

#### CHAPTER c.

An Act to amend the constitution of the Trustees of A.D. 1905. the Clyde Navigation and for other purposes.

[11th July 1905.]

WHEREAS by the Clyde Navigation Consolidation Act 1858 21 & 22 Victory (hereinafter called "the Act of 1858") the Trustees of c. exlix. The Clyde Navigation (hereinafter called "the Trustees") were incorporated and entrusted with the powers duties and privileges thereby conferred upon them and further powers duties and privileges have been conferred upon the Trustees and various amendments and alterations have been made upon the Act of 1858 by subsequent Acts:

And whereas by section 8 of the Act of 1858 it is provided that the Trustees should consist of twenty-five members and by section 9 that of those twenty-five members one should be the Lord Provost of Glasgow for the time being and nine should be town councillors of Glasgow two should be chosen by the members of the Chamber of Commerce of Glasgow two should be chosen by the matriculated members of the Merchants' House of Glasgow two should be chosen by the members of the Trades' House of Glasgow and nine should be chosen by the shipowners and ratepayers:

And whereas it is expedient to amend the constitution of the Trustees so as to make the Trustees more fully representative of the persons interested in the harbour and commerce of Glasgow and the River Clyde and to amend the Clyde Navigation Acts as in this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[Price 9d.]



#### CHAPTER c.

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[11th July 1905.]

WHEREAS by the Clyde Navigation Consolidation Act 1858 21 & 22 Victory (hereinafter called "the Act of 1858") the Trustees of c. exlix. The Clyde Navigation (hereinafter called "the Trustees") were incorporated and entrusted with the powers duties and privileges thereby conferred upon them and further powers duties and privileges have been conferred upon the Trustees and various amendments and alterations have been made upon the Act of 1858 by subsequent Acts:

And whereas by section 8 of the Act of 1858 it is provided that the Trustees should consist of twenty-five members and by section 9 that of those twenty-five members one should be the Lord Provost of Glasgow for the time being and nine should be town councillors of Glasgow two should be chosen by the members of the Chamber of Commerce of Glasgow two should be chosen by the matriculated members of the Merchants' House of Glasgow two should be chosen by the members of the Trades' House of Glasgow and nine should be chosen by the shipowners and ratepayers:

And whereas it is expedient to amend the constitution of the Trustees so as to make the Trustees more fully representative of the persons interested in the harbour and commerce of Glasgow and the River Clyde and to amend the Clyde Navigation Acts as in this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[Price 9d.]

A.D. 1905. May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title. 1. This Act may be cited as the Clyde Navigation (Constitution) Act 1905.

Interpretation.

- 2. In this Act unless the subject or context otherwise requires terms used shall have the same respective meanings as are assigned to them in the Clyde Navigation Acts And in this Act—
  - "The Trustees" means the Trustees appointed by and acting under the Clyde Navigation Acts and this Act;
  - "The Act of 1858" means the Clyde Navigation Consolidation Act 1858;
  - "The Act of 1868" means the Clyde Navigation (Amendment) Act 1868;
  - "The Act of 1888" means the Clyde Navigation Act 1888;
  - "The Act of 1894" means the Olyde Navigation Act 1894;
  - "The Clyde Navigation Acts" means the Clyde Navigation Acts 1858 to 1904;
  - "The electors" means the persons whose names appear on the register of electors under the Clyde Navigation Acts and this Act;
  - "The corporation" means the corporation of the city of Glasgow;
  - "The sheriff" means the sheriff of the county of Lanark:

In the Clyde Navigation Acts the expression "the electors" shall be substituted for "shipowners and ratepayers" wherever these words occur in those Acts.

Citation of Acts.

- 3. This Act and the Clyde Navigation Acts and any other Act relating to the Trustees passed during the present session of Parliament may be cited as the Clyde Navigation Acts 1858 to 1905.
- Repeal of certain sections of Clyde Navigation Acts are repealed to the extent set Clyde Navi-Clyde Navi-forth in the schedule annexed to this Act.

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  - "The electors" means the persons whose names appear on the register of electors under the Clyde Navigation Acts and this Act;
  - "The corporation" means the corporation of the city of Glasgow;
  - "The sheriff" means the sheriff of the county of Lanark:

In the Clyde Navigation Acts the expression "the electors" shall be substituted for "shipowners and ratepayers" wherever these words occur in those Acts.

Citation of Acts.

- 3. This Act and the Clyde Navigation Acts and any other Act relating to the Trustees passed during the present session of Parliament may be cited as the Clyde Navigation Acts 1858 to 1905.
- Repeal of certain sections of Clyde Navigation Acts are repealed to the extent set Clyde Navi-Clyde Navi-forth in the schedule annexed to this Act.

