



## CHAPTER li.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Leith Harbour and Docks. A.D. 1933.

[28th July 1933.]

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

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Leith Harbour and Docks Order Confirmation Act 1933. Short title.

A.D. 1933.

SCHEDULE.

LEITH HARBOUR AND DOCKS.

*Provisional Order to authorise the Commissioners for the Harbour and Docks of Leith to borrow further money to authorise the Commissioners to borrow by way of temporary loan to extend the time for compulsory purchase of lands authorised by the Leith Harbour and Docks Act 1913 the Leith Harbour and Docks Order 1919 and the Leith Harbour and Docks Order 1925 to make further provision with respect to rates and charges and for other purposes.*

WHEREAS it is expedient that the Commissioners for the Harbour and Docks of Leith (hereinafter referred to as "the Commissioners") should be authorised to borrow further money for the improvement and equipment of their undertaking :

And whereas it is expedient that the Commissioners should be authorised to borrow for current expenses by way of temporary loan as in this Order provided :

And whereas by the Leith Harbour and Docks Act 1913 (hereinafter referred to as "the Act of 1913") and by the Leith Harbour and Docks Order 1919 (hereinafter referred to as "the Order of 1919") and by the Leith Harbour and Docks Order 1925 (hereinafter referred to as "the Order of 1925") the Commissioners were authorised to construct the works in the Act of 1913 and the Order of 1919 and the Order of 1925 described and to acquire compulsorily the lands shown on the plans deposited with reference to that Act and those Orders respectively :

And whereas it is expedient that the period limited by the Act of 1913 as extended by an Order made on the thirteenth day of October one thousand nine hundred and seventeen by the Board of Trade under the Special Acts (Extension of Time) Act 1915 and further extended

by the Order of 1919 and by the Leith Harbour and Docks Order 1924 (hereinafter referred to as "the Order of 1924") and by the Leith Harbour and Docks Order 1929 (hereinafter referred to as "the Order of 1929") for the compulsory purchase of lands for the purposes of the Act of 1913 should be further extended : A.D. 1933.

And whereas it is expedient that the period limited by the Order of 1919 as extended by the Order of 1924 and further extended by the Order of 1929 for the compulsory purchase of lands for the purposes of the Order of 1919 should be further extended :

And whereas it is expedient that the period limited by the Order of 1925 as extended by the Order of 1929 for the compulsory purchase of lands for the purposes of the Order of 1925 should be further extended :

And whereas it is expedient that certain of the rates and charges which the Commissioners are authorised to demand levy collect and receive should be revised and that they should be authorised to demand levy collect and receive new and modified rates and charges as in this Order provided :

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

## PART I.

### PRELIMINARY.

1. This Order may be cited as the Leith Harbour and Docks Order 1933 and this Order and the Leith Harbour and Docks Acts 1875 to 1929 may be cited together as the Leith Harbour and Docks Acts 1875 to 1933. Short and collective titles.

[Ch. li.] *Leith Harbour and [23 & 24 GEO. 5.]  
Docks Order Confirmation Act, 1933.*

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Commence-  
ment.

2. This Order (save as otherwise in this Order expressly provided) shall commence and have effect from the date of the passing of the Act confirming this Order.

Order  
divided  
into Parts.

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

Part I.—Preliminary.

Part II.—Financial.

Part III.—Extensions of time.

Part IV.—Miscellaneous.

Partial  
incorpora-  
tion of  
Harbours  
Clauses  
Act.

4. The Harbours Clauses Act excepting section 12 sections 16 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and a tide gauge and barometer) sections 25 and 26 sections 49 and 50 and sections 79 and 80 of that Act is except where expressly varied by this Order incorporated with and forms part of this Order Provided that the following expressions used in the Harbours Clauses Act shall have the following respective meanings (that is to say) :—

The expressions “ packet boat ” and “ Post Office packet ” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “ Post Office bag of letters ” means a mail bag as defined by the same Act.

The expression “ vessel ” in section 28 of the Harbours Clauses Act shall include any floating dock seaplane hydroplane airship and similar craft and any vessel of exceptional construction or method of propulsion belonging to or employed in the service of His Majesty :

Provided that nothing in the Harbours Clauses Act or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if such vessel also conveys passengers or goods for hire.

Interpre-  
tation.

