

**CHAPTER clxxviii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Stonehaven Harbour. [16th December 1911.] A.D. 1911.

**W**HEREAS His Majesty's Secretary for Scotland has 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 Stonehaven Harbour Order Confirmation Act 1911. Short title.

A.D. 1911.

SCHEDULE.

STONEHAVEN HARBOUR.

*Provisional Order to revive the powers and extend the time for the construction of Works at the Harbour of Stonehaven in the County of Kincardine authorised by the Stonehaven Harbour Order 1891 and extended by the Stonehaven Harbour Orders 1896 and 1905 to grant additional borrowing powers to the Trustees and for other purposes.*

WHEREAS by the Stonehaven Harbour Order 1891 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1891 (in this Order called "the Order of 1891") the Stonehaven Harbour Trustees (herein-after referred to as "the Trustees") were incorporated and were authorised to construct the pier and harbour works at Stonehaven and other works connected therewith all as in the said Order described:

And whereas by the Stonehaven Harbour Order 1896 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1896 (in this Order called "the Order of 1896") and by the Stonehaven Harbour Order 1905 (in this Order called "the Order of 1905") the powers for executing the said works were revived and the time extended for the completion thereof:

And whereas Work No. 1 authorised by the Order of 1891 has been completed and Work No. 4 authorised by that Order has been completed in part and the borrowing powers conferred upon the Trustees by the said Order have been exercised except as to a sum of about seven thousand pounds:

And whereas the time so extended for the completion of the works authorised by the Order of 1891 expired on the fourth day of August one thousand nine hundred and ten and it is expedient that the said powers should be again revived and the time further extended as in this Order provided as regards so much of the said works as has not been completed:

And whereas it is expedient that the Trustees should be authorised to borrow further money for the purposes of their harbour undertaking;

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*Confirmation Act, 1911.*

And whereas it is expedient to amend the provisions of the Order of 1891 in the manner herein-after provided : A.D. 1911.

And whereas plans and sections showing the lines and levels of the works herein-after described (being the uncompleted portion of the works authorised by the Order of 1891) were duly deposited in the office at Stonehaven of the principal sheriff clerk of the county of Kincardine :

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 for all purposes as the Short title.  
Stonehaven Harbour Order 1911.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein referred to as “the commencement of this Order.” Commence-  
ment of  
Order.

3. In this Order and for the purposes thereof (unless there be something in the subject or context repugnant to such construction) the words and expressions to which meanings are assigned by and under the Order of 1891 shall have the same respective meanings Provided that the expression “the police commissioners” where occurring in the Order of 1891 and this Order shall be read and construed as referring to the provost magistrates and councillors of the burgh of Stonehaven. Interpreta-  
tion.

4. The powers granted to the Trustees by the Order of 1891 and revived and extended by the Order of 1896 and the Order of 1905 for the completion of the works herein-after described shall be and the same are hereby revived and further extended and may be exercised by the Trustees for the further period of five years from the commencement of this Order which said works are the following (that is to say) :— Revival of  
powers and  
extension of  
time for con-  
struction of  
works.

- (1) The widening of the inner portion of the existing north pier commencing at a point twenty feet southwards from the junction of the breastwork and north pier and extending eastwards for a distance of three hundred and ten feet or thereby and terminating at the west side of the outer portion of the north pier :

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- (2) The widening of the outer portion of the existing north pier commencing at the south end of the same and extending in a south-easterly direction for twenty feet or thereby and thence in a north-easterly direction for a distance of two hundred and sixty-five feet or thereby and there terminating :
- (3) The excavation of a part of the area of the new outer harbour to a depth of six feet below low-water mark of ordinary spring tides :

All which intended works are situated in the parish of Dunnottar and county of Kincardine and wholly or partly in the burgh of Stonehaven and in the foreshore and bed of the sea ex adverso of the said parish county and burgh.

Powers to cease if works not completed.

5. The extended period hereby granted for completing the said works authorised by the Order of 1891 shall with reference to the completion thereof be deemed to be the period limited by the said Order for the completion of the same provided that if the said works shall not be completed within the period limited by this Order then on the expiration of such period the powers granted to the Trustees for the construction and completion thereof shall cease except as to so much thereof as shall then be completed.

As to Harbours Docks &c. Act 1847.

