if the Authority were a local authority within the meaning of that Act and as if this Order had been in force immediately before that Act.

(3) The Authority may dispose of land belonging to them in any manner whether by way of sale, exchange, feu, lease, or otherwise, or of any servitude, right or privilege or otherwise, for such period, on such conditions and for such consideration as they think fit.

(4) The Authority—

- (a) may for the purposes of the undertaking, manage, use or develop land belonging to them as they think fit; and
- (b) in addition may with a view to selling or otherwise disposing of any right or interest in the land after the development carried out—
  - (i) retain any part of land belonging to them which is required for the purposes of the undertaking, and develop it or procure its development for use by other persons;
  - (ii) where the use of land belonging to them for purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

(5) Where the Authority intend to develop or procure the development of land belonging to them for purposes other than the purposes of the undertaking—

of the undertaking, and are of opinion that the land cannot by itself be developed satisfactorily, they may acquire adjoining land by agreement, whether by way of purchase, exchange, feu, lease or otherwise for the purpose of developing it or of procuring its development together with the other land.

Nothing in subsection (2) of this section shall authorise the compulsory acquisition of any land belonging to any local authority in the meaning of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, or of any operational land of any utility or gas undertakers or of the British Railways Board. 1947 c. 42.

Subject to the provisions of this Order the Authority may extend or alter any tidal work: Extension and alteration of tidal works.

Provided that nothing in this section shall authorise the Authority to extend laterally or vertically beyond the limits of deviation specified in the enactment authorising the tidal work in question.

The Authority shall within the port be a local lighthouse authority for the purposes of the Merchant Shipping Act, 1894. Authority to be local lighthouse authority. 1894 c. 60.

The Authority may construct, purchase, contract for or hire and may maintain and use vessels required by them for carrying out their functions including tugs for the use and accommodation of vessels and may sell or dispose of any such vessels. Powers as to vessels and towage services.

(1)(a) The Authority may from time to time license such number of tugs belonging to any person for such period and on such terms and conditions including conditions as to charges as they may think fit. Power to license tugs.

The Authority may charge a fee not exceeding five pounds for the granting of a licence under paragraph (a) of this subsection.

(a) It shall not be lawful for any person to use or employ any other vessel for towing a trading vessel within the port unless there is in force in relation thereto a licence granted under paragraph (a) of subsection (1) of this section.

Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds or to a daily fine not exceeding five pounds.

(1) The Authority may— License from time to time on such conditions of licence as they may determine such weighers, measurers and timber measurers as they think fit for the purposes of weighing and measuring cargo within the port; Licensing of weighers, measurers and timber measurers.

require a person so licensed to give such security for the proper discharge of his duties as the Authority consider satisfactory.

Any person who acts as a weigher, measurer or timber measurer within the port except under and in accordance with a licence issued by the Authority under this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine of five pounds.

PART II  
—cont.

Licensing and  
prescribing  
charges of  
boatmen.

13.—(1) The Authority may—

- (a) license from time to time on such conditions of licence as they may determine such boatmen as they think fit for purposes of running lines and assisting in the mooring of trading vessels;
- (b) prescribe the charges to be made by such boatmen; and
- (c) require a person so licensed to give such security for the proper discharge of his duties as the Authority considers satisfactory.

(2) Any person who acts in the port as a boatman for the purpose of running lines and assisting in the mooring of a trading vessel under and in accordance with a licence issued by the Authority under this section, shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a daily fine of five pounds.

Authority may  
operate road  
transport.  
1960 c. 16.

14.—(1) Subject to obtaining any licence necessary under the Road Traffic Act, 1960, the Authority may operate road transport vehicles for the purpose of conveying goods to and from any part of the premises.

(2) For this purpose the Authority may from time to time purchase, contract for or hire and may maintain road transport vehicles and may sell or dispose of such vehicles.

Power to hire  
out plant.

15. The Authority may let upon hire (with or without the services of their employees) to such persons, at such places and on such terms as they think fit any vessel, plant, equipment or other property belonging to them.

Power to  
provide parking  
places and to  
make charges.

16. The Authority may, on any land for the time being being held by them, provide and maintain parking places at which vehicles may be left, and may make reasonable charges in respect of any vehicle left at any such parking place or elsewhere within the port premises.

Powers relating  
to legislation.

17. The Authority may promote or oppose any local or other legislation.

Staff benefits.

18.—(1) The Authority may make such payments (apart from remuneration) and provide such benefits as they think fit for the respect of persons employed or formerly employed by them, without prejudice to the generality of the foregoing, may provide pensions and comparable benefits for or in respect of such persons and may promote, assist or make contributions to institutions and facilities for such persons.

(2) The Authority may make application to the Secretary of State for Scotland to be designated as a public board for the purposes of the meaning of the Superannuation (Local Government and Public Boards) Interchange (Scotland) Rules, 1949 and 1955.

Staff housing.

19. The Authority may, subject to such terms and conditions as they think fit—

- (a) provide on land belonging to them, and take on lease elsewhere, housing accommodation for their employees;

lay, without prejudice to their power to impose other terms and conditions, permit the same to be occupied by their employees with or without payment of rent;

(b) permit a person formerly in their employment to continue to occupy such accommodation after his employment with them has ceased;

(c) make loans to their employees to assist them to acquire housing accommodation and guarantee loans made to their employees for housing purposes by building societies and other lenders;

(d) continue a loan made by them to a person formerly in their employment after his employment with them has ceased or a guarantee of a loan given by them in respect of such a person.

The Authority shall give the Minister such returns, statistics and information with respect to the exercise of their powers as he may require. Returns and statistics.

The Authority may contract and agree from time to time with any police authority for any police area for the execution by constables of police force maintained for that area of police duty within the or any part thereof on such terms and conditions and for such or consideration as the Port Authority shall think proper shall be agreed between them and the police authority. Authority may contract for police.

The Authority may supply or contract with regional water for the supply of water to vessels entering and using the port premises, and for extinguishing fires on board such vessels or at the premises. Power to contract for supply of water

(O) The Authority may upon such terms and conditions as fit grant to any person a licence (in this section and in section 26 (Appeals to Board of Trade and Minister in respect of works or dredging licence) and section 26 (Restriction on construction and dredging) of this Order referred to as a " works licence ") to construct, alter, renew, or extend any works on, under or over tidal or tidal lands below the level of high water in the port notwithstanding interference with public rights of navigation and other public works as constructed, altered, renewed or extended. Licensing of works.

Application for a works licence shall be made in writing to the Authority and shall

be accompanied by plans, sections and particulars of the works to which the application relates;

specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefit of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted;

stating any such licence the Authority may require modification of the plans, sections and particulars so submitted.

Within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a licence in accordance with the application, they shall be deemed to have refused the application.

PART II  
—cont.

1878 c. 76.

(4) Nothing in this section shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

(5) For the purposes of section 7 of the Telegraph Act, 1870, work proposed to be done under a licence granted in accordance with subsection (1) of this section shall be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament.

(6) In the exercise of the powers of a works licence the holder of the licence shall not damage or injuriously affect—

- (a) any submarine cable placed or maintained by the Postmaster General; or
- (b) any undertakers' work (as defined in section 94 (For protection of statutory undertakers) of this Order):

or, without the consent of the Postmaster General or the undertaker concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers' work.

Licence to  
dredge.

24.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence (in this section an "licence or dredging licence") and section 25 (Appeals to Board of Trade and Minister in respect of licence or dredging licence) and section 26 (Restriction on construction of works and dredging) of this Order referred to as a "dredging licence") to dredge in any part of the port.

(2) Application for a dredging licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence. In granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a dredging licence in accordance with the application, they shall be deemed to have refused the application.

(4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the work covered by the licence.

(5) Any material taken up or collected by means of dredging pursuant to a dredging licence shall be the property of the holder of the licence and he may use, sell or otherwise dispose of or remove or deposit the same as he thinks fit:

Provided that—

- (a) no such materials shall be laid down or deposited in any position below the level of high water except in such position as may be approved by the Authority and under such restrictions and regulations as may be imposed by the Authority;
- (b) if it appears to the holder of a dredging licence that the Authority have unreasonably withheld their approval under paragraph (a) of this proviso or that any restriction

regulation imposed by the Authority under that paragraph is unreasonable, he may appeal to the Board of Trade, whose decision shall be binding upon the parties.

(6) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not damage or injuriously affect—

(a) any submarine cable placed or maintained by the Postmaster General; or

(b) any undertakers' work (as defined in section 94 (For protection of statutory undertakers) of this Order);

without the consent of the Postmaster General or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers' work.

(1) Any applicant for a works licence or a dredging licence is aggrieved by—

(a) the refusal of the Authority to grant the licence;

(b) any terms or conditions upon which the licence is granted;

(c) any modifications required by the Authority in the plans, sections and particulars submitted by the applicant;

within twenty-eight days from the date on which the Authority gives the applicant of their decision or the date on which the Authority under subsection (3) of section 23 (Licensing of works) of this Order or subsection (3) of section 24 (Licence to dredge) of this Order has refused the application, appeal—

(i) in the case of a works licence, to the Board of Trade; or

(ii) in the case of a dredging licence, to the Minister;

and the decision shall be binding upon the parties.

Appeals to  
Board of Trade  
and Minister  
in respect of  
works licence  
or dredging  
licence.

A person who appeals to the Board of Trade or the Minister under this section shall give to the Authority notice of his appeal accompanied by a copy of his statement of appeal and the Authority shall within twenty-eight days from the receipt of such notice be entitled to furnish the Board of Trade or the Minister with their observations on the appeal.

(2) (a) On an appeal under this section the Board of Trade or the Minister, as the case may be, may—  
(i) dismiss the appeal; or

(ii) require the Authority to grant the licence upon such terms and conditions as the Board of Trade or the Minister, as the case may be, may determine; or

(iii) require the Authority to approve the plans, sections and particulars without modification or subject to such modifications as the Board of Trade or the Minister, as the case may be, may determine.

The Authority shall give effect to any requirements made by the Board of Trade or the Minister under paragraph (a) of this section.

PART II  
—cont.Restriction on  
construction of  
works and  
dredging.

26.—(1) No person shall—

- (a) construct, alter, renew or extend any works on, under or over tidal waters or tidal lands below the level of high water in the port unless he is licensed so to do by a works licence, except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 23 (Licence of works) of this Order;
- (b) dredge in the port unless he is licensed so to do by a dredging licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 24 (Licence to dredge) of this Order:

Provided that this subsection shall not apply to the construction, alteration, renewal or extension of—

- (i) any such works or to the carrying out of dredging in the port specifically authorised under any enactment;
- (ii) an embankment, jetty, pier, slipway, landing place or similar work within the port which does not extend to a place where the depth of water at mean low water springs exceeds 4 feet.

(2) Any person offending against the provisions of this section who contravenes or who fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Authority shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds.

Crown property.

27. A person licensed by the Authority under section 23 (Licence of works) or section 24 (Licence to dredge) of this Order to carry out any work or to dredge in, upon or from any part of the bed of the Forth belonging to Her Majesty shall, in addition to the licence of the Authority, require the consent of the Crown Estate Commissioners on behalf of Her Majesty to carry out the work or to dredge.

PART III  
FINANCIAL

## A. Borrowing powers, investment and accounts

Borrowing  
powers.