5. From and after the first meeting of the Trustees after A.D. 1905. the completion of the first elections under this Act (in this Act Alteration of referred to as "the appointed day") the power and duty of constitution carrying into effect the provisions of the Clyde Navigation Acts of Trustees. and this Act shall be vested in and be performed by the Trustees appointed under this Act who shall be substituted for the Trustees appointed under the provisions of sections 8 and 9 of the Act of 1858 and the Trustees to be chosen or elected under this Act shall be chosen or elected in the manner provided by the Clyde Navigation Acts and this Act.

6. From and after the appointed day the number of the Increase of Trustees shall be forty-two of whom eighteen shall be chosen as number of Trustees. follows (viz.) Ten by the corporation two by the county council of the county of Lanark one by the county council of the county of Dunbarton one by the town councils of each of the burghs of Govan Partick Dumbarton Renfrew and Clydebank Six shall be chosen as follows (viz.) Two by the members of the Chamber of Commerce of Glasgow two by the matriculated members of the Merchants' House of Glasgow two by the members of the Trades' House of Glasgow and eighteen (hereinafter called "the elected Trustees") shall be elected by the electors:

Provided that it shall not be necessary that any of the twenty-four chosen Trustees shall be members of the respective bodies by whom they are chosen:

Provided also that existing Trustees shall continue in office for the term and subject to the conditions under which they at present respectively hold office and that any retiring Trustee shall unless disqualified be eligible for re-election.

7. The Trustees to be chosen by the corporation shall be As to Truselected at the time prescribed by the Acts in force for the time the chosen by being for the election of magistrates of burghs in Scotland and corporation. the persons so elected if they are members of the corporation shall continue to be Trustees so long as they shall be in office as councillors and if any of the persons so elected are not members of the corporation they shall continue to be Trustees for such period as the corporation may determine not exceeding three years from the date of their election The first election under this Act shall take place in the month of November one thousand nine hundred and five when the corporation shall fill up the vacancies; at that date caused by the Lord Provost and any of the existing

5. From and after the first meeting of the Trustees after A.D. 1905. the completion of the first elections under this Act (in this Act Alteration of referred to as "the appointed day") the power and duty of constitution carrying into effect the provisions of the Clyde Navigation Acts of Trustees. and this Act shall be vested in and be performed by the Trustees appointed under this Act who shall be substituted for the Trustees appointed under the provisions of sections 8 and 9 of the Act of 1858 and the Trustees to be chosen or elected under this Act shall be chosen or elected in the manner provided by the Clyde Navigation Acts and this Act.

6. From and after the appointed day the number of the Increase of Trustees shall be forty-two of whom eighteen shall be chosen as number of Trustees. follows (viz.) Ten by the corporation two by the county council of the county of Lanark one by the county council of the county of Dunbarton one by the town councils of each of the burghs of Govan Partick Dumbarton Renfrew and Clydebank Six shall be chosen as follows (viz.) Two by the members of the Chamber of Commerce of Glasgow two by the matriculated members of the Merchants' House of Glasgow two by the members of the Trades' House of Glasgow and eighteen (hereinafter called "the elected Trustees") shall be elected by the electors:

Provided that it shall not be necessary that any of the twenty-four chosen Trustees shall be members of the respective bodies by whom they are chosen:

Provided also that existing Trustees shall continue in office for the term and subject to the conditions under which they at present respectively hold office and that any retiring Trustee shall unless disqualified be eligible for re-election.

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- [Ch. c.] Clyde Navigation (Constitution) Act, 1905. [5 Epw. 7.]
- A.D. 1905. Trustees chosen by the corporation then going out of office as councillors.

As to Trustees to be chosen by county councils and town councils.

8. The Trustees to be chosen by the county councils of the counties of Lanark and Dunbarton and by the town councils of the burghs of Govan Partick Dumbarton Renfrew and Clydebank respectively shall be chosen annually as follows by the said county councils and the said town councils at their statutory meetings to be held in the case of the county councils in the month of October and in the case of the town councils in the month of November in each year and the first election shall take place in the months of October and November one thousand nine hundred and five and of the two Trustees chosen by the county council of the county of Lanark one shall go out of office in the month of November one thousand nine hundred and six and the other in the month of November one thousand nine hundred and seven at which respective times their places shall be supplied by the election of new Trustees and the county council of the county of Lanark shall at the time of the first election determine which of the two Trustees chosen by them shall first retire and thereafter the Trustee longest in office shall go out annually.

