



# Brownies Taing Pier Order Confirmation Act 1976

## CHAPTER ii

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**ELIZABETH II**



**1976 CHAPTER ii**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Brownies Taing Pier. [4th March 1976]

**W**HEREAS 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 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen'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 Brownies Taing Pier Order Short title. Short title.  
Confirmation Act 1976.

## SCHEDULE

## BROWNIES TAING PIER

*Provisional Order to amend the provisions of the Brownies Taing Pier Orders 1902 and 1917; to confer further powers on the Brownies Taing Pier Trustees; and for other purposes.*

Whereas—

1902 c. lxxvii. (1) The Brownies Taing Pier Trustees (hereinafter called “the Trustees”) were incorporated by the Brownies Taing Pier Order 1902 (hereinafter called “the Order of 1902”) and were thereby empowered to acquire lands and to construct, maintain and regulate a pier and other works at Brownies Taing in the parish of Dunrossness in the county of Zetland:

1862 c. 19.  
1847 c. 27. (2) By virtue of section 19 of the General Pier and Harbour Act 1861, Amendment Act 1862 the provisions of the Harbours, Docks and Piers Clauses Act 1847 were incorporated with the Order of 1902:

1917 c. xxxiii. (3) The constitution of the Trustees was amended by the Brownies Taing Pier Order 1917 and it is expedient that it should be further amended as hereinafter provided:

(4) The pier and other works constructed under the Order of 1902 have been little used of recent years but, having regard to the development of industry in certain areas of and adjacent to the Islands Area of Shetland dependent on the provision of proper marine facilities, are likely to become of commercial importance in the near future:

1949 c. 74. (5) By virtue of consents given to Hudsons Property & Estates Limited under section 34 of the Coast Protection Act 1949, the said company have constructed works adjoining and to be used in connection with the said pier and other works constructed under the Order of 1902:

(6) The powers of the Trustees under the Brownies Taing Pier Orders 1902 and 1917 are inadequate to permit them to take advantage of these changed circumstances and it is expedient that they should have such powers as will enable them to manage and utilise their pier undertaking in such a way that its potential commercial importance may be of benefit to the neighbourhood and that they should have power to apply their revenues accordingly:

(7) It is expedient that the Brownies Taing Pier Orders 1902 and 1917 should be amended as hereinafter provided and that the further provisions contained in this Order should be enacted:

1936 c. 52. (8) 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 powers contained in the last-mentioned Act, the Secretary of State orders as follows:—

1. This Order may be cited as the Brownies Taing Pier Order 1976 and the Brownies Taing Pier Orders 1902 and 1917 and this Order shall be construed as one and may be cited together as the Brownies Taing Pier Orders 1902 to 1976. Short title and citation.

2.—(1) In this Order the several words and expressions to which meanings are assigned by any Act wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction; and in this Order unless the context otherwise requires— Interpretation.

“ Act of 1847 ” means the Harbours, Docks and Piers Clauses Act 1847; 1847 c. 27.

“ enactment ” means any Act, whether general, local or personal (including this Act), and any order or other instrument made thereunder and any provision in such Act, order or instrument;

“ Order of 1902 ” means the Brownies Taing Pier Order 1902; 1902 c. lxxvii.

“ Order of 1917 ” means the Brownies Taing Pier Order 1917; 1917 c. xxxiii.

“ pier limits ” means the pier limits authorised by section 11 (Pier limits) of this Order;

“ pier undertaking ” means the pier and other works constructed by the Trustees under the Brownies Taing Pier Orders 1902 and 1917 and the undertaking of the Trustees in connection therewith as for the time being authorised and, for the purposes of the exercise by the Trustees of their powers under section 83 of the Act of 1847 and section 9 (Byelaws respecting pier) of this Order, includes such other works as have at the commencement of this Order been constructed on or in connection with the said pier;

“ Sandwich District ” means the Sandwich electoral division of the Islands Area of Shetland;

“ Trustees ” means the Brownies Taing Pier Trustees.