28.—(1) In addition to the moneys borrowed by the Authority outstanding at the commencement of this Order, as set out in section (4) of this section, the Authority may—

- (a) borrow on the security of the revenues of the Authority and raise money by any of the following methods:—
- (i) by the issue of bonds and mortgages of funded debt;
- (ii) by the acceptance of deposits;
- (iii) by the creation and issue of port stock;



(iv) by such other method as the Minister shall in writing approve;

(b) raise money by the mortgage of any land for the time being vested in the Authority.

The total amount of moneys borrowed or raised by the Authority for capital purposes under this section and outstanding at any one time shall not exceed thirty million pounds.

(3) Moneys borrowed or raised by the Authority under this section shall be applied only to purposes to which capital is properly applicable and to the payment of moneys borrowed or raised by the Authority for any purpose.

(4) The moneys referred to in subsection (1) of this section shall comprise

(a) five hundred thousand pounds of funded debt;

(b) three million three hundred and forty-five thousand six hundred and fifty pounds secured by bonds and mortgages;

(c) the aggregate of the sums advanced to the Authority and to the Commissioners for the Harbour and Docks of Leith by the Minister under section 11 of the Harbours Act 1964; 1964 c. 40.

(d) the amount of the debt determined by the Minister under section 41 of the Docks and Harbours Act 1966 as that to be assumed by the Authority as from 1st January, 1968, in respect of the transfer to them of property, rights and liabilities of the British Transport Docks Board. 1966 c. 28.

(1) The Authority may, for the purpose of meeting their obligations and carrying out their functions, raise money on the security of their undertaking by means of an overdraft from a bank or other temporary loan, by the issue of bills and bonds and by the acceptance of deposits. Temporary loans.

(2) The total amount of moneys raised by the Authority under this section and outstanding at any one time shall not exceed three million pounds or such larger amount not exceeding five million pounds as the Minister may sanction.

(3) It shall not be necessary for a person who lends money to the Authority to enquire into the application of that money. Lenders not to be concerned with application of money lent.

(4) The Authority shall not be bound to see to the execution of any instrument effected by notice of, any trust, whether express, implied or constructive, to which any bill, bond and mortgage, stock or other instrument relating to moneys borrowed, or the principal moneys or interest thereon, or any money received on deposit or interest thereon, may be subject and the receipt of the holder of a bill or the person in whose name any bond and mortgage, stock or other instrument, or any money received on deposit stands in the name of the Authority, as the case may be, shall be a sufficient discharge to the Authority for any money payable in respect thereof. Authority not bound to recognise any trust.



any losses, damages, costs and expenses to which the Authority may be subjected in consequence of such risks as may from time to time be specified in a resolution of the Authority (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Authority from insuring in one or more insurance policies against the whole or any part of all or any of the specified risks.

(3) The Authority may pay into the insurance fund in any year such sums as the Authority may think fit out of the revenues of the Authority and as part of their working and establishment expenses and the cost of maintenance of the undertaking.

(4) All moneys for the time being standing to the credit of the insurance fund shall be invested in statutory securities and the interest and annual proceeds arising from such securities shall be invested and accumulated in the said fund.

(5) In this section "insurance office" means—

(a) an insurance company; or

(b) an underwriter being a member of an association of underwriters.

(1) In order to provide or facilitate the provision of funds

Power to invest in securities of bodies corporate.

(a) the establishment, carrying on or extension by any body corporate of warehouses, factories or works at or near the port premises;

(b) the establishment or carrying on by any body corporate of an undertaking or business connected with or ancillary to the carrying on of the undertaking;

(c) the establishment or carrying on by any body corporate of an undertaking or business concerned with the transport or handling of goods;

(d) the carrying on by any body corporate of any other undertaking or business which appears to the Authority to be advantageous or convenient for, or in connection with, the undertaking or to be for the benefit of the Authority either directly or indirectly;

to the extent requisite therefor, the Authority may subscribe for, purchase, take up and hold or dispose of any shares, stock, mortgages, debentures or debenture stock of such body corporate and may in any such shares, stock, mortgages, debentures or debenture the time being held by them exercise either by themselves or some person nominated by them for the purpose all or any of the rights exercisable by an individual holder of such shares, mortgages, debentures or debenture stock.

The Authority may apply for the purposes of this section any capital or funds for the time being available.

(1) The Authority shall keep proper accounts and proper Accounts and in relation thereto. audit

PART III  
—cont.

(2) The accounts for each financial year shall be audited by an auditor or firm of accountants appointed by the Authority.

(3) A person or firm shall not be qualified to be appointed as auditor under this section unless he is a member, or in the case of a firm the partners are members, of one or more of the following bodies:

- (a) the Institute of Chartered Accountants of Scotland;
- (b) the Institute of Chartered Accountants in England and Wales;
- (c) the Association of Certified and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any body of accountants established in the United Kingdom and at the time of the appointment of the auditors and section recognised by the Board of Trade for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948.

1948 c. 38.

(4) The Authority shall pay to the auditor or firm of accountants appointed under this section for auditing the accounts such sum as shall seem reasonable.

Saving for powers of the Treasury.  
1946 c. 58.

41. It shall not be lawful to exercise the powers conferred by this Order otherwise than in compliance with any order for the time being in force made under section 1 of the (Control and Guarantees) Act, 1946.

*B. Charges*

Power to make certain charges.  
1964 c. 40.

42.—(1) The Authority may demand, take and recover in respect of any dracone or floating dock, crane rig, drilling rig or other plant which is not a ship, as defined by section 57 of the Harbours Act 1964, entering or leaving the port such charge as they think fit, subject to the provisions of sections 30, 31, 32 and 34 of the Harbours Act 1964, shall with any necessary modifications, apply to the charge by this subsection as they apply to ship, passenger and goods.

(2) (a) The Authority may demand, take and recover in respect of any thing done or provided by them or on their behalf such charge as they may determine.

(b) In this subsection "charge" does not include a charge on a ship, passenger or goods due as defined by section 57 of the Harbours Act 1964, or a charge authorised by subsection (1) of this section.

Conditions relating to payment of charges.

43. Charges shall be payable subject to such conditions as the Authority may from time to time specify in their published regulations.

Rates for supply of water.

44.—(1) Notwithstanding the provisions of section 4 of the Harbours Act 1964, the rates which the Authority may take and recover for water supplied by them to vessels, less or more than will, in their opinion, be sufficient to meet the charges and expenses incurred or to be incurred by the Authority in providing and maintaining such supply, taking into account one or more of the following factors:

(2) The rates authorised by this section shall be paid to the Authority by the owner of the vessel or other person requesting and receiving such supply.

PART III  
—cont.

The several charges which the Authority are for the time being  
rised to demand, take and recover in respect of vessels and  
hall be payable before the removal from the port of any vessel  
in respect of which they are payable and may be demanded,  
and recovered by such persons, at such places, at such times and  
such regulations as the Authority may from time to time appoint.

How charges  
to be paid.

Charges payable to the Authority shall be payable by the  
of any vessel or goods in relation to which the charges are

Payment of  
charges by  
owner.

where charges payable to the Authority may be recovered  
from more than one person, the said persons shall be jointly  
everally liable.

Joint and  
several  
liability for  
charges.

Nothing in section 30 of the Harbours Act 1964 shall require  
authority to include in the list of ship, passenger and goods dues  
kept as required by subsection (1) of that section, charges  
by virtue of a compounding arrangement in respect of, or  
allowed on, a due included in the said list.

Compounding  
arrangements  
and rebates.  
1964 c. 40.

A person who eludes or evades or attempts to elude or evade  
all of, or refuses to pay, a charge due from him to the Authority

Penalty for  
evading  
payment of  
charges.

be liable to pay to the Authority, in addition to the charge,  
a sum equal to the amount thereof, which sum shall be a debt  
due to the Authority and shall be recoverable by them in any  
court of competent jurisdiction; and

be guilty of an offence and liable to a fine not exceeding  
one hundred pounds;

withstanding the fact that subsequent to the commission of the  
offence he has tendered or paid to the Authority the charge in question.

Any person claiming the return of the whole or any part of any  
paid to the Authority shall make such claim and produce  
uments and give all information required by the Authority  
of such claim within twelve months from the time of payment  
fault thereof, the claim shall no longer be enforceable.

Claims for  
repayment of  
charges.

owner or person having the charge of any goods warehoused,  
yarded, in a warehouse, store or yard of the Authority  
the removal of such goods from the warehouse, store, or  
such date or dates as shall be fixed by the Authority, pay  
as shall be then due and payable on such goods.

Payment of  
charges on  
warehoused  
goods.

Authority may, if they think fit, require any person liable  
me liable to pay charges to the Authority to deposit with the  
or to guarantee, such sum as, in the opinion of the Authority,  
able having regard to the probable amount of the charges.

Deposit for  
charges.

PART III  
—cont.Recovery of  
charges.

1847 c. 27.

Crown  
exemptions  
from rates.

53. In addition to any other remedy given by this Order and the Harbours, Docks and Piers Clauses Act, 1847, as incorporated with this Order, the Authority may recover any charges payable to them as a debt in any court of competent jurisdiction.

54.—(1) Except in so far as may be agreed between the Authority and the government department concerned or as may be specifically laid down by statute nothing in any statutory provision authorising the Authority to charge rates shall extend to authorise the Authority to charge rates on or regulate or subject to control—

(a) a vessel—

(i) belonging to or in the service of Her Majesty or a member of the Royal Family; or

(ii) in the service of the Commissioners of Customs and Excise not being a vessel carrying goods for reward;

(iii) employed by or under the authority of the Post Office General or the Secretary of State for Defence for the conveyance under contract of postal packets as defined by the Post Office Act, 1953, not being a vessel also conveying passengers or goods for reward; or

(iv) in the service of the Commissioners of Lighthouses and not carrying goods for reward;

(b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

(c) a mail bag as defined by the Post Office Act, 1953, conveyed by a vessel;

(d) troops landed at the port premises or a person employed by the Secretary of State for Defence while in the execution of his duty;

(e) goods or stores belonging to the Secretary of State for Defence.

(2) A person who takes the benefit of an exception under subsection (1) of this section but is not entitled thereto shall be liable of an offence and liable to a fine not exceeding ten pounds.

(3) A person employed by the Minister or the Board of Trade as an officer of the Commissioners of Customs and Excise shall have free access to the port premises while in the execution of his duty.

## PART IV

## THE FORTH

Power to  
dredge.

55.—(1) The Authority may deepen, widen, dredge, improve the bed of the Forth and the seaward approach and for this purpose may blast any rock therein.

(2) Subject to section 100 (Crown rights) of this Order, any stones taken up or collected in the course of such operations shall be deemed as it is not the property of the Authority before being taken up.

the property of the Authority on taking up and may be sold, removed, deposited or otherwise disposed of as the Authority think fit.

Provided that no such material shall be laid down or deposited in place below the level of high water, except in such position as the Board of Trade may approve and subject to such conditions or restrictions as they may impose.

(3) Before exercising the powers of subsection (1) of this section within 50 yards of—

- (a) the pier of a bridge over, or a tunnel under, the Forth; or
- (b) a sewer under the Forth vested in a local authority; or
- (c) a submarine cable placed or maintained by the Postmaster General; or
- (d) an electric line, main, pipe, tunnel, apparatus, building, structure or other work vested in any statutory electricity, gas or water undertakers;

the Authority shall give to the person in whom the bridge or tunnel is vested, the local authority, the Postmaster General or the undertakers concerned, as the case may be, not less than twenty-eight days' notice in writing of their intention so to do, stating the position and the proposed dredging:

Provided that this subsection shall not apply in relation to any electric line, main or pipe unless the undertakers concerned have notified the Authority with a plan showing the position in which the electric line, main or pipe is laid in or under the Forth.