Amending section 30 of Act of 1858.

9. Section 30 of the Act of 1858 shall be read and have effect as if the word "eighteen" were substituted for the word "nine" where that word occurs in that section.

Amending section 4 of Act of 1888.

10. Subsections 5 and 6 of section 4 (Rules to be observed in election of Trustees by shipowners and ratepayers) of the Act of 1888 shall be read and have effect as if the words "the "number of Trustees to be elected in accordance with the pro-"visions of the section of the Clyde Navigation (Constitution) Act 1905 whereof the marginal note is 'Rotation of the "elected Trustees'" were substituted for the word "three" or for the words "three candidates" where those words occur in those subsections.

Rotation of the elected Trustees.

- 11. The Trustees elected by shipowners and ratepayers under the Clyde Navigation Acts shall continue in office until new Trustees are elected in their place and the elected Trustees shall be elected in the manner following:—
  - (1) In the month of November one thousand nine hundred and five the three Trustees elected by shipowners and ratepayers who would then have retired in

- [Ch. c.] Clyde Navigation (Constitution) Act, 1905. [5 Epw. 7.]
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- 11. The Trustees elected by shipowners and ratepayers under the Clyde Navigation Acts shall continue in office until new Trustees are elected in their place and the elected Trustees shall be elected in the manner following:—
  - (1) In the month of November one thousand nine hundred and five the three Trustees elected by shipowners and ratepayers who would then have retired in

# [5 EDW. 7.] Clyde Navigation (Constitution) Act, 1905. [Ch. c.]

accordance with the provisions of section 12 of the A.D. 1905. Act of 1858 shall retire and the electors shall elect twelve qualified persons to be Trustees:

- (2) In the month of November one thousand nine hundred and six the three Trustees elected by shipowners and ratepayers who would then have retired in accordance with the provisions of section 12 of the Act of 1858 and three of the twelve Trustees elected in November one thousand nine hundred and five shall retire such three Trustees being the three Trustees who at their election received the fewest number of votes or in the event of their election having been uncontested the three Trustees to retire shall be determined failing agreement by lot and the electors shall elect six qualified persons to be Trustees:
- (3) In the month of November one thousand nine hundred and seven the three Trustees elected by shipowners and ratepayers who would then have retired in accordance with the provisions of section 12 of the Act of 1858 and three of the remaining nine of the twelve Trustees elected in November one thousand nine hundred and five shall retire such three Trustees being the three of such nine Trustees who received the fewest number of votes at their election or in the event of their election having been uncontested the three Trustees to retire shall be determined failing agreement by lot and the electors shall elect six qualified persons to be Trustees:
- (4) In the month of November one thousand nine hundred and eight the remaining six Trustees elected in November one thousand nine hundred and five shall retire and the electors shall elect six qualified persons to be Trustees:
- (5) In each succeeding month of November the Trustees who in ordinary course shall have held office for three years shall retire and the electors shall elect an equivalent number of qualified persons to be Trustees:

Provided always that the Trustees elected in accordance with the provisions of this section shall in each case remain in office until the election of their successors.

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- (3) In the month of November one thousand nine hundred and seven the three Trustees elected by shipowners and ratepayers who would then have retired in accordance with the provisions of section 12 of the Act of 1858 and three of the remaining nine of the twelve Trustees elected in November one thousand nine hundred and five shall retire such three Trustees being the three of such nine Trustees who received the fewest number of votes at their election or in the event of their election having been uncontested the three Trustees to retire shall be determined failing agreement by lot and the electors shall elect six qualified persons to be Trustees:
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Provided always that the Trustees elected in accordance with the provisions of this section shall in each case remain in office until the election of their successors.

A.D. 1905.

Trustees to keep books showing names of rate-payers and qualification of electors.

12. In lieu of section 18 of the Act of 1858 for the purposes of the election of Trustees to be chosen by the electors in the month of November one thousand nine hundred and five and in each succeeding year the Trustees shall cause to be entered in books kept by them the name description and address of every British subject resident or carrying on business in the United Kingdom who has on his own account or as agent for any person residing beyond the said limits during the year preceding the first day of September paid rates or dues in respect of ships or goods exigible under Schedules G or H annexed to the Act of 1858 or has paid rates or dues exigible under the First or Second Schedules annexed to the Act of 1894 or any rates or dues which may be substituted therefor and the amount paid by such person which books shall be open to inspection at all times during the hours of business and every person whose name shall appear on the first day of September immediately preceding the election in those books or who is qualified as aftermentioned in this Act in both cases as having paid during the year immediately preceding ten pounds or upwards of rates shall be qualified to be an elector and entitled to be registered as hereinafter mentioned.

