



CHAPTER xxviii

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936 relating to
Granton Harbour. [28th July 1950.]

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

26 Geo. 5. &
1 Edw. 8.
c. 52.

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 Granton Harbour Order
Confirmation Act 1950.

Short title.

SCHEDULE

ARRANGEMENT OF SECTIONS

Preamble.

Section

1. Short title and citations.
2. Commencement of Order.
3. Interpretation.
4. Increase of harbour rates and dues.
5. Revision of rates.
6. Application of Acts.
7. Annual account to be sent to Minister.
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9. Copy of Order to be registered.
10. Costs of Order.

SCHEDULE.

GRANTON HARBOUR

Provisional Order to make provision with regard to the charges rates and dues leviable at the harbour of Granton and for other purposes.

WHEREAS on the seventh day of March one thousand nine hundred and thirty-two Granton Harbour Limited (hereinafter referred to as "the Company") was incorporated under the Companies Act 1929 with the object (inter alia) of acquiring from 19 & 20 Geo. 5 John Charles Duke of Buccleuch and Queensberry certain estates c. 23. in the county of Edinburgh including in particular the undertaking of the harbour of Granton in the county of Edinburgh with the whole pertinents thereof and all the powers and privileges pertaining thereto vested in the said Duke by Act of Parliament or otherwise and the whole property and assets thereof (hereinafter referred to as "the harbour"):

And whereas the Company acquired the harbour by a disposition granted by the said John Charles Duke of Buccleuch and Queensberry in favour of the Company dated the twenty-third day of March one thousand nine hundred and thirty-two and recorded in the General Register of Sasines on the fifteenth day of April one thousand nine hundred and thirty-two:

And whereas on the nineteenth day of July one thousand nine hundred and forty-six the Minister of Transport by virtue of powers vested in him by Regulation 56 of the Defence (General) Regulations 1939 as having effect by virtue of the Supplies and Services 9 Geo. 6. c. 10. (Transitional Powers) Act 1945 made an Order intituled "the Granton Harbour (Increase of Charges) Order 1946" (hereinafter referred to as "the Order of 1946") whereby the Company was authorised to increase certain of the rates and dues authorised by the Granton Harbour Acts 1837 to 1919 and to levy demand and recover certain additional rates and dues specified in the Order of 1946:

And whereas the Order of 1946 is due to expire on the tenth day of December one thousand nine hundred and fifty and the rates and dues authorised by the Granton Harbour Acts 1837 to 1919 are inadequate to enable the Company to maintain the harbour in a state of efficiency and it is expedient that the Company should be authorised to continue to levy and recover the rates and dues authorised by the Order of 1946 and that the further provisions as to the rates and dues specified in this Order should be enacted:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

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

Now therefore in pursuance of the said last-mentioned Act the Secretary of State orders as follows:—

1.—(1) This Order may be cited as the Granton Harbour Order 1950. 26 Geo. 5. &
1 Edw. 8.
c. 52.

Short title and
citations.

(2) This Order and the Granton Harbour Acts 1837 to 1919 may be cited together as the Granton Harbour Acts and Orders 1837 to 1950.

Commencement
of Order.

2. This Order shall come into operation at the date of the passing of the Act confirming the same.

Interpretation.

3. In this Order the following words and expressions shall unless there be something in the subject or context repugnant to such construction have the meanings hereby assigned to them (that is to say):—

“ authorised rates ” means the rates which the Company are for the time being authorised to levy demand and recover in pursuance of the Granton Harbour Acts 1837 to 1919 or this Order or any order made under the section of this Order of which the marginal note is “ Revision of rates ” ;

7 Will. 4. c. xv.

“ Act of 1837 ” means the Act 7 William 4. c. XV intituled “ An Act to enable the Duke of Buccleuch and Queensberry to make and maintain a pier at Granton in the Parish of Cramond and a road therefrom to join the Road leading from Leith to Queensferry in the County of Edinburgh ” ;

“ Company ” means Granton Harbour Limited ;

“ Minister ” means the Minister of Transport ;

“ Order of 1919 ” means the Granton Harbour Order 1919.

Increase of
harbour rates
and dues.

