



CHAPTER xxxiv

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Leith Harbour and Docks. [1st August, 1962.]

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:

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 Leith Harbour and Docks Order Confirmation Act, 1962. Short title.

SCHEDULE

LEITH HARBOUR AND DOCKS

Provisional Order to authorise the Commissioners for the harbour and docks of Leith to construct works, to amend the provisions of the Leith Harbour and Docks Orders, 1935 to 1959, to confer further powers on the Commissioners and for other purposes.

Whereas by the Leith Harbour and Docks Consolidation Order, 1935 (being an Order for consolidating with amendments the various Acts and Orders relating to the harbour and docks of Leith) the Commissioners for the harbour and docks of Leith (hereinafter respectively called "the Commissioners" and "the port of Leith") were continued incorporated for the purposes therein mentioned:

And whereas the port of Leith is a tidal port with a number of locked basins:

And whereas vessels in the trades served by the port of Leith, and in other trades, are now being built of substantially greater tonnage than formerly, and such vessels have been and are being constructed in increasing numbers:

And whereas the approaches and entrance are inadequate to receive vessels of that description at the port of Leith and it is expedient to convert the whole area within the port of Leith into a single locked basin:

And whereas for the purposes aforesaid it is expedient that the Commissioners should be authorised to execute the works hereinafter described:

And whereas it is expedient that the further powers mentioned in this Order should be conferred on the Commissioners:

And whereas a plan and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order and the alterations of works by this Order authorised, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purpose of or under the powers of this Order, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the Sheriff Clerk of the county of Midlothian and with the town clerk

of the city of Edinburgh, and such plan, sections and book of reference are respectively called the deposited plan, sections and book of reference:

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 powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I

PRELIMINARY

1.—(1) This Order may be cited as the *Leith Harbour and Docks Order, 1962*. Short and collective titles.

(2) The *Leith Harbour and Docks Orders, 1935 to 1959*, and this Order may be cited together as the *Leith Harbour and Docks Orders, 1935 to 1962*.

2. This Order is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Authorised works.

Part III.—Miscellaneous.

Division of
Order into
Parts.

3. This Order shall commence and have effect on the date of the passing of the Act confirming the same. Commencement of Order.

4.—(1) Sections 14, 15, 28, 99 and 100 of the *Harbours, Docks and Piers Clauses Act, 1847*, are hereby incorporated with and form part of this Order: Incorporation of Harbours, Docks and Piers Clauses Act.

Provided that the said section 28 shall be read and have effect—

(a) as if in that section the expression “vessel” includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind however navigated, propelled or moved, and any seaplane on the surface of the water; and

(b) as amended by the *Post Office Act, 1953*.

(2) In construing the sections so incorporated the expression “the special Act” shall mean this Order, the expressions “the promoters of the undertaking” and “the undertakers” shall mean the Commissioners, and the expression “the harbour dock or pier” shall mean the works authorised by this Order.

5.—(1) In this Order—

“the authorised works” means the works authorised by section 6 (Power to construct works) of this Order;

“city” means the city and royal burgh of Edinburgh;

“the Commissioners” means the Commissioners for the port of Leith;

“Corporation” means the Corporation of the city;

Interpretation.

PART I
—cont.

- “harbour of Newhaven” means the harbour of Newhaven vested in the Commissioners by the Order of 1935 and the works connected therewith and all future additions thereto and extensions thereof;
- “Inner Harbour” means that area of the port of Leith lying between Tolbooth Wynd Bridge and Tower Street;
- “the level of high water” means the level of mean high-water springs;
- “the Minister” means the Minister of Transport;
- “the Order of 1935” means the Leith Harbour and Docks Consolidation Order, 1935;
- “the Order of 1950,” “the Order of 1952” and “the Order of 1959” mean the Leith Harbour and Docks Orders of those respective years;
- “the Order of 1958” means the Edinburgh Corporation Order, 1958;
- “the port of Leith” means the port and harbour of Leith including the harbour of Newhaven and the harbours, docks, quays, piers and whole other works and property included in the undertaking vested in the Commissioners by the Order of 1935 and all future additions thereto and extensions thereof.