List of persons entitled to elect or be elected Trustees to be published.

13. On or before the first day of October in each year the Trustees shall cause to be made up from the books by this Act directed to be kept by them a list of the persons entitled to elect or to be elected Trustees under the provisions of this Act and in such list the persons qualified to be elected Trustees shall be denoted by an asterisk prefixed to their names and the secretary to the Trustees shall on or before the fifteenth day of October in each year certify the said list and cause a printed copy thereof to be exhibited until the twenty-eighth day of October at or within the office of the Trustees and shall give notice that such list has been so exhibited by advertisement in at least one newspaper published in Glasgow and shall give to any applicant without charge a copy of such list.

Sheriff may revise list. 14. Any person claiming to be an elector or to be qualified for election as a Trustee whose name does not appear on the list may on or before the twenty-eighth day of October in any year appeal to the sheriff who shall thereupon if satisfied that such person is so entitled cause the name of such person to be added to the list or to be entered on the list as qualified for election as a Trustee as the case may require and any person whose name is entered on the list claiming that the name of any other person

A.D. 1905.

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List of persons entitled to elect or be elected Trustees to be published.

13. On or before the first day of October in each year the Trustees shall cause to be made up from the books by this Act directed to be kept by them a list of the persons entitled to elect or to be elected Trustees under the provisions of this Act and in such list the persons qualified to be elected Trustees shall be denoted by an asterisk prefixed to their names and the secretary to the Trustees shall on or before the fifteenth day of October in each year certify the said list and cause a printed copy thereof to be exhibited until the twenty-eighth day of October at or within the office of the Trustees and shall give notice that such list has been so exhibited by advertisement in at least one newspaper published in Glasgow and shall give to any applicant without charge a copy of such list.

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should be removed from such list or that any other person should A.D. 1905. not be entered therein as qualified for election as a Trustee may on or before the twenty-second day of October appeal to the sheriff who shall thereupon decide as may seem just Provided that on any appeal being lodged under the provisions of this section the appellant shall give four days' notice of such appeal and of the place and date fixed for disposing of the same by registered letter to the secretary to the Trustees and to any person whose qualification is objected to and the sheriff shall dispose of such appeals not later than the sixth day of November following such appeal and his decision shall be final and such list with the additions thereto and alterations thereon (if any) made by the sheriff and initialled by him shall be deemed to be the register of electors for that year for the next ensuing election.

15. Every person who shall at the time of the election be Qualification entered on the register of electors in this Act mentioned in respect of elected Trustees. of payment of rates or dues to the extent of twenty-five pounds or upwards shall be qualified to be one of the eighteen Trustees to be elected by the electors.

16. Where rates or dues shall be paid by joint owners of Qualification ships or by a company consisting of two or more partners it shall be lawful for such joint owners or company to intimate in writing members of to the Trustees the name or names of any one or more of the companies. joint owners or partners or in the case of an incorporated company (including a corporation) the name or names of any one or more of the actual managers or directors or of the partners of a firm who are managers on whose behalf such payment shall be deemed to have been made and such payment shall be deemed to have been made accordingly and each such person shall be qualified to be an elector and to be elected one of the elected Trustees in respect thereof in the same manner as if such payment had been made by him as an individual Provided that the amount of rates paid by such joint owners or company is sufficient to give the qualification of at least ten pounds or twenty-five pounds as the case may require to each such nominee And provided further that in the case of joint owners of a single ship there shall not be named more than two of the joint owners in the case of a company owning only one ship there shall not be named more than two of the partners or actual managers or directors of such company and in the case of any other company there shall not be named more than five of the partners or actual managers or directors of such company.

owners and

should be removed from such list or that any other person should A.D. 1905. not be entered therein as qualified for election as a Trustee may on or before the twenty-second day of October appeal to the sheriff who shall thereupon decide as may seem just Provided that on any appeal being lodged under the provisions of this section the appellant shall give four days' notice of such appeal and of the place and date fixed for disposing of the same by registered letter to the secretary to the Trustees and to any person whose qualification is objected to and the sheriff shall dispose of such appeals not later than the sixth day of November following such appeal and his decision shall be final and such list with the additions thereto and alterations thereon (if any) made by the sheriff and initialled by him shall be deemed to be the register of electors for that year for the next ensuing election.

15. Every person who shall at the time of the election be Qualification entered on the register of electors in this Act mentioned in respect of elected Trustees. of payment of rates or dues to the extent of twenty-five pounds or upwards shall be qualified to be one of the eighteen Trustees to be elected by the electors.