5. In this Order the several words and expressions to which meanings are assigned by the Harbour Acts and by the Act partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Order—

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- “ The Commissioners ” means the Commissioners for the Harbour and Docks of Leith ;
- “ The Act of 1875 ” “ the Act of 1892 ” “ the Act of 1899 ” “ the Order of 1908 ” “ the Act of 1913 ” “ the Order of 1919 ” “ the Order of 1924 ” “ the Order of 1925 ” and “ the Order of 1929 ” respectively mean the Leith Harbour and Docks Acts or Orders as the case may be of those respective years ;
- “ The Order of 1917 ” means the Order made on the thirteenth day of October one thousand nine hundred and seventeen by the Board of Trade under the Special Acts (Extension of Time) Act 1915 ;
- “ The Act of 1894 ” means the Edinburgh Corporation Stock Act 1894 ;
- “ The Harbour Acts ” means the Leith Harbour and Docks Acts 1875 to 1929 ;
- “ The Harbours Clauses Act ” means the Harbours Docks and Piers Clauses Act 1847 ;
- “ The Port of Leith ” means the harbour and docks of Leith ;
- “ Harbour and docks of Leith ” “ harbour and docks ” mean and include the Port and Harbour of Leith and the harbours docks quays piers and whole other works and property included in the undertaking defined in and vested in the Commissioners by the Harbour Acts and this Order and all future additions thereto and extensions thereof ;
- “ The clerk ” means the clerk to the Commissioners for the time being ;
- “ The collector ” means the collector for the time being of the rates and charges leviable by virtue of the Harbour Acts and this Order ;
- “ The harbour-master ” includes the superintendent of the harbour and docks of Leith and the harbour-master and dockmaster appointed by and acting under the Commissioners for the time being.

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PART II.

FINANCIAL.

Powers to Commissioners to borrow money.

6. The Commissioners may borrow any sum or sums of money not exceeding in the whole five hundred thousand pounds for the purpose of carrying out the powers conferred on them by section 18 (Power to make subsidiary works) of the Act of 1913 and in the execution of any other works to which capital is properly applicable under the Harbour Acts in addition to the sum or sums which they may from time to time borrow under the Harbour Acts but with the application of which the lenders of the money so borrowed shall have no responsibility or concern and the Commissioners may make and grant bonds and mortgages of the undertaking of the harbour and docks and of the rates rents and feu duties and other revenues arising under the Harbour Acts and this Order and from the undertaking of the harbour and docks and works and property thereof in security for the repayment of the money to be so borrowed and interest thereon :

Provided always that the Commissioners may apply towards the cost of such works or any portion thereof the whole or any part of the moneys authorised to be borrowed under the Harbour Acts and not by those Acts appropriated to any other purpose and any moneys in their hands and the revenue to be received during the execution of the said works if any remaining after applying such revenue to the purposes to which such revenue is preferably applicable under the provisions of the Harbour Acts and this Order.

Borrowing powers under Edinburgh Corporation Stock Act 1894 to be exercised under Harbour Acts.

7. Whereas under the provisions of the Act of 1894 powers were conferred on the Commissioners for the borrowing of money for the purposes therein mentioned And whereas it is expedient that the whole of the Commissioners' powers of borrowing money should be contained in the Harbour Acts Therefore all moneys borrowed by the Commissioners under the powers of the Act of 1894 shall be deemed to have been borrowed under the powers of the Harbour Acts and all the provisions of those Acts relating to the borrowing re-borrowing and repayment of borrowed moneys shall extend and apply to the moneys borrowed by the



Commissioners under the powers of the Act of 1894 and outstanding and not paid off at the date of the passing of the Act confirming this Order to the same extent and effect as if such moneys had been borrowed under the powers of the Harbour Acts and references in the Harbour Acts to the Act of 1894 shall be deemed to be references to the Harbour Acts as modified by this section. A.D. 1933. —

8. All mortgages or securities granted for parts of the said sum of five hundred thousand pounds authorised to be borrowed under the authority of this Order and the amounts due under the same for the time being shall rank *pari passu* and without any preference among such mortgages by reason of priority in the dates thereof or the dates of advancing the moneys for which the same shall have been granted and all mortgages or securities for money borrowed or to be borrowed under the Harbour Acts or this Order shall rank *pari passu* without any priority or preference the one over the other. Securities to rank *pari passu* with existing securities.