(2) This Order is to be read as if the words “or thereabouts” were inserted after each distance mentioned in section 6 (Power to construct works) of this Order.

PART II

AUTHORISED WORKS

Power to
construct
works.

6. Subject to the provisions of this Order, the Commissioners may construct and place in the Firth of Forth on the bed, banks and shores thereof and on the lands belonging to them in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections the following works on the south side of the Firth of Forth in the county of the city of Edinburgh and county of Midlothian:—

Work No. 1 An entrance lock commencing on the crest of the East Breakwater and extending in a west-south-westerly direction for a distance of five hundred and twenty feet terminating at a line approximately parallel to and at an average distance of thirty feet from the line of the north-east side of the West Pier together with—

(a) a pilot boat landing commencing on the north-west end of the north-east side of the entrance lock and extending in a north-north-westerly direction for a distance of two hundred feet and terminating at a point six hundred and eighty feet measured in a south-south-easterly direction from the lighthouse on the northernmost point of the said breakwater;

(b) a lead-in jetty thirty feet wide commencing on the north-west end of the north-east side of the entrance lock and extending in a north-north-westerly direction for a distance of nine hundred and fifty feet and terminating at a point two hundred and seventy feet measured in a west-south-westerly direction from the said lighthouse;

(c) a lead-in jetty consisting of dolphins connected by an access bridge commencing on the south-east end of the north-east side of the entrance lock and extending in a south-south-easterly direction for a distance of seven hundred and thirty feet thence in an east-north-easterly direction for a distance of ninety feet and terminating at a point on the existing quay wall adjacent to the radar training station;

(d) a lead-in jetty consisting of dolphins connected by an access bridge commencing on the north-west end of the south-west side of the entrance lock and extending in a north-westerly direction for a distance of six hundred and thirty feet and terminating at a point six hundred and sixty feet measured in a south-westerly direction from the said lighthouse;

and the abandonment and removal of the existing East Pier;

Work No. 2 A closing dam commencing at the termination of Work No. 1 extending in a west-south-westerly direction for a distance of one hundred and fifty feet, thence in a west-north-westerly direction for a distance of six hundred and ten feet, thence in a north-westerly direction for a distance of one hundred and forty feet and terminating on the crest of the West Breakwater;

Work No. 3 A new entrance to the Imperial Dock being—

(a) a quay or wharf commencing at a point two hundred and thirty-five feet measured in a south-south-westerly direction from the north-west corner of the Imperial Dock (the datum point on the deposited plan) proceeding on this line for a distance of ninety-five feet extending in a west-north-westerly direction for a distance of four hundred and eighty feet, thence extending for a distance of ninety-five feet in a north-north-easterly direction, and terminating at a point five hundred and forty feet measured in a west-south-westerly direction from the said datum point;

(b) a quay or wharf commencing at a point four hundred and sixty feet measured in a south-south-westerly direction from the said datum point and extending in a west-north-westerly direction for a distance of six hundred and fifty feet and terminating at a roundhead forming a junction with the existing quay wall at the north-east side of the Outer Harbour at a point eight hundred and thirty feet measured in a west-south-westerly direction from the said datum point;

PART II
—cont.

(c) the abandonment and removal of the existing lock, quays, wharves and other works situated on the north-east and south-west sides of the existing entrance to Imperial Dock, which lie to the north and west of the works described in paragraphs (a) and (b);

Work No. 4 A roundhead at the south end of the West Pier commencing at a point on the north-east side of the West Pier and one thousand one hundred feet measured in a west-south-westerly direction from the said datum point, thence in a north-westerly direction for a distance of one hundred feet terminating at a point thirty feet in a south-westerly direction from the point of commencement and the abandonment and removal of the existing West Pier extending to the north-west of the said roundhead.