No material taken up and collected in the exercise of the said powers shall, without the consent of the Postmaster General, the local authority or the undertakers concerned, as the case may be, be deposited so as to obstruct or impede any work of, or connected with, the inspection or repair of any such sewer, post office cable, electric line, main or pipe (including cooling water, intake and outfall works), or so as to interfere with the efficient operation thereof.

The Authority may lay down, maintain and operate in and over the Forth such works and equipment as they consider necessary to aid navigation.

The Authority may for the purposes of the undertaking take, use and use water from, and discharge water to, the Forth. Use of Forth water.

In their application to the Authority, sections 530 and 532 of the Merchant Shipping Act, 1894 (which confer powers on the Authority with respect to, and with respect to anything in or on, any vessel stranded or abandoned in such manner as to be an obstruction or danger to navigation in the port or in or near any place specified in the Schedule to that Act) shall have effect— Powers with respect to disposal of wrecks. 1894 c. 60.

subject to the provisions of section 59 (Protection of Crown Interests in wrecks) of this Order; and in relation to a vessel sunk, stranded or abandoned before as well as after the making of this Order,

PART IV  
—cont.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Authority may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are reimbursed out of the proceeds of sale, if any, within the meaning of those sections.

(3) Except in a case which is in the opinion of the Authority a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying, the Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Authority receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section, he shall be at liberty to do so, and the Authority shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Authority.

(4) Notice under subsection (3) of this section to the owner of a vessel may be served by the Authority either by delivering it to him or by sending it to him by the recorded delivery service to his last known place of business or abode in the United Kingdom, or, if the owner or any such place of business or abode is not known to the Authority or is not in the United Kingdom, by displaying the notice at the principal office of the Authority for the period of its duration.

(5) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying under the powers conferred upon them by the said section any vessel sunk, stranded or abandoned in the port or in or near the approach thereto and within a distance of 200 yards of any submarine cable placed or maintained by the Postmaster General in, on, or across the bed of the Forth give to the Postmaster General written notice as long notice as is practicable of their intention to do so.

(6) In this section the expression "owner" in relation to a vessel means the person who was the owner of the vessel at the time of its sinking, stranding or abandonment thereof.

Protection of  
Crown interests  
in wrecks.

1894 c. 60.

1906 c. 48.

59.—(1) Without prejudice to section 741 of the Merchant Shipping Act, 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as modified by the Order in Council made under section 80 of the Merchant Shipping Act, 1906, the powers conferred on the Authority by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;



(b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence, of Her Majesty's ships of war.

The Authority shall give notice in writing to the Secretary of State for Defence and to the Board of Trade of any decision of the Authority to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) of this section any of the powers aforesaid other than the power of lighting and buoying and, except in a case in the opinion of the Authority a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State for Defence and the Board of Trade before the expiration of a period of fourteen days from the giving of the notice; or

(b) if before the expiration of the said period there is served on the Authority a direction by the Secretary of State for Defence or the Board of Trade that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

where, in any such case as aforesaid, the Authority proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, they shall not be entitled to exercise the power of sale conferred by section 530 or the power conferred by subsection (2) of section 58 (Powers with respect to disposal of wrecks) of this Order:

Provided that—

(i) the Authority shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 58 to have been duly served under paragraph (b) of this subsection;

(ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Board of Trade for the purposes of this proviso.

PART IV  
—cont.

(3) Without prejudice to the power of sale conferred on Authority by the said section 530, the Authority shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894, raised, removed or recovered under that section and surplus proceeds of sale within the meaning of that section in accordance with such directions, if any, as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the Authority shall discharge any sums payable in respect of that property by way of duties of customs or excise and any sums so discharged shall be deemed to be expenses incurred by the Authority under that section.

(4) Any limitation on the powers of the Authority in relation to a vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Commissioners of Northern Lighthouses by section 531 of the said Act of 1894.

Removal of  
obstructions.

60.—(1) The Authority may remove any thing, other than a wreck, causing or likely to become an obstruction or impediment in a navigable channel or to a trading vessel navigating in any part of the Forth.

(2) (a) If any thing removed by the Authority under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Authority shall within one month of its coming into their custody give notice, as required by subsection (3) of this section, to that person and if possession of the thing is not relinquished within the period specified in, and in accordance with the terms of, that notice it shall at the end of that period vest in the Authority.

(b) If any thing removed by the Authority under subsection (1) of this section which is not so marked is not within three months of coming into the custody of the Authority proved to the reasonable satisfaction of the Authority to belong to any person, it shall nevertheless vest in the Authority.

(3) The Authority may at such time and in such manner as they think fit dispose of any thing referred to in paragraph (b) of subsection (2) of this section which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience, notwithstanding that it has not vested in the Authority under this section and if it is sold the proceeds of sale shall be applied by the Authority in payment of the expenses incurred by them under this section in relation to the thing, and any balance—

(a) shall be paid to any person who within three months from the time when the thing came into the custody of the Authority proves to the reasonable satisfaction of the Authority that he was the owner thereof at that time; or

(b) if within the said period no person proves his ownership of the thing at the said time, shall vest in the Authority.

(4) If any thing removed under this section—

(a) is sold by the Authority and the proceeds of sale are insufficient to reimburse the Authority for the amount of the expenses incurred by them in the exercise of their powers of sale; or

(b) is unsaleable:

the Authority may recover as a debt in any court of competent jurisdiction the deficiency or the whole of the expenses, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Authority or who was the owner at the time of its abandonment or loss.

(5) A notice given under paragraph (a) of subsection (2) of this section shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Authority possession may be retaken at a place named in the notice within the time specified in the notice, being not less than fourteen days after the date when the notice is served.

(6) The Authority shall not under the powers of this section remove any thing placed or constructed by a local authority or statutory undertaker under the provisions of a statute or of a consent or licence given or issued by the Authority thereunder.

(7) In subsection (6) of this section "statutory undertaker" means a person authorised by statute to carry on any undertaking for the supply of electricity, gas or water.

(1) The Authority may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Authority is or is likely to become, by reason of its insecure condition or want of repair—

Repair of  
landing places  
and  
embankments.

- (a) dangerous to vessels using the Forth;
  - (b) injurious to the condition of the Forth as a navigable waterway; or
  - (c) a hindrance to the navigation of the Forth;
- to remedy its condition to the satisfaction of the Authority's chief engineer within a reasonable time specified in the notice.

(2) If a person to whom notice is given under this section fails to comply with the notice within the time specified—

- (a) he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds; and

the Authority may carry out the work they consider necessary to remedy the condition of the premises in question and may recover the expenses of so doing from the person to whom the notice under this section was given as a debt in any court of competent jurisdiction.

A copy of a notice under subsection (1) of this section shall have annexed a copy of this section.

A person aggrieved by a notice served by the Authority under this section may appeal to a court of summary jurisdiction.

(3) This section shall not apply to the corporation.

PART IV  
—cont.

Provision  
against danger  
to navigation.

62.—(1) In the case of injury to or destruction or decay of a tidal work or any part thereof the Authority shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Authority fail to notify the Commissioners of Northern Lighthouses as required by this section or to comply in any respect with a direction given under this section they shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement  
of works  
abandoned  
or decayed.

63.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Authority at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board think proper.

(2) Where a work consisting partly of a tidal work and partly of works of the Authority on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Authority, they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be a debt due from the Authority to the Board of Trade and recoverable accordingly.

Survey of  
tidal works.

64. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which the Authority propose to construct a tidal work, and any expenditure incurred by the Board of Trade in any such survey or examination shall be a debt due from the Authority to the Board of Trade and recoverable accordingly.

Permanent  
lights on tidal  
works.

65.—(1) After the completion of a tidal work the Authority shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Authority fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

(1) A person who puts or causes or suffers to fall into the docks or into the Forth any article or any solid matter except in pursuance of statutory powers or unless he can show that he has a lawful excuse for so doing, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding twenty pounds.

PART IV  
—cont.

Prohibition  
on pollution,  
etc., of Forth  
and docks.

(2) A person who contravenes subsection (1) of this section in relation to the docks and the master of a vessel from which such a contravention has occurred shall be liable to make good damage sustained by the Authority or by a vessel arising from such contravention.

(3) When an offence against subsection (1) or subsection (2) of this section is committed from a vessel, the master or owner of the vessel may be proceeded against.

PART V

GOODS

(1) The Authority may —

(a) refuse entry into the port premises of any goods which in their opinion would endanger or be liable to endanger persons or property; or

(b) permit the entry of any such goods subject to compliance with such terms and conditions (including the part or parts of the port premises where such entry is permitted) as they think fit.

As to entry  
of dangerous  
goods.

(2) The Authority shall publish a schedule of such goods—

(a) entry of which is forbidden by them; and

(b) entry of which is permitted by them only upon terms and conditions specified in the schedule.

(3) A person who after publication of the schedule referred to in subsection (2) of this section —

(a) brings or causes or permits to be brought into the port premises any goods the entry of which is forbidden; or

(b) fails in relation to any goods brought into the port premises to comply with any terms or conditions imposed by the Authority under subsection (1) of this section;

shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine; and

shall be liable to indemnify the Authority against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Authority in consequence of the commission of the offence;

and the Authority may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing the goods elsewhere.

PART V  
—cont.Notice before  
entry of  
dangerous  
goods.

68.—(1) Except in case of emergency, the owner or master of a vessel—

- (a) which it is intended to bring into the port carrying dangerous goods; or
- (b) which is within the port and on which it is intended to carry dangerous goods;

shall, not less than twenty-four hours before that vessel enters the port or before the dangerous goods are placed on board, as the case may be, give notice to the harbourmaster of the nature and quantity of the dangerous goods in question and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings were taken.

1875 c. 17.  
1928 c. 32.

(3) This section does not apply to dangerous goods to which by laws made by the Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being applying.

Power to  
survey goods.

69.—(1) The Authority may survey and examine—

- (a) goods at the port premises; and
- (b) goods on board a vessel at the port premises when the goods are to be or have been handled by the Authority or when the master of the vessel asks for a survey or examination to be made by the Authority.

(2) The Authority may make a reasonable charge for the examination carried out under this section.

Power to  
remove  
goods.

70.—(1) The Authority may remove to another part of the port premises or to a place of storage elsewhere goods

- (a) which are obstructing or interfering with the use of the premises; or
- (b) which remain at a place used for the deposit or storage of goods for a longer time than that specified in relation to that place in a schedule of charges published by the Authority.

and such removal and storage shall be carried out at the expense of the owner.

(2) Notwithstanding such removal or placing in store, the owner shall be liable to a general lien for the cost of removal, and to the charges payable to the Authority by the owner.

Liability for  
safety of  
goods.

71. The Authority shall not be responsible for the safety of goods deposited in any part of the port premises not specifically apart by them for the purpose of warehousing.

PART V  
—cont.

Warrants for  
goods.