6. The Harbours Docks and Piers Clauses Act 1847 is incorporated with this Order with the exception of sections 49 and 50 and with the like exceptions and reservations as mentioned in the Order of 1891 and the following expressions used in that Act shall have the following respective meanings (that is to say) :—

The expressions “packet boat” and “Post Office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “Post Office bag of letters” means a mail bag as defined by the same Act Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Amendment of Order of 1891.

7. The Order of 1891 is hereby amended as follows (that is to say) :—

Section 12 (Incorporation of Commissioners Clauses Act) shall be read as if the words “ninety-three and ninety-

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*Confirmation Act, 1911.*

four" occurring in subsection (1) thereof were omitted therefrom : A.D. 1911.

Section 42 (Power to borrow) shall be read as if the sum of twenty-two thousand pounds mentioned in the said section were thirty-three thousand pounds :

Section 48 (Powers to police commissioners to give guarantee) shall in addition to any loan from the Public Works Loan Commissioners extend to and include any loan from the Treasury and any company body or person :

Section 49 (But only under special resolution) shall be read as if the period of three months mentioned in the said section were one month :

Section 54 (Powers of commissioners to provide sums for guarantee) shall be read and have effect as if the words "the police assessment" first occurring in the said section were omitted therefrom and in lieu thereof the words "any fund or rate under their control" were inserted and as if the words "the police assessment" second occurring in the said section were omitted therefrom and in lieu thereof the words "any such fund or rate" were inserted therein.

8. Notwithstanding anything contained in the Order of 1891 any money borrowed by the Trustees after the commencement of this Order (other than any money borrowed to repay any existing loan) shall be repaid within a period of fifty years from the date or dates of borrowing the same whether the method of repayment be by annuity instalment or otherwise. Period for repayment of money borrowed after commencement of Order.

All moneys borrowed by the Trustees to repay any existing loan shall be repaid within the period prescribed for the repayment of such loan.

9. All mortgages assignments or other securities on the rates rents charges and other revenues leviable and receivable by the Trustees granted by the Trustees before and subsisting at the commencement of this Order shall during the continuance of such mortgages assignments or securities have priority over any mortgages assignments or securities on the same rates rents charges and other revenues of the Trustees granted after the commencement of this Order. Priority of existing mortgages.

10.—(1) The Board of Trade shall appoint a person to be permanent auditor who shall be a member of one of the incorporated societies of accountants in Scotland to examine Auditor.

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*Confirmation Act, 1911.*

A.D. 1911. and audit the accounts of the Trustees and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses shall be paid by the Trustees out of the rates or other income received by them.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall appoint another person as auditor.

(3) Subsection (7) of section 12 of the Order of 1891 is hereby repealed.

Annual  
return to  
Board of  
Trade.

11. The clerk to the Trustees shall within two months after the expiration of each year after the commencement of this Order during which any sum is required to be paid as an instalment or to be set apart for a sinking fund transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by a statutory declaration if so required by them showing the amounts which have been paid as instalments or set apart or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Board of Trade by such return or otherwise that the Trustees have failed to pay any instalment or set apart the sum required for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by the Order of 1891 or this Order the Board of Trade may if they think fit and after hearing the Trustees if desiring to be heard by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced on a summary application presented for that purpose.

Crown  
rights.

12. Nothing in this Order or in the Order of 1891 the Order of 1896 or the Order of 1905 shall affect prejudicially any estate right power privilege or exemption of the Crown and in:

[1 & 2 GEO. 5.] *Stonehaven Harbour Order* [Ch. clxxviii.]  
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particular nothing herein contained or in the Order of 1891 the Order of 1896 or the Order of 1905 shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

A.D. 1911.

13. All the provisions of the Order of 1891 the Order of 1896 and the Order of 1905 shall subject to the provisions of this Order extend and apply to the purposes of this Order.

Incorporation  
of provisions  
of Orders of  
1891 1896 and  
1905.

14. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the Act confirming the same or otherwise in relation thereto shall be paid by the Trustees And if such costs are paid out of borrowed money the amount thereof shall be repaid by annual instalments or contributions to the sinking fund within five years from the commencement of this Order.

Costs of  
Order.

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Printed by EYRE and SPOTTISWOODE, Ltd.,

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