Power to deviate.

7. In constructing the authorised works the Commissioners may deviate laterally from the lines shown on the deposited plan to the extent of the limits of deviation marked thereon and may deviate vertically from the levels of the works shown on the deposited sections to any extent not exceeding eight feet:

Provided that no deviation, either lateral or vertical, below the level of high water shall be made without the consent in writing of the Minister.

Alteration and improvement of works.

8. Subject to the provisions of this Order, the Commissioners may from time to time maintain, renew, extend or alter temporarily or permanently the authorised works or any part thereof:

Provided that nothing in this section shall authorise the Commissioners to deviate laterally or vertically beyond the limits of deviation authorised by section 7 (Power to deviate) of this Order.

Subsidiary works.

9. Subject to the provisions of this Order, the provisions of section 59 (Power to make subsidiary works) of the Order of 1935 shall apply to the authorised works as if the authorised works had been authorised by section 44 (Power to construct authorised works) of the Order of 1935 and paragraph (b) of subsection (1) of the said section 59 shall, in its application to the authorised works, be read and have effect as if the words "pumping stations" were inserted after the word "sluices".

Power to dredge.

10. The Commissioners may from time to time deepen, dredge, scour, cleanse, alter and improve the Firth of Forth at and adjoining the authorised works and at the approaches to Work No. 1 as authorised by section 6 (Power to construct works) of this Order and may use and appropriate any materials raised or removed in so doing:

Provided that materials raised under the provisions of this section shall not be deposited in any place below the level of high water otherwise than in such position and under such restrictions as may be fixed by the Minister.

11.—(1) The Commissioners shall not under the powers of this Order construct, renew, extend or alter any work on, in, under or over tidal waters or tidal lands below the level of high water except in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

PART II
—cont.

Works below level of high water to be subject to approval of Minister.

(2) If any such work is commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly.

12. If at any time the Minister deems it expedient to order a survey and examination of any work constructed by the Commissioners under the powers of this Order on, in, under or over tidal waters or tidal lands below the level of high-water, or of the site upon which it is proposed to construct any such work, the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly.

Survey of certain works by Minister.

13.—(1) Where any work constructed by the Commissioners under the powers of this Order wholly or partially on, in, under or over tidal waters or tidal lands below the level of high-water is abandoned, or suffered to fall into decay, the Minister may by notice in writing either require the Commissioners at their own expense to repair and restore such part of such work as is situated below the level of high water or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

Abatement of works abandoned or decayed.

(2) Where any part of any work constructed by the Commissioners under the powers of this Order which has been abandoned or suffered to fall into decay is situated above the level of high water and is in such condition as to interfere, or cause reasonable apprehension that the same may interfere, with the right of navigation or the exercise of other public rights over the foreshore, the Minister may include any such part of such works or any portion thereof in any notice under this section.

(3) If the Commissioners fail to comply with any notice under this section within thirty days from the date when the notice is served upon them, the Minister may execute the works specified in the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly.

14.—(1) The Commissioners shall at or near any part of the authorised works below the level of high water during the whole time of the construction, renewal, extension or alteration thereof exhibit and keep burning every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Minister may from time to time require or approve.

Lights on works during construction.

PART II
—cont.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Permanent
lights on
works.

15.—(1) The Commissioners shall at the outer extremity of the authorised works below the level of high-water exhibit and keep burning every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses may from time to time direct.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Provision
against danger
to navigation.

16.—(1) In case of injury to or destruction or decay of any work authorised by this Order so far as the same shall be constructed on, under or over any tidal waters or tidal lands below the level of high-water the Commissioners shall lay down such buoys, exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses; and shall apply to those commissioners for directions as to the means to be taken.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding ten pounds and in the case of a continuing offence to an additional fine not exceeding one pound for every day during which they omit, after conviction thereof, so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Crown rights.

17. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein shall authorise the Commissioners to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Abandonment
of existing
lock gates.

18. After the completion of the entrance lock (Work No. 1) and the closing dam (Work No. 2) authorised by section 6 (Power to construct works) of this Order the Commissioners may abandon and discontinue the maintenance and use of the gates of the existing locks and basins within the port of Leith and may remove those gates and widen the dock entrances.

19.—(1) The Commissioners may abandon and discontinue the maintenance and use of the East Old Dock, the West Old Dock and Dry Docks Nos. 4 and 5 abutting on the West Old Dock, and thereafter the Commissioners may remove any works connected with such docks, and as from the date of such abandonment and discontinuance all the powers, duties and obligations conferred or imposed upon the Commissioners with respect to or in connection with those docks shall cease. Abandonment of certain docks.

(2) As from the abandonment and discontinuance of the use of a dock under the powers conferred by subsection (1) of this section any public or private rights which may exist over or in respect of the same shall be extinguished.

(3) Any person who suffers loss by the extinguishment of a private right under this section shall be entitled to be paid by the Commissioners compensation to be determined in case of dispute by the Dean of the Faculty of Advocates.

(4) After a dock has been abandoned and the use thereof discontinued under the powers conferred by subsection (1) of this section the Commissioners may drain and fill in the dock and shall hold the site thereof for the improvement and development of the port of Leith.

20. The Commissioners may collect, impound, take, use and appropriate such of the waters of the Firth of Forth and the Water of Leith as may be collected, impounded, taken, used and appropriated by means of any work authorised by this Order and by means of the existing works of the Commissioners and may raise or lower or regulate the water or the level of the flow of water in the Water of Leith to such an extent as the Commissioners think necessary for the due operation of the said works. Power to impound waters.

21. The Commissioners shall not under the powers conferred by this Order alter any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. In this section the expression “telegraphic line” and “alter” shall have the same meanings as in the Telegraph Act, 1878. For protection of Postmaster General.

22.—(1) Notwithstanding the provisions of this Order the Commissioners shall not cause or permit the level of the water in the port of Leith or any part thereof to rise to a height exceeding 9.70 feet above ordnance datum (Liverpool) (hereinafter in this section referred to as “the specified level”). For protection of Edinburgh Corporation.

(2) If at any time after the commencement of the construction of the authorised works the level of the water in the port of Leith or any part thereof exceeds the specified level the Commissioners shall indemnify the Corporation in respect of all damage or loss suffered by them in consequence thereof and in respect of any claims made against them as sewerage and drainage authority for the city consequent on the level of the water in the port of Leith having exceeded the specified level.

PART II
—cont.

(3) The Commissioners shall not be deemed to have acted in contravention of the provisions of subsection (1) of this section nor shall any liability under subsection (2) of this section be imposed on the Commissioners by reason of the level of the water in the port of Leith or any part thereof having risen above the specified level at any time when the tide as recorded on the automatic tide gauge situated outside the entrance lock, part of Work No. 1 authorised by section 6 (Power to construct works) of this Order, has also risen above the specified level.

For further
protection of
Edinburgh
Corporation.

23.—(1) The Commissioners shall indemnify the Corporation against any claim which may be made against them in their capacity as sewerage and drainage authority for the city in any case where the damage or loss in respect of which the claim is made is due to the flooding or surcharging of the existing overflows into the Water of Leith and Inner Harbour (or any replacement thereof required in the ordinary course of maintenance and constructed at the same level) and is attributable in whole or in part to the exercise by the Commissioners of the powers conferred on them by this Order :

Provided that—

- (i) the Corporation shall give reasonable notice to the Commissioners of any claim made against them to which this subsection may apply and no settlement or compromise thereof shall be made without the written consent of the Commissioners; and
- (ii) in the case of any such claim in respect of damage or loss which is attributable in part only to the exercise by the Commissioners of the said powers the Commissioners shall be liable to and shall indemnify the Corporation only to the extent to which such damage or loss is so attributable.