(1) The Authority may at the request of a person—

- (a) warehousing or depositing goods in a warehouse or place at the port premises specially appropriated for the purpose; or
  - (b) entitled to goods so warehoused or deposited;
- to him a warrant for the delivery of the goods so warehoused or deposited or such part thereof as may be specified in the warrant:

provided that the Authority shall not issue a warrant under this section relating to imported goods if they have been given notice effective under subsection (2) of this section that the goods in question are subject to—

- (a) a claim for freight by the owner of the vessel in which the goods were imported; or
- (b) a claim to which the goods were subject before being warehoused or deposited with the Authority.

(2) A notice under subsection (1) of this section—

(a) shall not be effective unless it is given—

- (i) within seven days of the discharge of the goods in question from the importing vessel; and
- (ii) before the Authority have issued a warrant relating to the goods specified in the notice;

shall remain effective for twenty-eight days and may be renewed for successive periods of twenty-eight days.

Unless the contrary is clearly stated on the face of the warrant, goods which are the subject of a warrant issued under this section shall be liable to detention or sale by the Authority on account of an unpaid charge of the Authority on or in respect of those or other goods before the issue of the warrant.

A warrant issued under this section shall be transferable by assignment and shall entitle the person named therein or the last assignee thereof to the delivery of the goods specified therein and the goods so specified shall for all purposes be deemed to be his property.

A warrant under this section may be issued under the hand and seal of an officer of the Authority authorised for that purpose.

(1) The Authority may, by resolution, designate any quay or portion of any quay for the loading and unloading of any goods to which this section applies.

(2) Where, pursuant to subsection (1) of this section, the Authority has designated a quay or portion of a quay for the loading or unloading of any description the harbourmaster may direct that goods of any description intended to be loaded on board, or unloaded from a vessel, shall not be deposited or received upon any quay other than the quay or portion of quay so designated and in the event of any person disobeying any such direction the Authority may remove the goods to the quay or portion of quay so designated, and any expense incurred in so doing shall be a debt due from that person to the Authority recoverable accordingly.

Power to give  
directions as to  
loading or  
unloading of  
certain goods.

PART V  
—cont.

(3) The goods to which this section applies are goods in bulk the nature or character of which is such as, in the opinion of the Authority, to give rise to special risk of contamination, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for the handling thereof, or for safety, protection, welfare or accommodation of persons employed in or in connection with such handling.

Appropriation  
of berths.

74.—(1) The Authority may from time to time appropriate a particular berth or berths in the port premises for the use of a vessel of a particular owner or engaged in particular trades and where a charge for the appropriation is made pursuant to subsection (2) of this section the vessel covered by the appropriation shall have priority in the use of the berth or berths as against other vessels.

(2) The Authority may make a reasonable charge against the owner of a vessel for the appropriation of a particular berth or berths.

## PART VI

## BYELAWS AND REGULATIONS

Byelaws for  
port premises.

75.—(1) The Authority may make byelaws for the port premises for any of the following purposes:—

- (a) to regulate the use of the port premises and the services and facilities provided thereat;
- (b) to regulate the admission to, movement and berthing of vessels and the departure of vessels from, docks and the use of motive power and equipment therein;
- (c) to regulate the shipping, transshipping and unshipping, housing, stowing, depositing and removing of goods in the port premises and the use of the port premises;
- (d) to regulate vehicular and railway traffic within the port premises;
- (e) to regulate the admittance of persons to the port premises including the hours of admittance, and their conduct within the port premises;
- (f) to prescribe the persons, other than the staff of the Authority, who may be employed in the port premises;
- (g) to protect property at, or forming part of, the port premises from damage, defacement or theft;
- (h) to regulate or prevent the use in the port premises or on any vessel therein of fires, lights or any other equipment or appliances which the Authority consider involve a risk of fire;
- (i) to prevent pollution of the water in the docks.

(2) Before making any byelaw under paragraph (d) of subsection (1) of this section the Authority shall consult with the British Railways Board.



(1) The Authority may make byelaws for the Forth for any of the following purposes:—

Byelaws.

(a) to secure the conservation and improvement of the Forth as a harbour and a navigable waterway and to promote ease and convenience of navigation;

to regulate vessels in the Forth and their entry into and departure from the Forth and, without prejudice to the generality of the foregoing, to prescribe rules for navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels navigating the Forth;

(c) to prescribe parts of the Forth—

(i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or

(ii) which vessels of a specified class may not enter;

(d) to regulate the use and to prevent the misuse of services and facilities provided by the Authority in or beside the Forth;

to promote the safety of persons and vessels on the Forth;

(f) to regulate the launching of trading vessels;

(g) to regulate the holding of regattas;

to regulate the use of pontoons, dry docks and slipways.

In this section "signals" includes sound signals.

(2) Different byelaws may be made under this section in relation to different classes of vessels.

Byelaws made under this section shall not apply to the Cramond Lightship existing at the commencement of this Order.

(1) The Authority may make byelaws as to the loading and discharging by vessels within the port of dangerous goods and generally the precautions to be observed with respect to vessels carrying dangerous goods while in the port and such byelaws may in particular

Byelaws relating to certain dangerous goods.

(a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging;

(b) for regulating the places at which vessels carrying dangerous goods are to be moored.

Where a person is charged with an offence against a byelaw in this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on the part of any person engaged or employed by that person is charged as the owner or the master of a vessel and, in addition, all reasonable steps were taken by the master to prevent the commission of the offence.

Byelaws made under subsection (1) of this section may contain provisions for the imposing on persons offending against any of the byelaws of fines not exceeding, on summary conviction, one hundred pounds and, on conviction on indictment, one thousand pounds.

PART VI  
—cont.1875 c. 17.  
1928 c. 32.Power to make  
regulations.

(4) This section does not apply to dangerous goods to which by laws made by the Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply.

78. The Authority may make regulations for—

(a) the use of the port premises; and

(b) the laying down and removal of goods on, in and from port premises.

Existing bye-  
laws to remain  
in force.

79. All byelaws, rules and regulations made by the transferred authorities, as defined in the Forth Harbour Reorganisation Scheme 1966 in relation to one or more of the transferred harbours, as defined, and in force immediately before the commencement of this Order shall until amended or repealed by the Authority continue in force and shall apply to the same extent as they applied immediately before the commencement of this Order and such byelaws, rules and regulations may be enforced and all fines incurred thereunder may be recovered in the same manner and to the same effect as any fines be recovered under byelaws made by the Authority.

Confirmation  
of byelaws.  
1947 c. 43.

80. The provisions of subsections (4), (5), (7), (8), (9), (11) and (12) of section 301 and section 303 of the Local Government (Scotland) Act, 1947, shall apply to all byelaws made by the Authority under this Order or in exercise of powers conferred on the Authority by any other enactment as if the Authority were a local authority and in application of the provisions of the Local Government (Scotland) Act, 1947, the Minister shall be the confirming authority.

Fines for  
breach of  
byelaws.

81. Except where otherwise provided by this Order, a person offending against any byelaw made by the Authority shall be guilty of an offence and liable to a fine not exceeding fifty pounds and a daily fine not exceeding five pounds.

Offences how to  
be prosecuted.

82. Proceedings against any person offending against or committing any breach or contravention of any of the provisions of this Order or any byelaw or regulation made thereunder or any byelaw or regulation made by a transferring authority, as defined in article 2 (Interpretation) of the Forth Harbour Reorganisation Scheme 1966 and still in force or any byelaw or regulation made by the Authority under any other enactment shall unless otherwise provided, be instituted and conducted under and in conformity with the Summary Jurisdiction (Scotland) Acts.

Offenders  
against  
byelaws to  
make good  
damage.

83.—(1) Any person offending against or committing a breach or contravention of any of the provisions of this Order or any byelaw or regulation made by the Authority under this Order or any other enactment or made by a transferring authority, as defined in article 2 (Interpretation) of the Forth Harbour Reorganisation Scheme 1966 and still in force shall in addition to any fine thereby imposed be liable, in addition, to repay to the Authority the cost of or making good any damage directly or indirectly occasioned to the property of the Authority.

PART VI  
—cont.

(2) The Authority may recover as a simple contract debt from any such person the cost of repairing or making good any such damage which person may detain any vessel or other property belonging to or in charge of such person or belonging to the employers of such person until the said cost has been paid or until security therefor has been given to the satisfaction of the Authority.

PART VII  
MISCELLANEOUS

(1) The master of a vessel entering or leaving or intending to enter or leave a dock shall if required to do so by the dockmaster draught, give the draught of his vessel.

(2) The master of a vessel who in response to a requirement under subsection (1) of this section gives incorrect information shall, without prejudice to any right of the Authority to compensation for loss or damage occasioned thereby, be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(3) For the purposes of this section "draught" in relation to an aircraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air, on foils or by any other means and in relation to a seaplane means its draught when afloat.

(4) A duly authorised officer of the Authority may, on producing to the required authority, enter and inspect a vessel in the Forth or docks or Boarding vessels.

(a) for the purposes of any enactment relating to the Authority or of any byelaw of the Authority including the enforcement thereof;  
to prevent or extinguish fire.

(1) Any responsible officer of the Authority may require any person on or seeking access to the port premises or any vessel using the premises to state truly his name and address and the nature and of his business thereon or his purpose thereon or in seeking access to and may require any such person to produce for inspection by an officer any pass or other authority which may have been issued to him by or on behalf of the Authority, and any person who fails to comply with any such requirement shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(2) Any officer of Her Majesty's Customs and Excise may detain on or within the port premises any person or any vehicle, or her property, upon whom or in or about which there is reasonable cause for believing that there may be found any uncustomed prohibited goods.

(3) The harbourmaster shall be exempt from serving on a jury.

(4) Any notice, licence or other document given or issued by the Authority under any enactment shall, unless the contrary intention is expressed, be authenticated by the signature of an authorised officer of the Authority.

Exemption of  
harbourmaster  
from jury  
service.

Authentication  
of Authority's  
documents.

PART VII  
—cont.

is expressed in the enactment in question, be sufficiently authentic if signed by the secretary of the Authority or by one of his deputy secretaries and need not be sealed by the Authority.

(2) Without prejudice to the generality of subsection (1) of this section all documents relating to goods at the port premises or to the management of the business at a dock shall be sufficiently authentic if signed by a duly authorised officer of the Authority and need not be sealed by the Authority.

Service of  
documents.

89.—(1) Any document required or authorised by or under this Order to be given to or served on a person—

- (a) being a corporation, society or association, shall be given or served if it is given to or served on the secretary or clerk of the corporation, society or association;
- (b) being a partnership, shall be duly given or served if addressed to the partnership identifying it by the name or style under which its business is carried on.

(2) Subject to the provisions of this section, any notice, consent, approval, demand or other document required or authorised by or under this Order to be given to or served on any person may be given or served either—

- (a) by delivering it to that person; or
- (b) by leaving it at his proper address; or
- (c) by post;

so however that, where such a document is sent by post other than in a letter sent by the recorded delivery service, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.

1889 c. 63.

(3) For the purposes of this section, and of section 26 of the Interpretation Act, 1889, in its application to this section, the principal address of any person to or on whom such a document is to be given or served shall—

- (a) in the case of the secretary or clerk of a corporation, society or association, be that of the registered or principal office of the corporation, society or association;
- (b) in the case of a partnership, be the principal place of business of the partnership; and
- (c) in any other case, be the usual or last known place of abode of the person to whom the document is given;

Provided that, where the person to or on whom such a document is to be given or served has furnished an address for that purpose in accordance with arrangements agreed to in that behalf, his principal address for the purpose of this subsection shall be the address so furnished.

