



CHAPTER xxvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ardrossan Harbour. [2nd July 1901.]

A.D. 1901.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63 Vict.
c. 47.

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

1. The Provisional Order contained in the Schedule hereunto annexed shall be and the same is hereby confirmed.

Confirmation
of Order in
Schedule.

2. This Act may be cited as the Ardrossan Harbour Order Confirmation Act 1901.

Short title.

[Ch. xxvii.] *Ardrossan Harbour Order Confirmation* [1 EDW. 7.]
Act, 1901.

A.D. 1901.

SCHEDULE.

ARDROSSAN HARBOUR.

Provisional Order to confer on the Ardrossan Harbour Company pilotage and other powers in respect of the Harbour Docks and other works within the Harbour of Ardrossan and for other purposes.

WHEREAS the Ardrossan Harbour Company (hereinafter called "the Company") were incorporated by the Ardrossan Harbour (Sale and Transfer) Act 1886 and by that Act the harbour of Ardrossan and the docks breakwaters lands railways sidings tramways buildings and other works plant and whole stock effects and conveniences connected therewith and the tolls rates dues and charges and rights powers privileges and authorities which were then vested in the Right Honourable Archibald William Montgomerie Earl of Eglinton and Winton as the heir of entail in possession or as an individual under various Acts which were consolidated by the Ardrossan Harbour Consolidation Act 1864 were sold and transferred to the Company and the harbour of Ardrossan is now held maintained and used by the Company :

And whereas it is expedient that the Company should be constituted the pilotage authority for the harbour of Ardrossan and should be authorised to exercise certain other powers in connexion therewith :

And whereas it is expedient that further powers should be conferred upon the Company with respect to rates and that the provisions of the Ardrossan Harbour Consolidation Act 1864 should be amended :

And whereas it is expedient that the Company should have full power to sell lease or feu any part of the lands belonging to them in or adjoining or connected with the harbour :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Ardrossan Harbour Order 1901.

2. In this Order the following words and expressions shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction :—

"The Company" means the Ardrossan Harbour Company ;

"The Act of 1864" means the Ardrossan Harbour Consolidation Act 1864 ;

"The Act of 1886" means the Ardrossan Harbour (Sale and Transfer) Act 1886 ;

"The harbour" means the harbour of Ardrossan in the county of Ayr as defined in the Act of 1864 and the works appertaining thereto.

Short title.

Interpretation.

[1 EDW. 7.] *Ardrossan Harbour Order Confirmation* [Ch. xxvii.]
Act, 1901.

3. The Company shall be the pilotage authority for the harbour and the following provisions shall have effect with reference to the Company as such pilotage authority Provided always that nothing in this Order or in any byelaws made or which may be made by the Company shall render it compulsory on any shipmaster or other person to employ a pilot within the harbour or make it compulsory on any master or mate of any vessel to obtain a pilotage licence or certificate.

A.D. 1901.

Company to be pilotage authority for harbour.

4. The Company may examine and inquire into the skill ability and experience of any person who shall offer himself to be admitted as a pilot for the harbour in such manner as to them shall seem proper and if upon such inquiry the person so offering himself as a pilot shall be approved of by the Company the Company may grant a licence or warrant certifying that such person is duly qualified to act as pilot to conduct vessels within the harbour which licence or warrant shall be subscribed by the secretary and general manager of the Company and thenceforth such person shall be deemed qualified to exercise the occupation of pilot for the harbour Provided always that nothing herein contained shall be deemed to exempt the harbour from the provisions of any general Act relating to pilots now in force or which may hereafter pass during the present or any future session of Parliament.

Company may grant licences to pilots.

5. Every person who shall upon his first admission as a pilot receive such licence or warrant shall for his first licence or warrant pay to the Company the sum of two shillings and sixpence and for every subsequent licence or warrant the sum of one shilling and sixpence and shall be subject to the several provisions of this Order and to such orders rules and byelaws as shall be made in pursuance hereof and every such licence or warrant shall continue in force during the period stated therein or until recalled by the Company as hereinafter provided.

Sum to be paid for licence.

6. In case any pilot who shall receive such licence or warrant shall refuse to take the charge or conduct of any vessel upon a proper signal being made or a gun fired by any vessel inward bound or upon the application of the commander master owner agent or consignee of any vessel outward bound or of the harbour master of the harbour or his assistants or any of them or shall refuse to assist any vessel in distress or in case it shall appear to the Company that such pilot has improperly conducted himself in the conduct of any vessel or in the execution of his duty as a pilot or if any such pilot shall refuse to obey any order the Company may make or shall in anywise offend against the provisions of this Order the Company may upon proof thereof to their satisfaction suspend the licence or warrant granted to such pilot for such time as they shall deem proper or recall such licence or warrant and declare the same to be thenceforth void.