(2) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment including this Order.

3.—(1) The Trustees existing at the commencement of this Order shall remain in office until 1st May, 1976. Amendment of constitution.

(2) On and from 1st May, 1976, there shall be five Trustees of whom—

one shall be appointed by Sumburgh Company Limited or their successor in title being the proprietor of the estate of Sumburgh;

one shall be the councillor elected to the Shetland Islands Council to represent Sandwich District or, in the event of Sandwich

District being divided into more than one part, the councillor elected to represent that part of the district in which Brownies Taing is situate;

one shall be appointed by the Shetland Islands Council;

one shall be elected by the inshore fishermen residing in Sandwick District; and

one shall be elected by the persons whose names appear on the register of electors for Sandwick District.

(3) The provisions contained in Schedule 1 to this Order shall have effect with regard to the election of trustees under the last foregoing subsection.

Mode of appointing Trustees.

4. The persons by whom Trustees are to be appointed in pursuance of the last foregoing section shall respectively intimate to the clerk to the existing Trustees not later than 1st April, 1976, the names of the first Trustees to be appointed by them for the purposes of this Order and thereafter not later than four weeks before the end of the term of office of any such appointed Trustee shall respectively intimate the names of their successors to the clerk to the Trustees for the time being.

Term of office of Trustees.

5. The appointed Trustees and the elected Trustees shall hold office for four years and the first Trustees so appointed and elected shall come into office on 1st May, 1976, and shall go out of office on 1st May, 1980, when the Trustees appointed and elected in their place shall come into office and so in every fourth year thereafter.

Additional trustee may be co-opted.

6. Without prejudice to the provisions of sections 10 to 13 of the Order of 1917 the Trustees may from time to time co-opt from among users of the pier undertaking a person to be a trustee in addition to the Trustees holding office in pursuance of section 3 (Amendment of constitution) of this Order.

As to application of Act of 1847.

7.—(1) Notwithstanding anything in any enactment sections 33 and 86 to 90 of the Act of 1847 shall cease to be incorporated with the Brownies Taing Pier Orders 1902 and 1917, and section 23 of the said Act as incorporated with the said Orders shall be read and have effect as if for the words "provided that no such lease be granted for a longer term than three years" there were substituted the words "Provided that it shall be a condition of any such lease that, in respect of the subjects thereby leased, the persons taking the same shall be subject to the like responsibilities, liabilities, obligations and duties as the Trustees were subject to immediately before the granting of the lease."

(2) Notwithstanding anything in the foregoing subsection the Trustees shall provide and, so far as is reasonably practicable, cause to be made available at the pier forming part of the pier undertaking one berth for the use of fishing vessels.

Powers relating to land.

8.—(1) The Trustees may, for the purposes of the pier undertaking, acquire land by agreement, whether by way of purchase, exchange, feu, lease or otherwise.



(2) The Trustees may dispose of land belonging to them in such manner whether by way of sale, exchange, feu, lease, the creation of any servitude, right or privilege or otherwise, for such period, upon such conditions and for such consideration as they think fit.

(3) The Trustees—

(a) may for the purposes of the pier undertaking, manage, use or develop land belonging to them as they think fit; and

(b) in addition may with a view to selling or otherwise disposing of any right or interest in the land after the development is carried out—

(i) retain any part of land belonging to them which is not required for the purposes of the pier undertaking and develop it or procure its development for use by other persons; or

(ii) where the use of land belonging to them for the purposes of the pier undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

9.—(1) In addition to the powers of making byelaws under section 83 of the Act of 1847, the Trustees may, subject to the provisions of this Order, make such byelaws as they think fit for all or any of the following purposes, that is to say:—

Byelaws  
respecting  
pier.

(a) for the protection of the pier undertaking and the buildings, accommodation, machinery and appliances connected therewith and for regulating the use thereof and the conduct of persons frequenting or using the same;

(b) for the regulation and control of vessels within the pier limits and of persons resorting to or employed within the said limits;

(c) for the regulation of the embarking, loading and unloading of any goods or traffic within the pier limits.