(4) If the name or address of any owner or occupier of any premises to or on whom any such document is to be given or served can be ascertained after reasonable inquiry by the person seeking to give or serve the document, the document may be given or served by addressing it to the person to whom it is to be given or served.

to be served by the description of "owner" or "occupier" of the premises (describing them) to which the document relates, and by delivering it to some responsible person at the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(5) The provisions of subsections (1) to (4) of this section shall not apply to the service of a summons.

For the purpose of enabling any document to be served on the occupier of any premises, the Authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the Authority for his refusal, be guilty of an offence and liable to a fine not exceeding five pounds.

For the protection of the corporation the following provisions unless otherwise agreed in writing between the Authority and the Corporation, apply and have effect:—

For protection of Edinburgh Corporation.

If Works Nos. 5 or 6 authorised by the Leith Harbour and Docks Consolidation Order, 1935 and vested in the corporation pursuant to paragraph (11) of section 51 (For protection of Corporation in respect of works authorised by Act of 1913 and Order of 1925), so far as the same are situated to the seaward of Work No. 4 authorised by the said Order of 1935 are at any time damaged by storm or tempest or stress of exceptional weather or by any vessel or wreckage the Authority shall repay to the corporation the cost of making good the damage so caused.

1935 c. liv.

(2) The corporation shall have the like rights of access to the said Works Nos. 4, 5 and 6 for their engineers, inspectors, workmen and others and the like right to use a piece or pieces of land forming part of the area reclaimed by the said Work No. 4, subject to yearly payment and restrictions, as they enjoyed immediately before the commencement of this Order under the provisions of paragraphs (12) and (13) of the said section 51.

(3) The construction of the said Works Nos. 4, 5 and 6 shall not prejudice, limit, restrict, affect or extend any of the powers, rights or authorities of the corporation for preserving and protecting their sewers or other works and for securing the free and uninterrupted use thereof and the discharge of sewage therefrom.

For the purpose of affording to the public facilities for obtaining sea views and access to the said facilities the Authority shall maintain—

(a) the footpaths along the said Work No. 4, the esplanade and the reclamation wall or embankment authorised by the Leith Harbour and Docks Order, 1959, 1959 c. xxxv. together with any protective railings thereto and steps or slipways therefrom to the sands;

PART VII  
—cont.

(b) the roads along the eastern extremity of, and on the south side of, the Edinburgh Dock of the Authority at Leith and on the south side of the Albert Dock of the Authority at Leith;

(c) the road from the north end of the road on the eastern extremity of the said Edinburgh Dock which joins the Portobello Road by a level crossing at or near the eastern extremity of the said Work No. 4:

Provided that—

(i) the Authority may at any time close and remove the footpaths, steps and slipways provided along the reclamation wall or embankment authorised by said Order of 1959 if in their opinion they would prevent the full utilisation of the undertaking; and

(ii) nothing in this paragraph shall prevent the Authority from laying or authorising the laying of roads across the said roads:

(5) (a) The Authority shall not cause or permit the level of the water in the port of Leith or any part thereof to rise to a height exceeding 9.7 feet above ordnance datum (Liverpool datum) (hereinafter in this paragraph referred to as "the specified level");

(b) If at any time after the commencement of this Order the level of the water in the port of Leith or any part thereof exceeds the specified level the Authority shall indemnify the Corporation in respect of all damage or loss suffered by the Corporation in consequence thereof and in respect of any claims made against them as sewerage and drainage authority for the City of Edinburgh consequent on the level of the water in the port of Leith having exceeded the specified level:

(c) The Authority shall not be deemed to have acted in contravention of the provisions of sub-paragraph (a) of this paragraph nor shall any liability under sub-paragraph (b) of this paragraph be imposed on the Authority by reason of the level of the water in the port of Leith or any part thereof having risen above the specified level at any time when the tide as recorded on the automatic tide gauge situated outside the entrance lock (being part of Work No. 1 authorised by the Leith Harbour and Docks Order, 1962) has also risen above the specified level:

(6) (a) The Authority shall indemnify the Corporation in respect of any claim which may be made against them in their capacity as sewerage and drainage authority for the City of Edinburgh where the damage or loss in respect of which the claim is made is due to the flooding or surcharging of the existing drains or replacement thereof required in the ordinary course of maintenance and constructed at the same level) and is due in whole or in part to the exercise by the Authority of the powers conferred by the Leith Harbour and Docks Order, 1962:

Provided that—

(i) the corporation shall give reasonable notice to the Authority of any claim made against them to which this subsection may apply and no settlement or compromise thereof shall be made without the written consent of the Authority; and

(ii) in the case of any such claim in respect of damage or loss which is attributable in part only to the exercise by the Authority of the said powers the Authority shall be liable to and shall indemnify the corporation only to the extent to which such damage or loss is so attributable;

(b) In the event of the corporation constructing and bringing into use a new main sewer in place of that part of the 1864 Water of Leith sewer lying between Great Junction Street and its outfall at Eastern Craigs their right against the Authority to indemnify under sub-paragraph (a) of this paragraph shall cease:

(7) (a) If, as a consequence of the exercise by the Authority of the powers conferred on them by the Leith Harbour and Docks Order, 1962, it becomes necessary for the corporation to construct a sewage screening and pumping station or other works for the purposes of their sewerage undertaking, the Authority shall, upon receiving not less than twelve months' prior notice in writing from the corporation, make sufficient land available to the corporation at a suitable site for the construction of the necessary works and the corporation shall be entitled to occupy the said land, construct the said works and maintain and use the same as part of their sewerage undertaking; 1962 c. xxxiv.

(b) Any land made available to the corporation under sub-paragraph (a) of this paragraph shall remain the property of the Authority and the corporation shall in respect of their occupation of the land pay to the Authority, if demanded, the sum of ten shillings at the term of Whit Sunday in each year, so long as the corporation shall remain in occupation of the land or any part thereof:

(8) In the event of a dispute or difference between the Authority and the corporation under this section the matter shall be referred to arbitration.

For the protection of the corporation the following provisions unless otherwise agreed in writing between the Authority and the corporation, apply and have effect:—

(1) (a) Before granting to any person a works licence or a dredging licence to carry out works or dredging at, over, under or near to any sewer, bridge, tunnel, quay, riverwall, embankment, or other work of the corporation (each of which is in this section referred to as a "corporation work"), the Authority shall submit to the corporation particulars of the proposed works or dredging, as the case may be, and furnish

For further  
protection of  
Edinburgh  
Corporation

PART VII  
—cont.

the corporation with such particulars with respect thereto as the corporation may reasonably require; and, in any case in which the corporation so require, such licence shall be granted subject to such conditions as may be reasonable and necessary to safeguard the corporation work, including without prejudice to the foregoing generality, conditions empowering the corporation from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the corporation work and to recover from the holder of the licence the reasonable cost of any works carried out by the corporation for that purpose;

(b) Upon the grant of a licence in respect of which notice of application is required to be given under subsection (1) of this section, the Authority shall supply to the corporation a copy of the licence and any conditions subject to which it is granted:

(2) Notwithstanding the provisions of section 26 (Restriction on construction of works and dredging) of this Order, the corporation shall not require a licence from the Authority under section 23 (Licensing of works) of this Order to construct a sewer and ancillary works, the construction of which is authorised by any enactment:

Provided that before commencing the construction of such sewer and ancillary works the corporation shall give notice thereof to the Authority and upon completion shall supply the Authority with a plan showing the position of which the sewer and ancillary works have been constructed:

(3) The Authority shall before exercising the powers of section 55 (Power to dredge) of this Order at, over, under, or near any corporation work and in such a position or for such a purpose as to be likely to affect or damage any such work, submit to the corporation for their reasonable approval plans, sections and particulars showing the nature and position of the work proposed to be carried out under the said section 55 and this work shall not be carried out otherwise than in accordance with such plans, sections and particulars and in such manner as may be approved by the corporation or settled by an arbiter:

(4) The Authority shall not charge rates on any vessel use of local fire authority or combination of local fire authorities exclusively for the purposes of fire fighting and shall not regulate or control any vessel whilst so engaged:

(5) In the event of a dispute or difference between the Authority and the corporation under this section the matter shall be referred to arbitration.



PART VII  
—cont.

For protection  
of British  
Railways Board.

For the protection of the board the following provisions shall, unless otherwise agreed in writing between the Authority and the board, apply and have effect:—

(1) In this section—

“the board” means the British Railways Board;

“protected work” means a work in the Forth belonging to the board:

(2) The Authority shall before exercising the powers of section 55 (Power to dredge) of this Order at, over, under or near to any protected work and in such a position or of such a nature as to be likely to affect or damage any protected work, submit to the board for their reasonable approval, plans, sections and particulars showing the nature, extent and position of the work proposed to be carried out under the said section 55 and this work shall not be carried out otherwise than in accordance with such plans, sections and particulars and in such manner as may be approved by the board or as may be settled by an arbiter:

(3) Any difference which may arise between the Authority and the board under this section, other than a difference as to the meaning thereof, shall be referred to arbitration.

For the protection of the board the following provisions shall, unless otherwise agreed in writing between the Authority and the board, apply and have effect:—

For protection  
of National  
Coal Board.

(1) In this section

“the board” means the National Coal Board;

“planning permission” means a planning permission granted on an application under Part II of the Town and Country Planning (Scotland) Act, 1947, or deemed to be granted by virtue of the Town and Country Planning (General Development) (Scotland) Orders, 1950 to 1963;

1947 c. 53

“the signed maps” means the maps comprising parts of Sheets NS 98 and NT 08 and of Sheets NT 28, 29 and 39 of the Ordnance Survey 1/25000 (Provisional Edition) signed in triplicate by Peter Doig the Chairman of the Commissioners appointed pursuant to the Private Legislation Procedure (Scotland) Act, 1936, to whom this Order was referred by the Secretary of State, copies of which have been deposited as follows:—

1936 c. 52.

(i) one copy in the office of the Secretary of State in Edinburgh;

(ii) one copy at the principal office of the Authority; and

(iii) one copy at the principal office of the National Coal Board;

Notwithstanding the provisions of section 26 (Restriction on construction of works and dredging) of this Order the board shall not require a licence from the Authority under section 23 (Licensing of works) of this Order for any underground works:

PART VII  
—cont.

- (3) Nothing in section 7 (Powers relating to land) of this Order shall authorise the Authority to acquire compulsorily land belonging to the board:
- (4) The Authority or the holder of a works licence granted by the Authority under section 23 (Licensing of works) or of a dredging licence granted by the Authority under section 24 (Licence to dredge) of this Order, as the case may be, before carrying out any boring or blasting on the bed or banks of the Forth consult the board and if the board is of opinion that any proposed boring or blasting may affect any underground mine belonging to the board the Authority or the holder of the licence, as the case may be, shall before carrying out the boring or any blasting within one mile of any such mine (such measurement being taken from the parts of the surface of the bed which lie vertically above the mine) give the board not less than twenty-eight days' notice in writing of their intention to do so, stating the date, position and depth of the proposed boring or blasting and the boring or blasting shall only be carried out in such manner as may be approved by the board or as may be settled by an arbitrator:
- (5) (a) Nothing in section 26 (Restriction on construction of works and dredging) or in section 66 (Prohibition on pollution, etc., of Forth and docks) of this Order shall extend or apply to the deposit of spoil by the board in accordance with a planning permission, within the areas outlined in red on the signed maps or to the construction by the board within said areas of works required for the purpose of depositing spoil therein;
- (b) For a period of three years from the commencement of this Order nothing in the sections referred to in the foregoing paragraph shall extend or apply to such deposit of spoil to the construction by the board of any such works within the area outlined in blue on the signed maps:
- (6) Any difference which may arise between the Authority or the holder of a works licence or of a dredging licence and the board under this section, other than a difference as to the meaning thereof, shall be referred to arbitration.