Pilot's licence to be withdrawn in case of misconduct.

7. If any person other than the master mate or other officer entered on the ship's articles and employed on board the vessel navigated shall act in the capacity of a pilot within or about the harbour without being licensed and appointed as aforesaid every person so offending shall be liable in a penalty not exceeding ten pounds The procedure against offenders under this section shall be at the instance of the Company under the Summary Jurisdiction (Scotland) Acts.

Penalty on unauthorised pilots.

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Application of penalties.

8. All penalties recoverable under the provisions of this Order shall be paid over to the Company to be applied by them towards the general purposes of their undertaking.

Rates of pilotage.

9. All pilots licensed by the Company may take rates of pilotage not exceeding the rates specified in the schedule to this Order.

Power to alter rates of pilotage.

10. The Company may when and so often and for such periods of time as they may see proper vary all or any of the rates of pilotage according to what may appear to them to be for the interest of the trade and shipping of the harbour. Provided, always that any advance or increase shall not cause the said rates at any time to exceed those specified in the said schedule and that the same rates shall be at all times charged equally to all persons in respect of the like services in the like circumstances.

Responsibility of Company and pilots.

11. The Company shall not be liable or responsible for any loss or damage which may arise to any vessel or to the cargo or to the persons on board thereof or to the property of such persons in consequence of the employment of any pilot licensed by the Company while piloting any vessels nor shall the Company be liable or responsible for any loss or damage which may arise to that vessel or to the cargo or to the persons on board thereof or to the property of such persons in consequence of the employment of any towing vessel belonging to or under the control of the Company while engaged in the act of putting a pilot on board of that vessel or taking a pilot from that vessel but the pilot so employed or the master or other person actually on board of and having the immediate charge of such towing vessel shall be answerable for his own fault or neglect.

Responsibility of owners of vessels.

12. Nothing in this Order contained shall entitle the owners of any vessel to claim relief from liability or responsibility to the Company or other person for loss or damage caused to the harbour or to any vessel or person or cargo while in the harbour in consequence of the fault or neglect of any pilot licensed by the Company while employed piloting their vessel but without prejudice to any limitation of liability competent to such owners by statute.

Application of certain provisions of Merchant Shipping Act.

13. For the purposes of this Act the Company shall be deemed a pilotage authority within the meaning of the Merchant Shipping Act 1894 and all the powers by that Act conferred on pilotage authorities shall be vested in the Company as the pilotage authority for the harbour.

Company may purchase or hire vessels for dredging towing &c.

14. The Company may build purchase hire or otherwise employ one or more vessels to be commanded by a licensed pilot or otherwise and to be propelled by steam or otherwise for the purpose of scouring cleansing deepening and dredging the harbour and also of towing or hauling vessels rafts of timber and other things into or out of the harbour or for any of such purposes.

Rates on vessels.

15. In fixing the rates specified in Schedule (C) annexed to the Act of 1864 and which the Company are authorised to levy and recover for vessels the net register tonnage upon which the rates are to be levied shall in no

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case be deemed for rating purposes to be less than the following (that is to say) :— A.D. 1901.

- (1) In the case of steam tugs eighteen per cent. of the gross register tonnage of such tugs ;
- (2) In the case of other steam vessels forty per cent. of the gross register tonnage of such steam vessels;
- (3) In all cases a fraction of a ton shall be charged as a ton.

16. The Company may sell any lands and properties belonging to them other than land reasonably required and adapted for railway purposes or any part or parts thereof and any houses tenements and buildings thereon in or adjoining or connected with the harbour or they may feu and lease the same either for a cash price or by way of feu-duty ground-annual or annual rent. Power to sell feu and lease property.

17. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Company. Costs of Order.

The SCHEDULE referred to in the foregoing Order.

The rates of pilotage for every vessel piloted into or out of the harbour shall be as follows :—

	Per foot of the draught of water of the vessel at the time of entering or leaving the harbour.
	s. d.
For all vessels under 100 tons register - - -	1 0
" " of 100 tons and under 200 tons register - -	1 3
" " of 200 " " 300 " " - -	1 6
" " of 300 tons and upwards - - -	2 0

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