(2) Byelaws made by the Trustees under the Act of 1847 or this Order may provide for imposing a penalty not exceeding twenty pounds for the breach or non-observance of any byelaw.

10. The provisions of subsections (4), (5), (6), (7), (8), (10), (11) and (12) of section 202 and section 204 of the Local Government (Scotland) Act 1973 shall apply to all byelaws made by the Trustees under this Order or in exercise of powers conferred on the Trustees by any other enactment as if the Trustees were a local authority and in the application of the provisions of the Local Government (Scotland) Act 1973 the Secretary of State shall be the confirming authority:

Confirmation  
of byelaws.  
1973 c. 65.

Provided that in any case in which in pursuance of subsection (10) of the said section 202 the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Trustees and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaws until such period has elapsed as he thinks

reasonable for consideration of and comment on the proposed modification by the Trustees and by other persons who have been informed of it.

Pier limits.

11.—(1) The limits within which the Trustees shall have authority and within which the powers of the harbour master may be exercised shall comprise the pier and other works forming part of the pier undertaking and the area below the level of mean high-water springs delineated in red on the signed map being an area within a radius of 250 metres (273·4 yards) of any part of the pier and works authorised by the Brownies Taing Pier Orders 1902 and 1917 but excluding so much of that area as lies to the south of an imaginary line drawn from Longa Berg west on a true bearing of 270 degrees until it intersects the said radius:

Provided that with respect to so much of the pier limits as lies beyond the limits described in section 14 (1) of the Order of 1902 as originally enacted nothing in this section shall affect the rights and jurisdiction of the Shetland Islands Council under section 14 (Restriction of works and dredging) of the Zetland County Council Act 1974.

1974 c. viii.

(2) Within one month after the commencement of this Order copies of the signed map shall be deposited as follows, that is to say, one with the sheriff clerk of Shetland, one copy at the office of the Chief Executive Officer of the Shetland Islands Council, one copy with the Department of Trade, one copy with the Secretary of State for Scotland in London and one copy at the office of the Trustees.

(3) For the purposes of this section “the signed map” means the map marked “Brownies Taing Pier Limits” of which five copies have been signed by Gavin Douglas, Q.C., Senior Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936.

1936 c. 52.

(4) Subsection (1) of section 14 (Limits of harbour) of the Order of 1902 shall cease to have effect.

Application of revenue.

12.—(1) Without prejudice to the provisions of section 48 (Application of revenue) of the Order of 1902, the Trustees shall have power after satisfying the purposes specified in subsections (2) to (5) of that section so far as the same are still applicable to accumulate any surplus revenue received by them in respect of the pier undertaking and to dispense the same as they shall think fit for the purposes and in the order following, (that is to say):—

- (a) for the benefit of persons engaged in the seafishing industry and resident within Sandwick District;
- (b) for the provision within Sandwick District of amenities for persons resident therein; and
- (c) for the general good of Sandwick District and of any persons resident therein.

(2) Subsections (1) and (6) of the said section 48 shall cease to have effect.



13.—(1) The Trustees shall have all such powers to borrow money as are conferred on trustees by the Trusts (Scotland) Acts 1921 and 1961. Power to borrow.

(2) The powers of borrowing conferred by this section shall supersede any powers of borrowing conferred by the Brownies Taing Pier Orders 1902 and 1917:

Provided that all moneys borrowed under this section shall rank in point of security as to interest and capital after moneys borrowed under the Brownies Taing Pier Orders 1902 and 1917 before and remaining outstanding at the commencement of this Order.

(3) A person lending money to the Trustees on any form of security or taking or holding any such security shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or non-application of any such money.

14. Section 33 (Power to lease rates) of the Order of 1902 shall be read and have effect as if in place of the words "the rates authorised by this Order for any period not exceeding seven years from the date of the lease and" there were substituted the words "the rates which they are for the time being authorised to demand and recover". Power to lease rates.

