



CHAPTER xciv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Harbour. A.D. 1932.  
[15th November 1932.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63 Vict.  
c. 47.  
16 & 17  
Geo. 5. c. 18.

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 is hereby confirmed.

Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Aberdeen Harbour Order Confirmation Act 1932.

Short title.

A.D. 1932.

SCHEDULE.

ABERDEEN HARBOUR.

*Provisional Order to extend the period of duration of the Aberdeen Harbour Acts 1895 to 1924 and for other purposes.*

WHEREAS by the Aberdeen Harbour Act 1895 (hereinafter referred to as "the Act of 1895") the Acts then in force relating to the harbour of Aberdeen were consolidated with amendments and the Aberdeen Harbour Commissioners (hereinafter referred to as "the Commissioners") were constituted :

And whereas by the Aberdeen Harbour Acts 1895 to 1924 (hereinafter referred to as "the Harbour Acts") further powers were conferred on the Commissioners :

And whereas among the Acts consolidated by the Act of 1895 was the Aberdeen Harbour Act 1868 of which section 2 (Firstly recited Act and part of secondly recited Act repealed Commencement and duration of this Act) enacted that that Act should continue in force for the space of fifty-five years namely until the first day of October one thousand nine hundred and twenty-three and from thence to the end of the then next session of Parliament and of which section 183 (Upon the expiration of this Act the property of the harbour to revert to the council) enacted that upon the expiration of that Act the property of the harbour undertaking should revert to or become the property of the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter referred to as "the council") :

And whereas at the date of the passing of the Act of 1895 there were twenty-eight years of the said period of fifty-five years unexpired and section 199 (Saving rights &c. of the council) of the Act of 1895 enacted inter alia that the council should not less than three years before the expiration of the said period of twenty-eight years apply to Parliament for an Act to determine

and regulate the administration of the harbour under-  
taking : A.D. 1932.

And whereas by section 4 (Harbour Acts to continue in force until 1935) of the Aberdeen Harbour Order 1920 the said period of twenty-eight years was extended for twelve years namely until the first day of October one thousand nine hundred and thirty-five :

And whereas it is expedient that the period of duration of the Harbour Acts should be further extended :

And whereas it is expedient that further powers should be conferred on the Commissioners with respect to wrecks :

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as the Aberdeen Harbour Order 1932 and this Order and the Aberdeen Harbour Acts 1895 to 1924 may be cited together as the Aberdeen Harbour Acts 1895 to 1932. Short title and citations.

2. In this Order the following words and expressions have the meanings hereby assigned to them (that is to say) :— Interpretation.

“ The Commissioners ” means the Aberdeen Harbour Commissioners ;

“ The Act of 1895 ” means the Aberdeen Harbour Act 1895 ;

“ The Harbour Acts ” means the Aberdeen Harbour Acts 1895 to 1924 ;

“ The Harbours Clauses Act ” means the Harbours Docks and Piers Clauses Act 1847 ;

“ The harbour ” and “ the port and harbour ” mean the harbour of Aberdeen and the port and harbour of Aberdeen as defined in the Act of 1895 ;

“ The harbour-master ” means the harbour-master as defined in the Harbour Acts.

A.D. 1932.  
—  
Harbour  
Acts to  
continue in  
force until  
1949.

3.—(1) The period of duration of the Harbour Acts shall be extended and the provisions of those Acts and of this Order shall remain in force until the first day of October one thousand nine hundred and forty-nine and section 199 (Saving rights &c. of the council) of the Act of 1895 shall be read and have effect as if the words “a period of fifty-four years” had been inserted in place of the words “the said period of twenty-eight years” in subsections (2) and (3) of that section and as if the word “fifty-four” had been inserted in place of the word “twenty-eight” twice occurring in subsection (4) thereof.

(2) Section 4 (Harbour Acts to continue in force until 1935) of the Aberdeen Harbour Order 1920 is hereby repealed.

Power to  
remove  
wrecks &c.

