



CHAPTER xlii.

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Inverness Harbour. A.D. 1926.
[15th July 1926.]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

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 Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation Act 1926. Short title.

A.D. 1926.

SCHEDULE.

INVERNESS HARBOUR.

*Provisional Order to increase the maximum dues and rates
leviable by the Trustees of the Harbour of Inverness.*

Short titles
and con-
struction.

1. This Order may be cited as the Inverness Harbour Order 1926 and shall be read with the Inverness Harbour Acts 1808 to 1911 as amended and varied by this Order and the said Order and Acts may be cited together as the Inverness Harbour Acts 1808 to 1926.

Commence-
ment of
Order.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."

Interpreta-
tion.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Order of 1911 shall so far as applicable and subject to the provisions of this Order have the same respective meanings and the following words shall have the meanings hereby assigned to them namely :—

"The Order of 1911" means the Inverness Harbour Order 1911 :

"Authorised rates" means the dues and rates which the Trustees are for the time being authorised to levy demand and recover in pursuance of the Inverness Harbour Acts 1808 to 1926 and "authorised rate" means any one of the said dues and rates.

Increase of
dues and
rates.

4. As from the commencement of this Order the provisions of the Order of 1911 shall be read and have effect as if the dues and rates prescribed by section 72 (Power to levy rates) and Schedules D E and F of the Order of 1911 were in each case increased by fifty per centum :

Provided that if any due or rate levied in pursuance of this Order includes a fraction of a farthing the fraction if less than half a farthing shall not be charged and if the fraction amounts to half a farthing but is less than a farthing it shall be charged as a farthing.

5. Section 86 (Rates to be revised) of the Order of 1911 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof :—

A.D. 1926

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Revision of
authorised
rates.

(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Trustees

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section :

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be :

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) As if the Minister were referred to therein in lieu of the Board of Trade ;

(b) As if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar

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qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) As if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the Board":

- (4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Annual
account to
be sent to
Ministry of
Transport.

6. Section 106 (Annual account to be sent to Board of Trade) of the Order of 1911 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof:—

- (1) The Trustees shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Trustees and any and every such accounts:
- (2) The Trustees shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions:
- (3) The accounts of the Trustees referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirtieth day of September in each year.

Confirma-
tion of
byelaws.

7. Notwithstanding anything contained in the Inverness Harbour Acts 1808 to 1911 or any enactment incorporated therewith no byelaw (except so far as it may relate solely to the Trustees or their officers or servants) shall come into operation after the commencement of this Order until confirmed by the Minister of Transport and that confirmation shall be sufficient for all purposes.

8. The Inverness Harbour (Temporary Increase of Charges) No. 2 Order 1925 is hereby repealed.

Repeal of
temporary
Order.

9. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees out of the dues or rates authorised to be levied by and other revenues of the Trustees.

Costs of
Order.

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