15. The provisions of the Brownies Taing Pier Orders 1902 and 1917 set out in Schedule 2 to this Order are hereby repealed. Repeals.

16.—(1) In their application to the Trustees sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Trustees with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation within the limits of the harbour or in or near any approach thereto) shall have effect— Powers with respect to disposal of wrecks. 1894 c. 60.

(a) subject to the provisions of the next following section; and

(b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Order.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability the Trustees may recover from the owner of any vessel in relation to which they have exercised their powers under the said section 530, any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Trustees a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying the Trustees have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires they receive from the owner counter-notice in writing that he desires to dispose of the vessel himself,



and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the next following section, he shall be at liberty to do so, and the Trustees shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Trustees.

(4) Notice under the last foregoing subsection to the owner of any vessel may be served by the Trustees either by delivering it to him or by sending it to him by the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom, or, if the owner or any such place of business or abode is not known to the Trustees by displaying the notice at the offices of the Trustees for the period of its duration.

(5) In this section the expression "owner" in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning thereof.

Protection  
of Crown  
interests in  
wrecks.  
1894 c. 60.  
1906 c. 48.

17.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906, the powers conferred on the Trustees by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence, of Her Majesty's ships of war.

(2) The Trustees shall give notice in writing to the Secretary of State for Defence and to the Secretary of State for Trade of any decision of the Trustees to exercise in relation to any vessel any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is, in the opinion of the Trustees, a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State for Defence and the Secretary of State for Trade before the expiration of a period of fourteen days from the giving of the notice; or

(b) if before the expiration of the said period there is served on the Trustees a direction by the Secretary of State for Defence or the Secretary of State for Trade that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where in any such case as aforesaid the Trustees proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if before the expiration of the period aforesaid such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of the last foregoing section:

Provided that—

(i) the Trustees shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of the foregoing subsection, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the last foregoing section to have been duly served under paragraph (b) of this subsection;

(ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for Trade for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Trustees by the said section 530, the Trustees shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions, if any, as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the Trustees shall discharge any sums payable in respect of that property by way of duties of customs or excise and any sums so discharged shall be deemed to be expenses incurred by the Trustees under that section.

(4) Any limitation on the powers of the Trustees in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Commissioners of Northern Lighthouses by section 531 of the said Act of 1894.

18. Nothing in this Order shall affect prejudicially any estate, right, Crown rights, power, privilege, or exemption of the Crown, and in particular nothing in this Order shall authorise the Trustees to take, use or interfere with any land or rights—

(a) belonging to Her Majesty in right of Her Crown under the management of the Crown Estate Commissioners on behalf of Her Majesty; or



(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department; without the consent in writing of the Crown Estate Commissioners or, as the case may be, that department.

Saving for  
Dumping at  
Sea Act 1974.

1974 c. 20.

Saving for  
town and  
country  
planning.

1972 c. 52.

19. Nothing in this Order shall affect the operation of the Dumping at Sea Act 1974.

20.—(1) Section 274 of the Town and Country Planning (Scotland) Act 1972 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session of Parliament held during the regnal years 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Order as if it had been passed during that session; and accordingly the said Act of 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Order.

1975 No. 679  
(S. 107).

(2) In their application to development authorised by any provision of this Order, article 3 of, and class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1975 (which permit development authorised by any local or private Act or by any order approved by both Houses of Parliament, being an Act or order designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by such provision were limited to development begun within five years after the coming into force of that provision.

(3) In this section the reference to article 3 of, and class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1975 includes a reference to corresponding provisions of any general order superseding that order made under section 21 of the said Act of 1972 or any corresponding provision of an Act repealing that section.

Costs of Order.

21. All costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees.

**SCHEDULES**

**SCHEDULE 1**

Section 3.

**ELECTION OF TRUSTEES**

1. The following provisions shall have effect for the purpose of the election of trustees in pursuance of section 3 (Amendment of constitution) of this Order.