9. Notwithstanding anything contained in the Harbour Acts or this Order the borrowing powers of the Commissioners under those Acts at the sixteenth day of May one thousand nine hundred and thirty-two shall be deemed to be two million three hundred and seventy-four thousand eight hundred and thirty-five pounds consisting of one million one hundred and ninety thousand four hundred and thirty-four pounds borrowed by the Commissioners as at that date and one million one hundred and eighty-four thousand four hundred and one pounds which they had not borrowed as at that date. Definition of existing borrowing powers.

10. The said sum of one million one hundred and eighty-four thousand four hundred and one pounds which the Commissioners had not borrowed as at the said sixteenth day of May one thousand nine hundred and thirty-two shall be deemed to consist of (1) the sum of five hundred and thirty-four thousand eight hundred and seventy-five pounds part of the sum of six hundred thousand pounds authorised to be borrowed by section 46 (Power to Commissioners to borrow money) of the Act of 1913 (2) the sum of six hundred thousand pounds part of the sum of one million two Application of existing borrowing powers.

[Ch. li.] *Leith Harbour and [23 & 24 GEO. 5.]  
Docks Order Confirmation Act, 1933.*

A.D. 1933. — hundred thousand pounds authorised to be borrowed by section 24 (Powers to Commissioners to borrow money) of the Order of 1919 and directed by subsection (b) of section 30 (Application of borrowed money) of that Order to be applied in the manner thereby prescribed and (3) the sum of forty-nine thousand five hundred and twenty-six pounds deemed under section 21 (Application of existing borrowing powers) of the Order of 1924 to be applicable to the purposes of subsection (B) of section 38 (Power to Commissioners to borrow money) of the Order of 1908.

Consolidation of debt.

11. On the said sixteenth day of May one thousand nine hundred and thirty-two the total amount of the moneys authorised by the Harbour Acts and this Order to be borrowed by the Commissioners (other than any moneys borrowed in pursuance of the section of this Order of which the marginal note is "Power to borrow for current expenses") shall be deemed to be one consolidated debt and thereafter the provisions of section 41 of the Order of 1908 as to bonds and mortgages for such debt and as to the registers for bonds and mortgages to be kept by the clerk shall apply to the consolidated debt as if the said sum of five hundred thousand pounds by this Order authorised to be borrowed formed part of the money by the Harbour Acts or any of those Acts authorised to be borrowed.

Certain provisions of Order of 1908 to apply to borrowing powers of Order.

12. The provisions contained in sections 42 44 45 46 (as amended by section 50 of the Act of 1913) and 48 of the Order of 1908 shall extend and apply to the money by this Order authorised to be borrowed as if such money had formed part of the money by the Harbour Acts or any of them authorised to be borrowed Provided that the provisions contained in section 48 of the Order of 1908 shall not apply to money borrowed in pursuance of the powers conferred on the Commissioners by the section of this Order of which the marginal note is "Power to borrow for current expenses."

Form of securities.

13. The form of bond and mortgage referred to in section 42 and set out in Schedule C of the Order of 1908 in section 51 of the Act of 1913 and in section 29 of the Order of 1919 may after the date of the passing of the Act confirming this Order be expressed as being granted by virtue of the Acts and Order mentioned in



the said Schedule C in section 51 of the Act of 1913 in section 29 of the Order of 1919 and in this Order. A.D. 1933. —

14. For the purpose of providing temporarily for current expenditure for any of the purposes of their undertaking it shall be lawful for the Commissioners to borrow such moneys as may be necessary to provide for such expenditure Provided always (a) that the aggregate amount outstanding at any one time of the moneys so borrowed shall not exceed fifty thousand pounds and (b) that such moneys so borrowed shall as nearly as may be be repaid at or before the fifteenth day of May next ensuing after the dates of borrowing. Power to borrow for current expenses.

15. All moneys borrowed under the authority of the immediately preceding section of this Order shall be secured upon the harbour and docks and the rates by the Harbour Acts and this Order authorised to be levied and all other revenues whatsoever to arise under the Harbour Acts and this Order. Security for moneys borrowed for current expenses.

16. All moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow for current expenses" and under the Harbour Acts or this Order shall inter se rank pari passu without regard to the method of borrowing or the date of the writing constituting the security. Ranking of moneys borrowed for current expenses.