16. Where rates or dues shall be paid by joint owners of Qualification ships or by a company consisting of two or more partners it shall be lawful for such joint owners or company to intimate in writing members of to the Trustees the name or names of any one or more of the companies. joint owners or partners or in the case of an incorporated company (including a corporation) the name or names of any one or more of the actual managers or directors or of the partners of a firm who are managers on whose behalf such payment shall be deemed to have been made and such payment shall be deemed to have been made accordingly and each such person shall be qualified to be an elector and to be elected one of the elected Trustees in respect thereof in the same manner as if such payment had been made by him as an individual Provided that the amount of rates paid by such joint owners or company is sufficient to give the qualification of at least ten pounds or twenty-five pounds as the case may require to each such nominee And provided further that in the case of joint owners of a single ship there shall not be named more than two of the joint owners in the case of a company owning only one ship there shall not be named more than two of the partners or actual managers or directors of such company and in the case of any other company there shall not be named more than five of the partners or actual managers or directors of such company.

owners and

A.D. 1905. Electors to have only one vote.

17. Each elector shall be entitled to give one vote and no more for each Trustee to be elected and to give one vote and no more for any one candidate.

Amending section 19 of Act of 1858.

18. Section 19 of the Act of 1858 shall be read and have effect as if the words "the undertaking of the Trustees" were substituted for the words "the harbour" and as if the words "secretary to the Trustees" were substituted for the word "treasurer" where these words respectively occur in that section.

Amending section 34 of Act of 1858.

19. Section 34 of the Act of 1858 shall from and after the appointed day be amended by repealing the provision that the Lord Provost shall be ex officio chairman of the Trustees and the Trustees shall elect annually at their first meeting after the annual election in November one of their number as chairman.

Amending sections 32 128 and 132 of Act of 1858.

20. Sections 32 128 and 132 of the Act of 1858 shall from and after the appointed day be read and have effect as if the words "chairman of the Trustees" were substituted for the words "Lord Provost" and "Lord Provost of Glasgow" respectively where these words occur in those sections.

Amending Act of 1894.

21. Section 14 of the Act of 1894 shall be read and have section 14 of effect as if the words "Lord Provost of Glasgow and the" and the words "as chairman of the Trustees and" as well as the word "respectively" were omitted therefrom.

Commencement of Act.

22. This Act shall take effect on the passing thereof provided that the present Trustees shall continue the Trustees with all the powers rights and duties belonging to the Trustees until the appointed day.

Costs of Act.

23. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates to be levied or the moneys authorised to be borrowed by them,

A.D. 1905. Electors to have only one vote.

17. Each elector shall be entitled to give one vote and no more for each Trustee to be elected and to give one vote and no more for any one candidate.

Amending section 19 of Act of 1858.

18. Section 19 of the Act of 1858 shall be read and have effect as if the words "the undertaking of the Trustees" were substituted for the words "the harbour" and as if the words "secretary to the Trustees" were substituted for the word "treasurer" where these words respectively occur in that section.

Amending section 34 of Act of 1858.

19. Section 34 of the Act of 1858 shall from and after the appointed day be amended by repealing the provision that the Lord Provost shall be ex officio chairman of the Trustees and the Trustees shall elect annually at their first meeting after the annual election in November one of their number as chairman.

Amending sections 32 128 and 132 of Act of 1858.

20. Sections 32 128 and 132 of the Act of 1858 shall from and after the appointed day be read and have effect as if the words "chairman of the Trustees" were substituted for the words "Lord Provost" and "Lord Provost of Glasgow" respectively where these words occur in those sections.

Amending Act of 1894.

21. Section 14 of the Act of 1894 shall be read and have section 14 of effect as if the words "Lord Provost of Glasgow and the" and the words "as chairman of the Trustees and" as well as the word "respectively" were omitted therefrom.

Commencement of Act.

22. This Act shall take effect on the passing thereof provided that the present Trustees shall continue the Trustees with all the powers rights and duties belonging to the Trustees until the appointed day.

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23. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates to be levied or the moneys authorised to be borrowed by them,

# The SCHEDULE referred to in the foregoing Act. A.D. 1905.

EXTENT OF REPEAL.

The Act of 1858 Sections 9 10 12 to 18 20 to 22 26 and 29.
The Act of 1868 Sections 29 and 30.

Printed by Eyre and Spottiswoode,

FOR
ROWLAND BAILEY, Esq., M.V.O., I.S.O., the Kipg's Printer of Acts of Parliament.

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The Act of 1868 Sections 29 and 30.

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