(2) In the event of the Corporation constructing and bringing into use a new main sewer in place of that part of the 1864 Water of Leith sewer lying between Great Junction Street and its outfall at Eastern Craigs their right against the Commissioners to indemnity under subsection (1) of this section shall cease.

Commissioners
to provide
land in certain
events for
sewerage
undertaking of
Corporation.

24.—(1) If as a consequence of the exercise by the Commissioners of the powers conferred on them by this Order, it becomes necessary for the Corporation to construct a sewage screening and pumping station or other works for the purposes of their sewerage undertaking, the Commissioners shall, upon receiving not less than twelve months' prior notice in writing from the Corporation, make sufficient land available to the Corporation at a suitable site for the construction of the necessary works and the Corporation shall be entitled to occupy the said land, construct the said works and maintain and use the same as part of their sewerage undertaking.

(2) Any land made available to the Corporation under subsection (1) of this section shall remain the property of the Commissioners and the Corporation shall in respect of their occupation of the land pay to the Commissioners (if demanded) the sum of ten shillings at the term of Whit Sunday in each year, so long as the Corporation shall remain in occupation of the land or any part thereof.

25. Any difference arising between the Corporation and the Commissioners under section 22 (For protection of Edinburgh Corporation), section 23 (For further protection of Edinburgh Corporation) or section 24 (Commissioners to provide land in certain events for sewerage undertaking of Corporation) of this Order shall be determined by an arbiter to be agreed upon between the Corporation and the Commissioners or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers

PART II
—cont.
Arbitration.

26. The wharves, docks, jetties, piers, quays and other works of the Commissioners as existing at the commencement of this Order and the authorised works shall be deemed to be within the city and city parish of Edinburgh.

Commissioners' works to be deemed to be in city.

PART III

MISCELLANEOUS

27. After the commencement of this Order, section 10 (Additional borrowing powers) of the Order of 1950, as amended by subsection (1) of section 25 (Increase of borrowing powers) of the Order of 1959, shall be amended by the substitution for the words "two million five hundred thousand pounds" of the words "seven million five hundred thousand pounds".

Increase of borrowing powers.

28. After the commencement of this Order, section 22 (Returning officer for and expenses at elections) of the Order of 1935, as amended by subsection (4) of section 14 (Power to appoint and remove officers, &c.) of the Order of 1950, shall be amended by the substitution for the words "whom failing" of the word "or".

As to returning officer for elections.

29. After the commencement of this Order, subsection (1) of section 27 (Qualification of persons to be elected as Commissioners by electors) of the Order of 1935 shall be amended by the insertion after the words "shall reside" of the words "or have his principal place of business".

As to qualification of persons to be elected as Commissioners.

30. After the commencement of this Order, section 31 (Disqualification of Commissioners) of the Order of 1935 shall be amended—

(a) by the omission of the words "or participate in the profits of any work done by order of the Commissioners or be concerned or participate in the profits of any contract entered into with the Commissioners";

(b) by the omission of the proviso to the section.

As to disqualification of Commissioners.

31.—(1) A Commissioner shall not be disqualified by his office from being interested in any contract with the Commissioners on his own behalf or as a member of any company, corporation or partnership:

Disability of Commissioners from voting on account of interest in contracts.

Provided that if a Commissioner or any company, corporation or partnership of which he is a member be or become interested in

PART III
—cont.

any contract with the Commissioners (whether such interest shall arise before or after his election as a Commissioner) the nature of his interest or of the interest of such company, corporation or partnership in the contract shall be disclosed by him at the meeting of the Commissioners at which the contract is first taken into consideration if his or their interest then exists or, in any case, at the first meeting of the Commissioners after the acquisition of his or their interest or after his election.