### PART III.

#### EXTENSIONS OF TIME.

17. The time limited for the compulsory purchase of lands for the purposes of the Act of 1913 by section 17 (Period for acquisition of lands) of the Act of 1913 as extended by the Order of 1917 and further extended by section 16 (Extending period limited by Act of 1913 for compulsory purchase of lands) of the Order of 1919 and by section 4 (Further extending period limited by Act of 1913 for compulsory purchase of lands) of the Order of 1924 and by section 3 (Further extending period limited by Act of 1913 for compulsory purchase of lands) of the Order of 1929 is hereby further extended for a period of four years from the sixteenth day of April one thousand nine hundred and thirty-four and on the expiration of that period those powers shall cease. Further extending period limited by Act of 1913 for compulsory purchase of lands.

[Ch. li.] *Leith Harbour and Docks Order Confirmation Act, 1933.* [23 & 24 GEO. 5.]

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Further extending period limited by Order of 1919 for compulsory purchase of lands.

18. The time limited for the compulsory purchase of lands for the purposes of the Order of 1919 by section 12 (Period for acquisition of lands) of the Order of 1919 as extended by section 5 (Extending period limited by Order of 1919 for compulsory purchase of lands) of the Order of 1924 and further extended by section 4 (Further extending period limited by Order of 1919 for compulsory purchase of lands) of the Order of 1929 is hereby further extended for a period of four years from the sixteenth day of April one thousand nine hundred and thirty-four and on the expiration of that period those powers shall cease.

Further extending period limited by Order of 1925 for compulsory purchase of lands.

19. The time limited for the compulsory purchase of lands for the purposes of the Order of 1925 by section 14 (Period for acquisition of lands) of the Order of 1925 as extended by section 5 (Extending period limited by Order of 1925 for compulsory purchase of lands) of the Order of 1929 is hereby further extended for a period of four years from the sixteenth day of April one thousand nine hundred and thirty-four and on the expiration of that period those powers shall cease.

PART IV.

MISCELLANEOUS.

Power to remove wrecks &c.

20.—(1) The Commissioners may within the limits of the harbour and docks raise and remove or if necessary destroy break up take away and sell any wrecked stranded abandoned or sunken vessel seaplane hydroplane airship or other aircraft or other wreck or thing (all of which are in this section included in the expression "vessel") and the cargo goods and property therein or any obstruction or floating timber and the expense of raising removing destroying breaking up taking away and selling any such vessel cargo goods property obstruction or floating timber shall be repaid by the master or owner of the same and the Commissioners may detain such vessel cargo goods property obstruction or floating timber in security of such expense and on non-payment of such expense on demand may sell the same and out of the proceeds of such sale may pay the expense

incurred in raising removing or destroying breaking up or taking away such vessel cargo goods property obstruction or floating timber and the charges of detention and sale rendering the overplus if any to the person entitled to the same and if from such proceeds a sufficient sum to pay such expense shall not be obtained the deficiency shall be recoverable from the master or owner of such vessel cargo goods property obstruction or floating timber in the same manner as damages or expenses are by the Harbour Acts or any Act incorporated therewith authorised to be recovered Provided always that the Commissioners shall before selling any such cargo goods or property as aforesaid pay all duties which may be due to His Majesty in respect of the cargo goods or property to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods or property.

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

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

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wrecked stranded abandoned or sunk within the harbour and docks (ii) the owner of any cargo goods property obstruction or floating timber at the time when the same shall first impede the navigation of the harbour and docks and (iii) the owner of such vessel cargo goods property obstruction or floating timber at any time thereafter.

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

(4) The powers of the Commissioners under subsection (1) of this section shall not be exercised in respect of a vessel if the owner thereof within twenty-four hours after the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and does all things necessary to raise and remove the vessel as speedily as possible to the satisfaction of the harbour-master.

(5) Notwithstanding anything contained in the Harbour Acts the master of any vessel who fails to comply with any notice or direction given in pursuance of the Harbour Acts or of this Order or of the Harbours Clauses Act shall be guilty of an offence and shall be liable to a penalty of twenty pounds. Such penalty may be recovered under and in accordance with the provisions of section 73 (Offences how to be prosecuted) of the Act of 1875 as modified by the Edinburgh Corporation Order 1932 or by any other Act or Order.