4.—(1) The harbour-master may within the limits of the port and harbour raise and remove or if necessary destroy break up take away and sell any wrecked stranded abandoned or sunken vessel seaplane hydroplane airship or other aircraft or other wreck or thing (all of which are in this section included in the expression “vessel”) and the cargo goods and property therein or any obstruction or floating timber and the expense of raising removing destroying breaking up taking away and selling any such vessel cargo goods property obstruction or floating timber shall be repaid by the master or owner of the same and the harbour-master may detain such vessel cargo goods property obstruction or floating timber in security of such expense and on non-payment of such expense on demand may sell the same and out of the proceeds of such sale may pay the expense incurred in raising removing or destroying breaking up or taking away such vessel cargo goods or property obstruction or floating timber and the charges of detention and sale rendering the overplus if any to the person entitled to the same and if from such proceeds a sufficient sum to pay such expense shall not be obtained the deficiency shall be recoverable from the master or owner of such vessel cargo goods property or obstruction or floating timber in the same manner as damages or expenses are by the Act of 1895 or any Act incorporated therewith authorised to be recovered. Provided always that the Commissioners shall before selling any such cargo goods or property as aforesaid

pay all duties which may be payable to His Majesty in respect of the cargo goods or property to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods or property. A.D. 1932.

(2) For the purpose of giving effect to and in furtherance of the powers conferred on the Commissioners and the harbour-master by sections 56 and 57 of the Harbours Clauses Act and the powers conferred upon the Commissioners by the Merchant Shipping Act 1894—

(a) The words “expense” “expenses” and “charges” in those sections and that Act respectively shall include all expenses incurred by the Commissioners in lighting watching detaining advertising marking buoying raising removing destroying breaking up taking away and selling any vessel cargo goods or property therein or any obstruction or floating timber wrecked stranded abandoned or sunken within the harbour or the port and harbour or any part thereof or otherwise for any purpose in respect of such vessel cargo goods property obstruction or floating timber and also all expenses incurred by the Commissioners or the harbour-master under this section or section 57 of the Harbours Clauses Act or section 530 of the Merchant Shipping Act 1894; and

(b) The word “owner” shall include the owner of any vessel cargo goods property obstruction or floating timber at the time when the same shall first impede the navigation of the harbour or the port and harbour and also the owner of the same at any time thereafter.

(3) The powers conferred on the harbour-master by this section and by sections 56 and 57 of the Harbours Clauses Act may be exercised by the Commissioners or by the harbour-master and all notices or directions which the harbour-master is authorised to give under the Harbour Acts the Harbours Clauses Act or this Order or under any byelaws made thereunder may be signed by the harbour-master or by the clerk of the Commissioners.

(4) The powers of the Commissioners under subsection (1) of this section shall not be exercised in respect

[Ch. xciv.] *Aberdeen Harbour* [22 & 23 GEO. 5.]  
*Order Confirmation Act, 1932.*

A.D. 1932. — of a vessel if the owner thereof within twenty-four hours after the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and does all things necessary to raise and remove the vessel as speedily as possible to the satisfaction of the harbour-master.

(5) Notwithstanding anything contained in the Harbour Acts the master of any vessel who fails to comply with any notice or direction given in pursuance of the Harbour Acts or of this Order or of the Harbours Clauses Act shall be guilty of an offence and shall be liable to a penalty of twenty pounds. Such penalty may be recovered under and in accordance with the provisions of section 133 (Prosecution of offences and recovery of penalties) of the Act of 1895.

(6) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Commissioners to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Commissioners shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such overplus of the proceeds of sale thereof as is referred to in subsection (1) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

Costs of  
Order.

5. All costs charges and expenses of and incident to the preparing for obtaining passing and confirming of this Order or otherwise in relation thereto shall be paid by the Commissioners from and out of the revenues of their harbour undertaking.

---

Printed by EYRE and SPOTTISWOODE LIMITED,  
FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2;  
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.