For protection  
of statutory  
undertakers.

94. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Authority and the undertakers, apply and have effect:—

(1) In this section—

“ the undertakers ” means the Scottish Gas Board, the South of Scotland Electricity Board, or either of them as the case may be;

“ undertakers' work ” means any electric line, gas or gas pipe, apparatus, building, structure or other work of any nature whatever belonging to or maintained by the undertakers:

(2) (a) Section 26 (Restriction on construction of works and dredging) and section 24 (Licence to dredge) of this Order shall not apply to the construction, alteration, renewal or extension by the undertakers of any electric line, gas main or gas pipe authorised under or by virtue of any enactment or make unlawful the carrying out by the undertakers in an emergency of any works not authorised by section 23 (Licensing of works) of this Order or the said section 24 necessary for the protection of, or to ensure the efficient operation of, any undertakers' work, subject to any directions necessary for the protection of navigation from time to time given by the Authority to the undertakers concerned;

(b) If in an emergency the undertakers carry out any work or any dredging they shall inform the Authority as soon as practicable of the works or dredging being carried out:

(3) (a) Before granting to any person a works licence or a dredging licence to carry out works or dredging at, over, under or near to any undertakers' work, the Authority shall submit to the undertakers particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the undertakers may reasonably require;

(b) Upon the grant of a licence in respect of which notice of the application is required to be given under paragraph (a) of this subsection, the Authority shall supply to the undertakers to whom the notice is given a copy of the licence and any conditions subject to which it is granted:

(4) Any difference which may arise between the Authority and the undertakers under this section, other than a difference as to the meaning thereof, shall be referred to arbitration.

25. For the protection of Caldwell's Paper Mill Company Limited (hereinafter in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Authority and the company, apply and have effect:—

For protection of Caldwell's Paper Mill Company Limited.

(1) Nothing in this Order shall prejudice or affect the right of the company to reclaim or continue to reclaim or deposit material upon the lands included in—

(a) Disposition by the Admiralty in favour of the company, dated 22nd December, 1927, and recorded in the New Particular Register of Sasines for the Burgh of Inverkeithing 9th February, 1928, under exception of 1 acre 1 rood 27 poles described in Disposition by the company in favour of Thos. W. Ward Limited dated 20th September and recorded in the Division of the General Register of Sasines for the County of Fife on 3rd November, 1934;

(b) Disposition by Thos. W. Ward Limited in favour of the company dated 11th July and recorded in the said Division of the General Register of Sasines on 1st November, 1934.

PART VII  
—cont.

(c) Feu Contract between the Burgh of Inverkeithing and the company dated 6th and 8th and recorded in the Division of the General Register of Sasines on 30th days of October, 1942:

- (2) In the event of a dispute or difference between the Authority and the company under this section the matter shall be referred to arbitration.

For protection  
of Scottish  
Agricultural  
Industries  
Limited.

96. The following provisions shall, unless otherwise agreed in writing between the Authority and the company, apply and have effect:—

- (1) In this section—

“ the company ” means Scottish Agricultural Industries Limited;

“ property ” means the existing cooling water and outfall work and the existing pipe for the discharge of effluent into the Forth constructed by the company at Fertiliser Works and the existing cooling water-pipe and the protective works relating thereto constructed by the company at the north-east corner of Imperial Dock;

“ plan ” includes sections and particulars:

- (2) (a) Before granting to any person a works licence or dredging licence to carry out works or dredging within 150 yards of any property the Authority shall submit to the Company particulars of the proposed work or dredging, in the case may be, and shall furnish the company with such particulars with respect thereto as the company may require, and, in any case in which the company so require, such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the property, including without prejudice to the foregoing generality, conditions empowering the company from time to time to inspect and to take any steps necessary to prevent damage to the property or to recover from the holder of the licence the reasonable cost of any works carried out by the company for that purpose.
- (b) Upon the grant of a licence in respect of which notice of application is required to be given to the company under paragraph (a) of this subsection, the Authority shall send to the company a copy of the licence and any conditions to which it is granted:
- (3) Notwithstanding the provisions of section 26 (Restrictions on construction of works and dredging) of this Order the company shall not require a licence from the Authority under section 27 (Licensing of works) of this Order to renew the licence or to make any alteration or extension thereof so long as the alteration and extension does not materially increase the height of the property and does not interfere with public rights of navigation or other public rights:

(4)(a) The Authority shall before exercising the powers of section 55 (Power to dredge) of this Order within 150 yards of any property submit to the company for their reasonable approval plans, sections and particulars showing the nature, extent and position of the work proposed to be carried out under the said section 55 and the work shall not be carried out otherwise than in accordance with such plans, sections and particulars and in such manner as may be approved by the company or settled by an arbiter;

No material taken up and collected in the exercise by the Authority of the powers of the said section 55 shall be deposited so as to obstruct or impede any property or so as to affect the efficient operation thereof:

In the event of a dispute or difference between the Authority and the company under this section, other than a difference to the meaning thereof, the matter shall be referred to arbitration.

The following provisions shall, unless otherwise agreed in writing between the Authority and the landowner concerned, apply to the effect:— For protection of certain landowners.

In this section—

“dredging operation” means an operation authorised by section 24 (Licence to dredge) or by section 55 (Power to dredge) of this Order, as the case may be;

“embankment” includes a natural bank, a sea wall or other work on the bed or banks of the Forth owned by a landowner and constructed for the protection of his adjoining land and a sewer constructed in an embankment;

“landowner” means each of the following:—

The Honourable Neil Archibald Primrose;

Moray Estates Development Company;

David Cairns Fulton, The Reverend Ronald William

Vernon Selby Wright, Lieutenant Colonel John Peter

Grant, or other the Trustees for the time being acting

under a Deed of Trust by the Right Honourable Francis

David Charteris, Twelfth Earl of Wemyss and March,

dated the 29th January, 1963, registered in the Books of

Council and Session on the 5th February, 1963;

The Right Honourable Lord Clyde and Thomas

Greig Dempster or other the Trustees for the time being

acting under a Deed of Trust by Captain Michael John

Wemyss, dated the 6th November, 1952, and registered

in the Books of Council and Session on the 17th January, 1953;

The Right Honourable John Adrian Hope, Baron

Glendevon, Sir David Montgomery of Stanhope, Alexander

Clement Gilmour or other the Trustees for the time

being acting under a Deed of Trust granted by the Most

Honourable Charles William Frederick, Marquess of

PART VII  
—cont.

Linlithgow, dated the 25th July, 1958, and registered in the Books of Council and Session on the 15th July 1959;

and includes their respective successors in title and paragraphs (2) and (4) their tenants:

“ plan ” includes sections and particulars:

(2) Notwithstanding the provisions of section 26 (Restriction of construction of works and dredging) of this Order, the owner shall not require a licence from the Authority under section 23 (Licensing of works) of this Order to renew work for the time being owned by him or to make alteration or extension thereof so long as the alteration or extension does not materially increase the size of the work and does not interfere with public rights of navigation.

(3) (a) The Authority and the holder of a dredging licence granted by the Authority under section 24 (Licence to dredge) of this Order shall, before commencing any dredging operation which may interfere with an embankment, deliver to the landowner concerned for his approval, which is not to be unreasonably withheld, a plan defining the nature, extent and manner of the dredging operation proposed and the dredging operation shall not be carried out otherwise than in accordance with such plan and in such manner as may be approved by the landowner or as may be settled by an arbitrator.

Provided that if the landowner has not within two months after the receipt of such plan signified his disapproval thereof and the ground of his disapproval he shall be deemed to have approved the same;

(b) A licence granted under the said section 24 shall have effect subject to it a copy of this section:

(4) Any difference which may arise between the Authority and a landowner under this section, other than a difference as to the meaning thereof, shall be referred to arbitration.

Mode of  
reference to  
arbitration.

98. In arbitrations under this Order the reference shall be to a single arbitrator to be appointed by agreement between the parties or, failing agreement to be appointed on the application of either party, a single arbitrator to be appointed on the application of either party by notice to the other—

(a) in the case of an arbitration under section 95 (For protection of Caldwell's Paper Mill Company Limited) of this Order by the Board of Trade; and

(b) in other cases—by the President of the Institution of Civil Engineers.

Valuation of  
lands and  
heritages by  
Assessor of  
Public  
Undertakings  
(Scotland).

99. 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 houses or lands and heritages which are let by the Authority or used or adapted for use for the purposes of the undertaking) for that purpose the provisions of the Lands Valuation (Scotland) Act 1954 shall apply.

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 buildings belonging to any company or body which it is the duty of the assessor to value. 1854 c. 91.

(1) Nothing in this Order shall affect prejudicially any estate, Crown rights, power, privilege or exemption of the Crown and, in particular, nothing in this Order shall authorise the Authority—

(a) to take, use or interfere with any land or rights—

(i) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty; or

(ii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department; or

(b) to interfere with any land over which a right of salmon fishing belongs to Her Majesty;

without the consent in writing of the Crown Estate Commissioners or government department, as the case may be.

(2) Section 26 (Restriction on construction of works and dredging) of this Order shall not extend to works constructed by or for the Secretary of State for Defence on the bed of the Forth.

Nothing in this Order shall prejudice or derogate from or in any way alter, affect or interfere with the jurisdiction or the authority conferred on the Secretary of State for Defence by any Order in Council under the Dockyard Ports Regulation Act, 1865 establishing the Dockyard Port of Rosyth. Saving for Secretary of State for Defence. 1865 c. 125.

(1) Nothing in this Order shall affect the application to any of sections 34 to 36 of the Coast Protection Act, 1949 (which are the consent of the Board of Trade to certain operations and other provisions for the safety of navigation) or of any enactment which requires the consent or approval of the Board of Trade to an operation. For protection of the Board of Trade. 1949 c. 74.

(2) Where any such consent or approval is required by an applicant for a licence under section 23 (Licensing of works) or section 24 (Licence to dredge) of this Order the Authority shall be responsible for applying to the Board of Trade for the necessary consent or approval.

(3) Nothing in this Order or in any byelaw made thereunder or any licence granted by the Authority shall affect the operation of any Scheme for the time being in force under the Dock Workers (Regulation of Employment) Act, 1946, or any licence granted under the Harbours Act 1966. Saving for Dock Labour Scheme. 1946 c. 22. 1966 c. 28.

(4) Nothing contained in this Order shall entitle or oblige the Authority to instal or use facilities for wireless telegraphy as defined in the Wireless Telegraphy Act, 1949, in contravention of the provisions of that Act. Saving for Postmaster General. 1949 c. 54.

PART VII  
—cont.