(6) Except for the purpose of removing any obstruction to the Port of Leith nothing in this section shall entitle the Commissioners to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said

Merchant Shipping Act and if the Commissioners shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such overplus of the proceeds of sale thereof as is referred to in subsection (1) of this section in accordance with such directions (if any) as may be given to them by the said receiver. A.D. 1933.

(7) Section 53 (Power to remove wrecks) of the Order of 1908 is hereby repealed.

21. Subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending the same or of any Order made under or in pursuance thereof and to the provisions of this Order the Commissioners may demand levy collect and receive from the owner agent manager or other person having charge thereof on and in respect of floating docks seaplanes hydroplanes airships and similar craft or vessels of exceptional construction or method of propulsion entering or using or departing from the Port of Leith such reasonable rates as may from time to time be fixed by the Commissioners : Rates for floating docks seaplanes &c.

Provided that the rates on and in respect of seaplanes hydroplanes and similar craft shall not exceed a uniform rate of one shilling per linear foot of maximum wing span.

22. Subsection (a) of section 18 (Commissioners to levy rates on goods and shipping &c.) of the Order of 1919 shall be deemed to extend to all goods merchandise wares or commodities whatsoever imported into or exported from the Port of Leith in floating docks seaplanes hydroplanes airships and similar craft or vessels of exceptional construction or method of propulsion. Rates on goods imported or exported in floating docks seaplanes &c.

23.—(1) The Commissioners may make such byelaws and regulations as they consider necessary with reference to the control of seaplanes hydroplanes airships and similar craft or vessels of exceptional construction or method of propulsion when afloat or alighting or taking off in the Port of Leith or the Byelaws &c. as to aviation.



[Ch. li.] *Leith Harbour and [23 & 24 GEO. 5.]  
Docks Order Confirmation Act, 1933.*

A.D. 1933. — precincts thereof provided that such byelaws shall not come into operation until confirmed by the Board of Trade after consultation with His Majesty's Secretary of State for War and the President of the Air Council.

(2) The Commissioners may impose a penalty not exceeding twenty pounds in respect of the breach of any of such byelaws and such penalty may be recovered under and in accordance with the provisions of section 73 (Offences how to be prosecuted) of the Act of 1875 as modified by the Edinburgh Corporation Order 1932 or by any other Act or Order.

Rates for  
use of  
cranes.

24. Section 18 (Commissioners to levy rates on goods and shipping &c.) of and Schedule E to the Order of 1919 both as amended by section 17 (Amendment of Schedule E of Order of 1919) of the Order of 1924 shall be read and have effect as if under heading I "For use of cranes capstans &c. (B) Other hand cranes and steam hydraulic and other cranes not exceeding five tons capacity" the rate of five shillings were substituted for three shillings in the paragraph giving the user an optional hourly rate for small hydraulic and movable cranes.

Rates on  
goods  
exported  
foreign.

25. Notwithstanding anything contained in subsection (a) of section 18 (Commissioners to levy rates on goods and shipping &c.) and in Schedule A (Rates on goods) and in section 21 (Commissioners may vary rates) of the Order of 1919 or in section 30 (Power to vary the rates from time to time) of the Harbours Clauses Act the Commissioners may in respect of any class or description of goods exported foreign from the Port of Leith demand levy collect and receive such rates lower than those in force for the time being in pursuance of section 18 (Commissioners to levy rates on goods and shipping &c.) of and Schedule A (Rates on goods) to the Order of 1919 as the Commissioners may from time to time by resolution fix Provided that such lower rates shall not be less than fifty per centum of the rates respectively in force for the time being for any such class or description of goods under Schedule A of the Order of 1919 Provided also that for the purposes of this section the words "goods exported foreign" shall be construed as meaning goods exported

in vessels falling under either Groups 3 4 or 5 of Schedule B (Branch I—Rates on vessels) of the Order of 1919. A.D. 1933. —

26. Section 10 (Rates on coastwise goods) of the Order of 1924 shall be read and have effect as if the words “any class or description of goods imported or exported coastwise” were substituted for the words “goods imported or exported coastwise” wherever such last-mentioned words occur in that section. Amendment of section 10 of Order of 1924.

27. The Commissioners may make a charge of not exceeding one shilling in respect of each passenger who uses the quays of the Port of Leith on any occasion of landing from or embarking on any vessel which lies in the Firth of Forth and does not enter the harbour and docks: Charges for passengers in certain cases.