(2) A Commissioner shall not take part as a Commissioner in the consideration or discussion of or vote on any question with respect to any contract in which he is interested and, if he does so vote, his vote shall not be counted:

Provided that—

- (a) this subsection shall not apply to any contract or arrangement with any company in which he is interested only as an officer of the company or as a holder of stock, shares or other securities; and
- (b) for the purposes of determining whether there is a quorum, a Commissioner shall be treated as being present at a meeting notwithstanding that under the foregoing provisions of this subsection he cannot vote.

(3) A Commissioner who by reason of the foregoing provisions of this section is not disqualified from holding office shall not be liable to account to the Commissioners for any profit realised as a result of any such contract as is mentioned in subsection (1) of this section.

(4) If any person fails to comply with any provisions of subsection (1) or subsection (2) of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds unless he proves that he did not know that a proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

Amendment of Agreement confirmed by Order of 1958.

32. The Agreement as set forth in the Eighth Schedule to the Order of 1958 made between the Corporation of the city of Edinburgh and the Commissioners and confirmed and made binding on the parties thereto by section 245 (Confirming Agreement with Dock Commissioners as to certain streets) of the Order of 1958, shall, after the commencement of this Order, be read and have effect as so confirmed, as if in the third head the words “ provided that any such fixed spans shall be so designed as to allow reasonable clearance for the passage of small river craft under the said spans ” were omitted therefrom.

Penalty for using or employing vessels for towing without licence of Commissioners.

33. After the commencement of this Order, subsection (2) of section 5 (Power to licence tugs, &c.) of the Order of 1952 shall be amended by the insertion after the words “ any tug ” of the words “ or other vessel ”.

As to transfer of funded debt.

34. After the commencement of this Order, subsection (1) of section 110 (Transfer of funded debt) of the Order of 1935 as amended by section 24 (Further amendment of Order of 1935) of the Order of

1959, shall be amended by the addition after the words " in or as near as may be in the form of the Seventeenth Schedule to this Order " of the words " in the Common Form or a form to the like effect ".

PART III
 —cont.

35. After the commencement of this Order, section 154 (Public quays of Imperial Dock, &c.) of the Order of 1935 shall be amended by the substitution for the words " two hundred feet " in both places where those words occur of the words " one hundred feet ".

As to public
 quays of
 Imperial Dock.

36. After the commencement of this Order, section 129 (Commissioners may grant retiring allowances) of the Order of 1935 shall be amended by the addition after subsection (3) of that section of the following subsection:—

Commutation
 of pension.

" (4) Without prejudice to the generality of subsection (1) of this section, the Commissioners may if they think fit, at any time and from time to time, subject to such terms and conditions as they think fit, make provision for enabling an officer or servant to make arrangements for the payment, in lieu of a part of any annuity or pension which he would otherwise receive from the Commissioners on his retirement, of an annuity payable after his death to his widow during the lifetime of that widow ".

37. It shall not be lawful to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Saving for
 powers of
 Treasury.

38. This Order shall be deemed to be an enactment passed before, and in force at, the passing of the Town and Country Planning (Scotland) Act, 1947, for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Saving for
 town and
 country
 planning.

39. 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 Commissioners out of the revenues of their undertaking.

Costs of
 Order.

Table of Statutes referred to in this Act

Short title	Session and chapter
Harbours Docks and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Post Office Act, 1953	1 & 2 Eliz. 2 c. 36.

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LEITH HARBOUR AND DOCKS

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27. Increase of borrowing powers.
28. As to returning officer for elections.
29. As to qualification of persons to be elected as Commissioners.
30. As to disqualification of Commissioners.
31. Disability of Commissioners from voting on account of interest in contracts.
32. Amendment of Agreement confirmed by Order of 1958.
33. Penalty for using or employing vessels for towing without licence of Commissioners.
34. As to transfer of funded debt.
35. As to public quays of Imperial Dock.
36. Commutation of pension.
37. Saving for powers of Treasury.
38. Saving for town and country planning.
39. Costs of Order.