- (2) In the exercise of the powers conferred by section 55 (Power dredge) of this Order, the Authority shall not, without the consent of the Postmaster General, interfere with, damage or injuriously affect any submarine cable placed or maintained by the Postmaster General.
105. Nothing in this Order shall prejudice or derogate from, or in any way alter, affect or interfere with the jurisdiction or the authority of the Commissioners of Northern Lighthouses.
106. Nothing in this Order or in any licence granted by the Authority thereunder shall be construed as authorising any development (with the meaning of the Town and Country Planning (Scotland) Act 1947 to 1966) to be carried out without the grant of planning permission by the local planning authority where such permission is required by those Acts or under any regulations or orders made thereunder.
107. So much of any port premises or of any works constructed or to be constructed (with the meaning of section 23 (Licence of works) of this Order as is not within any parish and so much of any alteration or extension of any such works shall be deemed for purposes to be within the parish to which it is nearest.
108. Notwithstanding the repeals effected by section 111 (Repeals) of this Order the agreement between the Board of Trade and the Crown Lands Act, 1866, the Commissioners of Crown Lands and the Leith Dock Commissioners which was set forth in the Tenth Schedule to the Leith Harbour and Docks Consolidation Order, 1935, shall continue in force and be binding on the parties thereto.
109. Notwithstanding the repeals effected by section 111 (Repeals) of this Order, the Authority may complete the works authorised by section 6 (Power to construct works) of the Leith Harbour and Docks Order, 1962, as if that section and section 7 (Power to deviate) of that Order had not been repealed.
110. On the commencement of this Order
- (a) for the definition of "the Board" in subsection (1) of section 2 (Interpretation) of the Grangemouth Docks Revision Order 1967 the following definition shall be substituted:—
- "the Authority" means the Forth Ports Authority;
- (b) for the words "the Board" wherever they occur in that Order of 1967 the words "the Authority" shall be substituted.
111. The enactments referred to in the first, second and third columns of Schedule 3 to this Order shall on the commencement of this Order be repealed to the extent specified in the fourth column to that Schedule.
112. All costs, charges and expenses of and incidental to the preparation for, obtaining and confirming of this Order or otherwise in connection therewith shall be paid by the Authority out of the revenue derived from the undertaking.

Saving for Commissioners of Northern Lighthouses.

Protection of local planning authorities.

Port premises and works to be within nearest parish.

Saving for agreement with Board of Trade and Commissioners of Crown Lands.

1866 c. 62.  
1935 c. liv.

Completion of authorised works at Leith.

1962 c. xxxiv.

Amendment of the Grangemouth Docks Revision Order 1967.

Repeals.

Costs of Order.



## SCHEDULES

### SCHEDULE 1

Section 4.

#### DESCRIPTION OF LIMITS

The limits shall commence at a line drawn transversely to the river and firth of Forth from a point on its west bank south of the West Pier at the Abbey Ferry at Stirling and shall extend down both banks of the river and firth of Forth at the level of high water to a line drawn from the North Carr Beacon in the county of Fife to the South Carr Beacon in the county of East Lothian but excluding works constructed or owned by the Secretary of State for Defence on the bed of the river.

### SCHEDULE 2

Section 34.

#### REGULATIONS RELATING TO BILLS AND BONDS

##### PART I

##### BILLS

Bills issued by the Authority—

(a) shall be called "Forth Ports Authority bills";

(b) shall be in the form prescribed by the Authority and shall in particular provide for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three nor more than twelve months from the date of the bill;

(c) may be offered for purchase by tender or sold in such manner and on such conditions and after public advertisement in such manner as the Authority may determine;

(d) shall be issued under the authority of a resolution of the Authority and the minimum amount of principal money secured by any one bill shall be one thousand pounds;

(e) shall bear the common seal of the Authority;

(f) shall entitle the holder to payment at maturity of the sum expressed in the bill to be payable.

A register of the bills issued or renewed by the Authority shall be kept by the registrar of the Authority or such other person as may be appointed by the Authority and such register shall show the amount of principal money raised by each bill, the statutory power in respect of which the bill is issued, the date of issue, the date when the same falls due and the date of payment thereof. The register shall at reasonable hours be open to inspection by any person of the Authority without payment of any fee.

The Authority may by further regulations provide—

(a) for regulating the preparation and the mode of issue, payment and cancellation of bills;

SCH. 2  
—cont.

- (b) for regulating the issue of a new bill in lieu of one lost, defaced or destroyed;
- (c) for preventing by the use of counterfoils or of a description of paper or otherwise of fraud in relation to bills;
- (d) for a proper discharge to be given upon the payment of

## PART II

## BONDS AND MORTGAGES AND FUNDED DEBT

## 1. Bonds and mortgages issued by the Authority—

- (a) shall be called “Forth Ports Authority bonds and mortgages”;
- (b) whether with or without coupons attached thereto, shall be in the form prescribed by the Authority and may provide that the money thereby secured shall be paid to the bearer or to the registered holder thereof;
- (c) shall bear the common seal of the Authority and the minimum amount of principal money secured by a bond and mortgage shall be two hundred pounds;
- (d) shall entitle the holder to payment at maturity of the money secured by the bond and mortgage together with the interest thereon.

2. The principal money secured by a bond and mortgage shall be repayable at such date being not less than two nor more than ten years from the date of the bond and mortgage.

3. Where bonds and mortgages are issued to bearer with coupons for interest attached the interest shall be payable half-yearly on the dates and at the place specified in the coupons.

4. Where a bond and mortgage is issued to a registered holder or holders thereof—

- (a) the interest thereon shall be paid half-yearly by warrant sent through the post on the dates to be specified in the bond and mortgage;
- (b) where more persons than one are registered as joint holders of a bond and mortgage interest thereon may be paid to any one of them but, apart from any special direction by the Authority, such registered holders, shall in the ordinary course be paid to that one of them whose name stands first on the register in respect of the bond and mortgage.

5.—(a) The posting by the registrar or other officer of the Authority of a warrant for interest in a prepaid letter directed in accordance with paragraph 4 of this Part of this Schedule shall be a good discharge to the Authority for such interest.

SCH. 2  
—cont.

(b) Every warrant so sent by post shall be deemed to be a cheque and the Authority and registrar shall, in relation thereto, be deemed to be bankers within the Bills of Exchange Act, 1882, and the Cheques Act, 1957.

1882 c. 61.  
1957 c. 36.

(c) Where two or more registered holders of a bond and mortgage have given directions as to the payment of interest thereon and one of them becomes of unsound mind such direction shall not thereby be void.

Unpaid interest on a bond and mortgage shall not under any circumstances bear interest against the Authority.

Whenever the holder of a bond and mortgage issued to a registered holder shall die the executors and administrators of such deceased holder shall not become entitled to such bond and mortgage or to the principal or interest secured thereby until the probate of his will or letters of administration are produced to the registrar of the Authority and a memorandum thereof has been entered in the proper register of transfers, and the registrar shall endorse on each such bond and mortgage and also on such probate or letters of administration, a memorandum or note in writing signed by him specifying the date of the facts entered in the register, and for every entry in the register of transfers so required, including the necessary endorsement the registrar may demand a reasonable fee.

No transfer of a registered bond and mortgage shall be deemed complete nor shall the transferee of any such bond and mortgage be entitled to receive the moneys payable under or by virtue of such bond and mortgage or any interest in respect thereof until the transfer accompanied by the bond and mortgage have been produced to the registrar of the Authority for registration and such transfer has been duly registered by the registrar, who shall endorse on every such bond and mortgage thereby transferred a memorandum or note in writing signed by him specifying the fact of such transfer and the date of and of such transfer having been registered.

The Authority shall cause a notice to be written on some conspicuous part of every bond and mortgage issued by them to a registered holder that every transfer of such bond and mortgage is required to be registered in manner aforesaid and also that no transfer of such mortgage and bond will be recognised unless the transfer is delivered up to the Authority to be retained by them.

(d) The Authority may in lieu of continuing or renewing the bond and mortgage debt, or a part thereof, by resolution decide to discharge the whole of such debt or such part thereof as they think fit and the debt so funded shall be called "Forth Ports Authority funded debt".

A certificate issued to the holder of the funded debt shall be in the form prescribed by the Authority.

A register of funded debt created by the Authority shall be kept by the registrar, or such other person as may be appointed by the Authority, and such register shall show the names, designations and

SCH. 2  
—cont.

addresses of the holders thereof and the amount of funded debt by each holder. The register shall during reasonable hours be for inspection by any creditor of the Authority without payment of any fee.

12. The holders of Forth Ports Authority funded debt shall not be entitled to the payment of the capital thereof but shall receive an annuity thereon at such rate per annum as shall be determined by the Authority in the resolution creating the funded debt and the annuity shall be payable half-yearly on such date as the Authority shall appoint.

13. The Forth Ports Authority funded debt may be redeemed by the Authority at such date as shall be fixed in the resolution creating the funded debt:

Provided that the Authority may redeem the funded debt in whole or in part on any 15th May after the date for redemption so specified on giving twelve months' previous notice to the holder thereof.

SCHEDULE 3

Section 111.

REPEALS

Section or Article (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
<p>Act passed in the seventh year of the reign of King William IV, intitled an Act to enable the Duke of Argyll and Glenorchy to purchase and maintain a Pier at Arbroath in the parish of Arbroath and a road therefrom from the Road from Arbroath to the pier of Arbroath.</p>	—	—	The whole Act so far as it is not already repealed. 1837 c. xv.
<p>Act passed in the fifth year of the reign of Queen Victoria, intitled an Act to extend the term of an Act of the 14th Year of King William Fourth, relating to the Pier of Arbroath in the parish of Arbroath.</p>	—	—	The whole Act so far as it is not already repealed. 1842 c. xix.
<p>Act passed in the 11th and 12th years of the reign of Queen Victoria, intitled an Act to amend the Law relating to the Argyll Works on the Island in the County of Argyll, and to establish a Ferry on the same in the County of Argyll.</p>	—	—	The whole Act so far as it is not already repealed. 1842 c. xci.

SCH. 3  
—cont.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of rep. (4)
Edinburgh; and for improving the communica- tion between the said Pier and Kinghorn			
1848 c. xcvi. The Burntisland Harbour Improvement Act 1848	—	—	The whole Act far as it is already rep.
1865 c. cccix. The North British Railway (Additional Powers) Act 1865	—	—	The whole Act far as it is already
1866 c. cccxxiv. The Burntisland Harbour and Dock Act 1866	—	—	The whole far as it already
1870 c. clix. The Burntisland Harbour Order 1870	—	—	The whole Or far as it already rep.
1875 c. ccxv. Burntisland Harbour Act 1875	—	—	The whole far as it already rep.
1876 c. xlvi. The Caledonian Railway (Grangemouth Harbour) Act 1876	—	—	The whole Act far as it is already re
1881 c. lxxxv. Burntisland Harbour Act 1881	—	—	The whole far as it is already rep.
Methil Harbour Order 1883	—	—	The whole Or far as it is already rep.
1886 c. lxxvi. Caledonian Railway Act 1886	34	Trimming and stowing of coals	The whole se
	35	Ballasting of vessels	The whole
	36	Byelaws for harbour	The w
	37	Application of penalties	The whole
	38	Reserving operation of Merchant Shipping and general harbour Acts	The whol
1891 c. xxxix. North British Railway (Methil Harbour) Act 1891	—	—	The whole far as it is already rep.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
North British Railway Act 1894	19	Extending time for acquisition of lands and for completing Methil Dock	The whole section. 1894 c. clii.
Orkney and Shetland Harbour Act 1896	—	—	The whole Act so far as it is not already repealed. 1896 c. clv.
Caledonian Railway Act 1897	4	Power to make works and take lands for purposes thereof	The words "dock works diversion of Grange Burn and" and paragraphs (1) to (7). 1897 c. cxviii.
	5	For the protection of the burgh commissioners of Grangemouth	The whole section.
	6	Power to reclaim land	The whole section.
	7	Power to dredge	The whole section.
	8	Powers of lateral and vertical deviation for dock works etc.	The whole section.
	9	Power to alter roads etc.	The whole section.
	10	Period for completion of dock works etc.	The whole section.
	11	Rates etc. at docks	The whole section.
	12	Power to North British Railway Company to use sidings and works in connexion with dock works	The whole section.
	13	Agreement with North British Railway Company to apply with certain exceptions to dock works	The whole section.
	14	Agreements to remain in force	The whole section.
	15	Rates to be payable although whole of dock works not completed	The whole section.
	16	Harbour-master's limits	The whole section.
	17	New works to be deemed within pilotage limits	The whole section.
	18	Explosives etc. not to be brought into docks without consent etc.	The whole section.