Provided that the maximum charge to be made in respect of any passenger landing from or embarking on any such vessel on more than one occasion in any day of twenty-four hours shall be two shillings.

28. It shall be the duty of the auditor appointed in terms of section 100 (Auditor to be appointed) of the Act of 1875 once in every three months to audit the accounts of the Commissioners and for that purpose the Commissioners shall deliver to him their books and accounts and the vouchers in support of the same and the auditor shall examine such books accounts and vouchers and report thereon quarterly and shall after such books and accounts have been balanced at the fifteenth day of May in each year in terms of section 99 (Accounts to be kept and balanced) of the Act of 1875 make a final report on the same which shall be laid before the Commissioners at their ordinary meeting in the month of July annually and the Commissioners shall pay to the auditor for these duties such sum per annum as they shall deem reasonable. Accounts to be audited.

29. The Commissioners shall cause an abstract of the annual accounts as audited in pursuance of the immediately preceding section of this Order to be printed on or before the thirty-first day of July in each year which said abstract shall be verified by the auditor and a copy thereof shall be given free of charge to every Abstract of accounts to be printed.

[Ch. li.] *Leith Harbour and* [23 & 24 GEO. 5.]  
*Docks Order Confirmation Act, 1933.*

A.D. 1933. — ratepayer or creditor who shall apply for the same at the office of the collector.

Abstract of accounts to be sent to Minister of Transport.

30.—(1) The Commissioners shall on or before the thirty-first day of August in each year send to the Minister of Transport a copy of the abstract of accounts prepared in terms of the immediately preceding section.

(2) The Commissioners shall be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Repeal of sections of previous Acts.

31. Sections 101 (Accounts to be audited) and 102 (Abstract of accounts to be printed) of the Act of 1875 section 29 (Annual accounts of Commissioners and interpretations) of the Act of 1899 and section 22 (Annual account to be sent to the Ministry of Transport) of the Order of 1925 are hereby repealed.

Register for elections.

32. Section 8 (Register for elections to be kept) of the Act of 1892 shall be read and have effect as if the words "two shillings" were substituted for the words "one shilling" occurring therein. This section shall take effect from and after the sixteenth day of May one thousand nine hundred and thirty-three.

Lists of electors may be typewritten or stencilled.

33. Notwithstanding anything contained in section 12 (Lists of electors to be made up and revised) of the Act of 1892 the lists of electors therein referred to may be typewritten or stencilled and need not be printed.

Quorum of committees.

34. Section 22 (Appointment and quorum of committees) of the Order of 1908 shall be read and have effect as if the following provision were inserted therein in lieu of subsection (2) thereof:—

"(2) Three members of any such committee shall be a quorum except when such committee shall consist of all the Commissioners when the quorum shall be five."

Agreement with Board of Trade and Commissioners of Crown Lands.

35. The agreement between the Board of Trade acting under the Crown Lands Act 1866 the Commissioners of Crown Lands and the Commissioners set forth in the schedule to this Order is hereby confirmed and made binding on the parties thereto.

36. All costs charges and expenses of and incident 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.

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Costs of  
Order.

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### SCHEDULE.

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Referred to in the section of this Order of which the marginal note is "Agreement with Board of Trade and Commissioners of Crown Lands."

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IT IS CONTRACTED AGREED AND ENDED between the parties following videlicet THE BOARD OF TRADE acting under the Crown Lands Act 1866 and in exercise of such of the powers conferred by the Crown Lands Act 1829 the Crown Lands (Scotland) Act 1833 and the Crown Lands Act 1852 as were transferred by the first mentioned Act (hereinafter referred to as "the First Parties") of the first part THE COMMISSIONERS OF CROWN LANDS on behalf of His Majesty acting in exercise of the powers of the Crown Lands Acts 1829 to 1927 (hereinafter referred to as "the Second Parties") of the second part and THE COMMISSIONERS FOR THE HARBOUR AND DOCKS OF LEITH incorporated under "the Leith Harbour and Docks Act 1875" and in exercise of the powers conferred by "the Leith Harbour and Docks Acts 1875 to 1929" (hereinafter referred to as "the Third Parties") of the third part as follows That is to say