4. Subject to the provisions of this Order the Act of 1837 shall be read and construed as if—

(a) the rates and dues (except in respect of the items referred to in paragraphs (b) and (c) of this subsection) specified in Schedule (B) to the Act of 1837 as amended by the Order of 1919 were increased by an amount not exceeding in the case of every item therein specified one hundred per centum and as if there were included in the said Schedule (B) the goods specified in column 1 of Part I of the Schedule to this Order with the inwards rates and dues specified in column 2 of Part I of the Schedule to this Order opposite to such goods respectively ;

(b) for the outwards rate on coal specified in the said Schedule (B) there were substituted a rate of fourpence per ton on coal and coke ; and

(c) for the outwards and inwards rates and dues on fish per box not exceeding one hundredweight specified in the said Schedule (B) as amended by the Order of 1919 there were substituted a rate or due of threepence on fish per box not exceeding one hundredweight.

(d) in place of Schedule (A) to the Act of 1837 there were substituted Part II of the Schedule to this Order.

Revision of
rates.

5.—(1) If it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and is a proper person to make an application ; or

(c) by the Company ;

that in the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application 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 subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Company where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Company or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Company being insufficient or more than sufficient to enable the Company with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loans (regard being had by him to any capital which the Company may reasonably be expected to expend) making good depreciation providing for any contributions which the Company may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue together with a reasonable return upon the paid up share capital of the undertaking :

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding

that such revision is likely to result in the revenue of the Company being insufficient to enable the Company to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Company were authorised to levy demand and recover under or by virtue of the Granton Harbour Acts 1837 to 1919.

10 & 11 Geo. 6.
c. 43.

(7) Section 355 of the Local Government (Scotland) Act 1947 shall apply to any inquiry which the Minister may cause to be held under this section as if such inquiry was an inquiry held in pursuance of that section and as if the Company were a local authority.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

Application
of Acts.
5 Vict. Session 2
c. xix.

6. The provisions of the Act of 1837 and of the Act 5 Victoria Session 2 c. xix with respect to the levying charging and recovery of rates and dues shall extend and apply to the rates and dues as varied or increased by this Order or by any order made under the section of this Order of which the marginal note is "Revision of rates."

Annual account
to be sent to
Minister.

24 & 25 Vict.
c. 45.

7.—(1) The Company 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 Minister and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts.

(2) The Company 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.

10 & 11 Vict.
c. 27.

(3) The accounts of the Company 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 thirty-first day of October in each year.

Repeals.

8. Schedules (A) and (C) to the Act of 1837 are hereby repealed.

Copy of
Order to be
registered.

9.—(1) The Company shall deliver to the Registrar of Companies a printed copy of this Order and he shall retain and register it. If such copy is not so delivered within three months from the passing of the Act confirming this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or officer of the Company who knowingly and wilfully authorises such default shall incur a like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the Registrar by the Company on such copy being registered the fee of five shillings.

Costs of Order.

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

THE SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Increase of harbour rates and dues.")

PART I

1.	2. <i>Rates and dues inwards.</i>
	<i>s. d.</i>
Asphalt per ton	1 6
China clay per ton... ..	9
Esparto grass per ton	1 3
Fuel oil per ton	1 6
Paper per ton	2 6
Petrol per ton	1 6
Sand per ton	4
Wood pulp per ton	1 3

PART II

TONNAGE DUES

<i>Classes of voyages</i>	<i>Per registered ton s. d.</i>
<i>Class I</i> To or from any port or place in the river or Firth of Forth to the westward of St. Abb's Head and Fifeness excepting vessels coming or going through the Forth and Clyde Canal	4
<i>Class II</i> To or from any other port or place in Scotland and to or from Newcastle and the river Tyne in England or any other port or place in England to the north of the river Tyne	6
<i>Class III</i> To or from any port or place in Great Britain or Ireland excepting those in classes first and second	8
<i>Class IV</i> To or from any port or place in Europe without the Straits of Gibraltar excepting those in the preceding classes	2 0
<i>Class V</i> To or from all other parts of the world	2 6

A voyage shall comprehend an arrival at and departure from the pier or its boundaries so that a vessel paying tonnage dues at its arrival shall not pay these dues at its departure and vice-versa.

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Granton Harbour
Order Confirmation Act, 1950

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