SCH. 3  
—cont.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of rept (4)	
1897 c. cxviii.	Caledonian Railway Act 1897 (continued)	19	Control of the loading of coal	The whole section
		20	Weights	The whole section
		21	Company to remove silting in navigable channel of Forth caused by their operations	The whole section
		22	Deposit of dredgings	The whole section
		23	Works below high-water mark not to be com- menced without consent of Board of Trade	The whole section
		24	Survey of works by Board of Trade	The whole section
		25	Abatement of work abandoned or decayed	The whole section
		26	Lights on works during construction	The whole section
		27	Company to exhibit lights after completion	The whole section
		28	For protection of Crown salmon fishings	The whole section
		29	Compensation for damage to Crown salmon fishings	The whole section
		30	Saving rights of the Crown in the foreshore	The whole section
		31	Provision against danger to navigation	The whole section
	32	Saving rights of Crown under Crown Lands Act	The whole section	
1898 c. ccxxviii.	North British Railway (General Powers) Act 1898	53	The Harbour Commis- sioners may lease lands for certain purposes	The whole section
1900 c. ccix.	North British Railway (General Powers) Act 1900	71	Power to company to lend additional money to Burntisland Commissioners	The whole section
		72	Company may raise addi- tional capital for purposes of Burntisland Harbour	The whole section



Section or Article	Marginal note	Extent of repeal
(2)	(3)	(4)
73	Company may apply existing or authorised funds for purposes of loan to Burntisland Commissioners	The whole section. 1900 c. ccix.
33	Power to Company to lend additional money to Burntisland Commissioners	The whole section. 1905 c. clvii.
34	Company may raise additional capital for purposes of Burntisland Harbour	The whole section.
35	Company may apply existing or authorised funds for purposes of loan to Burntisland Commissioners	The whole section.
5	Power to construct works	The words "the new dock and" and paragraphs (1) to (7). 1907 c. ciii.
7	Subsidiary works	The whole section.
8	Limits of deviation	The whole section.
9	Alteration of plans	The whole section.
10	Deepening and dredging of channel	The whole section.
11	Lights on works during construction	The whole section.
12	Lights after completion of works	The whole section.
13	Survey of works by Board of Trade	The whole section.
14	Abatement of work abandoned or decayed	The whole section.
15	Works below high-water mark not to be commenced without consent of Board of Trade	The whole section.
16	Extending and defining harbour limits	The whole section.
17	New dock to form part of Methil Harbour undertaking	The whole section.
18	Rates may be levied though works not completed	The whole section.

SCH. 3  
—cont.

	Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of (4)
1907 c. ciii.	North British Railway Act 1907 (continued)	23	Compensation in respect of coal left unworked	The whole sec.
		24	Restriction on increase of dock rates	The whole
		25	Power to include interest on cost of new dock	The whole
		26	Power to sell lease etc. warehouses etc.	The whole section
		27	Power to sell or lease lands for graving docks etc.	The whole section
		28	As to steam tugs etc.	The whole section
		29	County Council of Fife and burgh of Buckhaven Methil and Innerleven to supply water for use of docks at Methil	The whole
		30	Burgh of Leven to supply water for use of docks at Methil	The whole section
		31	Charge for supply of water to vessels	The whole section
		32	Company may contract for supply of water, gas and electric light	The whole section
		33	Recovery of penalties	The whole
		34	Provision for Merchant Shipping Act and general Acts	The whole section
		35	Crown Rights	The whole section
		36	Compensation for damage to Salmon fishings	The whole section
		59	Burntisland Harbour Commissioners may lease lands etc.	The whole section
1913 c. lxxxix.	North British Railway Act 1913	73	Power to Company to lend additional money to Burntisland Commissioners	The whole section
		74	Company may apply existing or authorised funds for purposes of loan to Burntisland Commissioners	The whole section

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
Granton Harbour Order 1919	—	—	The whole Order 1919 c. civ. so far as it is not already repealed.
Forth Conservancy Order 1920	—	—	The whole Order 1921 c. v. so far as it is not already repealed.
North British Railway (Burntisland Harbour Transfer) Order 1921	—	—	The whole Act so 1921 c. cviii. far as it is not already repealed.
Leith Harbour and Docks Consolidation Order 1935	—	—	The whole Order 1935 c. liv. so far as it is not already repealed.
Kirkcaldy Corporation Order 1939	5	Incorporation of Lands Clauses Acts	The application of 1939 c. vi. the section to the Harbour of Kirk- caldy.
	95	Definitions of Part of Order relating to harbour	The whole section.
	96	Incorporation of Harbours Clauses Act	The whole section.
	98	Harbour and rating limits	The whole section.
	99	Additional lands for har- bour undertaking	The whole section.
	100	Power to maintain and improve works	The whole section.
	101	Power to retain sell etc. parts of harbour under- taking	The whole section.
	102	Excavating rock and dredging harbour	The whole section.
	103	Power to purchase dredgers etc.	The whole section.
	104	Meters and weighers	The whole section.
	105	Removal of stranded or sunk vessels	The whole section.
	106	Corporation may regulate ferries and license vessels to ply thereat	The whole section.
	107	Rates payable at ferries may be leased by Cor- poration	The whole section.

SCH. 3  
—cont.

	Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of repe (4)
1939 c. vi.	Kirkcaldy Corporation Order 1939 (continued)	108	Byelaws	The whole section
		109	Confirmation of byelaws	The whole section
		110	Recovery of penalties	The whole section
		120	Penalty for not making a true report of ship's destination etc.	The whole section
		122	Certain officers to have free access to harbour with- out payment	The whole section
		123	Life-buoys	The whole section
		124	Permanent lights on works	The whole section
		125	As to buoys and lights in case of decay of works	The whole section
		126	Nothing to exempt harbour or Corporation from pro- visions of Merchant Ship- ping Acts	The whole section
		127	Life-saving apparatus may be attached to harbour works	The whole section
		128	Extensions of sections 28 and 99 of Harbours Clauses Act	The whole section
		129	For protection of Crown salmon fishings	The whole section
		130	Local lighthouse authority	The whole section
		276	Works below high-water mark not to be construc- ted without consent of Board of Trade	The application of the section to the Harbour of Kirk- caldy.
		277	Crown rights	The application of the section to the Harbour of Kir- caldy.
		278	Surveys of works by Board of Trade	The application of the section to the Harbour of Kir- caldy.
		279	Abatement of work aban- doned or decayed	The applic- ation of the section to the Harbour of Kir- caldy.

SCH. 3  
— cont.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
London Midland and Scottish Railway Order 1942	4	Amendment of Caledonian Railway (Grangemouth Harbour) Act 1876	The whole section. 1942 c. xvii.
Leith Harbour and Docks Order 1950	—	—	The whole Order so far as it is not already repealed. 1950 c. xxv.
Leith Harbour and Docks Order 1952	—	—	The whole Order so far as it is not already repealed. 1952 c. xviii.
Leith Harbour and Docks Order 1959	—	—	The whole Order so far as it is not already repealed. 1959 c. xxxv.
Leith Harbour and Docks Order 1962	—	—	The whole Order so far as it is not already repealed. 1962 c. xxxiv.
Leith Harbour Revision Order 1965	—	—	The whole Order. 1965 No. 128.
Forth Harbour Reorganisation Scheme 1966	2	Interpretation	In paragraph (1) the definitions of "Buckhaven and Methil Corporation," "Burntisland Corporation," "the Commissioners' "dues," "the Granton Pier Act 1837," "the Granton Pier Act 1842" and in the definition of "year" the words "in Article 17 of this Scheme" and the words "and otherwise means a period of twelve months beginning on the 1st January".
	3	Incorporation of Authority	In paragraph (1) the words from "for the purposes of improving" to the end of the paragraph.
	7	Transfer of powers, duties, property, rights and liabilities in relation to harbours of Burntisland, Grangemouth and Methil	The whole article.

SCH. 3  
—cont.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of rep. (4)
Forth Harbour Reorganisation Scheme 1966 (continued)	8	Transfer of powers, duties, property, rights and liabi- lities in relation to har- bour of Leith	The whole article
	9	Transfer of powers, duties, property, rights and liabi- lities in relation to the river	The whole article
	10	Transfer of powers, duties, property, rights and liabi- lities in relation to har- bour of Granton	The whole article
	11	Transfer of powers, duties, property, rights and liabi- lities in relation to har- bour of Kirkealdy	The whole article
	12	Service contracts not to be transferred	The whole article
	14	Charges	The whole article
	15	Application of statutory provisions not to be extended	The whole article
	16	Consideration for transfer of Granton Harbour	The whole article
	18	Payments by Authority to Corporation	The whole article
	19	Power to borrow for certain purposes	The whole article
	25	Dissolution of Commis- sioners	The whole article
	26	Dissolution of Conser- vancy Board	The whole article
	27	Payment of dividends, etc.	The whole article
	28	Costs of winding up Com- pany	The whole article
	29	Receipt for payments to Company	The whole article
	31	Carrying on of under- takings of transferring authorities	The whole article
33	Repeal of enactments, etc.	The whole article	
36	Temporary borrowing	The whole article	
37	Audit	The whole article	

SCH. 3  
—cont.

Act or Order (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
Forth Harbour Reorganisation Scheme 1966 (continued)	43	Adjustment of property, rights and liabilities	The whole article.
	44	Saving for powers of Treasury	The whole article.
	47	Costs of Scheme	The whole article.
Grangemouth Docks Revision Order 1967	2	Interpretation	The definition of 1967 No. 1900. "hover vehicle," "hydrofoil vessel," "tidal works," "the undertaking" and "vessel."
	3	Incorporation of Clauses Acts	Paragraph (ii) of subsection (1).
	8	Power to dredge	The whole section.
	11	Marking approaches to works	The whole section.
	13	Provision against danger to navigation	The whole section.
	14	Abatement of works abandoned or decayed	The whole section.
	15	Survey of tidal works	The whole section.
	16	Permanent lights on tidal works	The whole section.
	18	Works to form part of undertaking and application of byelaws	The whole section.
	19	Extension of harbour master's limits	The whole section.
	20	Works to be in burgh of Grangemouth	The whole section.

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