2.—(1) A returning officer to be appointed by the retiring Trustees shall before 1st March, 1976, and before 1st March in every fourth year thereafter make up a list of inshore fishermen residing in Sandwick District and a list of persons whose names appear on the register of electors for Sandwick District and the said lists shall be open to public inspection in the office of the Trustees on and after 1st March, 1976, and on and after 1st March in every fourth year thereafter until the next succeeding election of trustees.

(2) Any person claiming that his name has been wrongfully omitted from either of the said lists shall be entitled within six days of such list being made open to public inspection to send to the returning officer a statement of his qualification to be named on such list and if the returning officer refuses to insert such person's name in such list such person may apply to the sheriff whose decision shall be final and who may make such order as to expenses with respect to the application as he thinks fit.

3.—(1) The inshore fishermen whose names appear in the list prepared in accordance with the last foregoing paragraph (hereinafter called "inshore fishermen electors") shall meet on the first Tuesday in April, 1976, and on the first Tuesday in April in every fourth year thereafter and shall elect a trustee as provided in this paragraph.

(2) The Trustees shall cause the day, hour and place of such election to be made public by a notice to be affixed to the door of the office and on such other conspicuous places as may be directed by the Trustees and also to be advertised once at least in a newspaper published or circulated in the district. The notice shall be published not less than fourteen clear days before the day of such election.

(3) Any two inshore fishermen electors may nominate any person as a candidate by sending to the returning officer a nomination paper. The nomination paper shall be dated and subscribed by the said two electors and shall contain the Christian names, surnames, places of abode and designations of the subscribers and of the candidate nominated. No nomination paper shall be received after four o'clock in the afternoon of the Tuesday immediately preceding the day of election and public notice shall be given of the list of candidates by affixing the same to the door of the office and on such other conspicuous places as the Trustees may direct. Any candidate may at any time before the day of election withdraw by the delivery of a notice of withdrawal signed by him and addressed to the returning officer.

(4) In the event of only one person being nominated as hereinbefore specified for election as trustee the returning officer shall without



SCH. 1  
—cont.

further procedure declare such person to be duly elected and such declaration shall be in writing signed by such returning officer and shall be conclusive evidence of the due election of such person.

(5) The expenses connected with each election (but not including the expenses of any candidate) shall be paid by the Trustees out of the funds belonging to them as such Trustees.

(6) At each election an inshore fisherman elector shall be entitled to one vote.

(7) The candidate having the greatest number of votes at any contested election shall be elected and in case of an equality of votes the returning officer shall have a casting vote in addition to the vote (if any) to which he may be entitled as an elector.

(8) Any question or dispute regarding the election of a candidate shall be summarily determined by the sheriff on the application of any inshore fisherman elector and the decision of the sheriff shall be final and unless and until the sheriff shall otherwise determine the person declared by the returning officer to be elected shall be elected Trustee and the acts and proceedings of such Trustee shall be valid accordingly.

(9) Notice of the election of a person to be a Trustee shall be sent to him in writing by the returning officer together with a notice to attend the first meeting of the Trustees. Such notice shall state the time and place at which such meeting is to be held.

(10) The poll at every contested election shall be taken by ballot in such manner as the returning officer who shall be chairman of the meeting shall direct.

4. Paragraph 3 of this Schedule shall with any necessary modifications and adaptations apply to the election of trustees by the persons whose names appear in the register of electors for Sandwick District.

## Section 15.

## SCHEDULE 2

## ENACTMENTS REPEALED

Order	Sections repealed
1902 c. lxxvii. Brownies Taing Pier Order 1902	Section 14 (1), sections 15, 16, 17, 23, 31, 32, 41 to 43, subsections (1) and (6) of section 48 and sections 57 and 62.
1917 c. xxxiii. Brownies Taing Pier Order 1917	Sections 5 to 9, and 17, and the Schedule.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR HAROLD GLOVER

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

28p net

ISBN 0 10 510276 8