WHEREAS His Majesty claims to be the proprietor of the foreshore and bed of the sea and of the mines and minerals thereunder hereinafter described with the exception of certain unascertained areas vested in the Third Parties under heritable title the administration of which foreshore and others in so far as the property of the Crown, and except as regards the mines and minerals is vested in the First Parties under the provisions of the Crown Lands Act 1866 the administration of the said mines and minerals being entrusted to the Second Parties under the provisions of the same Act :

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And whereas the Third Parties repudiate the said claim :

And whereas questions have from time to time arisen and negotiations have been conducted between the First Parties and the Third Parties with regard to the rights and interests of the Third Parties or their predecessors or authors in certain heritable subjects being the waters and the foreshore and bed of the sea within the limits of the Port of Leith (the undertaking of which port is vested in the Third Parties) and in lands and heritages formerly forming parts of the said foreshore or bed of the sea :

And whereas the Third Parties claim that the whole of the rights and interests which have at any time been vested in the Crown in the said waters and foreshore and bed of the sea with certain exceptions aftermentioned are vested in the Third Parties under charters title deeds or conveyances of or to the same and under the said Leith Harbour and Docks Acts 1875 to 1929 the said exceptions being (a) the Crown's general guardianship under the jus publicum of the public rights attaching to all such waters and to tidal lands (b) such parts if any of the said rights or interests as have been alienated by the Third Parties their predecessors or authors in title and (c) the Crown's right and title to the superiority of the whole lands and heritages held in property by the Third Parties :

And whereas the said claim of the Third Parties was intimated to the Second Parties who were cognisant of the said negotiations and the First Parties and the Second Parties on behalf of His Majesty repudiate the said claim except in so far as hereinafter expressly admitted by them :

And whereas all the parties are agreed that it is expedient and proper in the public interest and for the avoidance of litigation that the said claims of the parties hereto should be settled by way of compromise :

Therefore the whole parties hereto (the First and Second Parties acting throughout these presents on behalf of the King's most Excellent Majesty and as regards the Second Parties by virtue of an order or warrant under the Royal Sign Manual and the hands of two of the Lords Commissioners of His Majesty's Treasury dated the fourteenth day of February nineteen hundred and thirty) have agreed and do hereby agree to settle the said claims by way of compromise as follows videlicet :

(First) The Third Parties shall immediately on delivery of one copy of these presents duly executed in triplicate by or on behalf of the parties hereto pay to the First Parties the sum of three hundred pounds sterling being the value to the Crown (as assessed by or on behalf of the First Parties) of the rights and interests hereinafter mentioned.



(Second) The First and Second Parties on behalf of His Majesty in respect of the said payment and in exercise of the powers for the purpose given by the fifth section of the Act sixteen and seventeen Victoria cap. fifty-six and by the Crown Lands Act 1866 as extended to Scotland by section eleven of the Crown Lands Act 1894 and of all powers in anywise enabling them respectively in this behalf according to their respective estates interests and powers in and over the said foreshore bed of the sea and mines and minerals as from the date of the said payment without prejudice to the release hereinafter granted in favour of His Majesty Renounce in favour of the Third Parties and their successors in title the rights or claims of the Crown to all and whole the solum of the whole foreshore and bed of the sea between or within the eastern and western limits of the said Port of Leith as these limits are defined in section seven of the Leith Harbour and Docks Act 1875 (thirty-eight and thirty-nine Victoria chapter clx) and extending seaward to the northern boundary of the precincts of the said port as defined in section eighteen of the Leith Harbour and Docks Order Confirmation Act 1919 (9 George V chapter ii) which foreshore and bed of the sea is shewn approximately by red colour (but not by way of limitation or enlargement) on the one inch map marked "A" docquetted as relative hereto and held as sufficiently authenticated by being signed by George Edwin Baker C.B.E. on behalf of the First Parties and by Douglas Robert Crawford Smith on behalf of the Second Parties and by the chairman of the meeting of the Third Parties at which these presents are executed on their behalf and include the whole mines metals and minerals and all beds seams or veins of coal or stone or any metallic or other mineral substances in on or under the same and all mines or quarries thereof (all which are hereinafter referred to as "the minerals") but excepting from the said renunciation (one) the Crown's general guardianship under the jus publicum of the public rights attaching to the waters and tidal lands situated within the said limits as far to seaward as the said northern boundary of the said precincts (two) the rights if any of oyster scalps or fisheries belonging to or claimed by the city of Edinburgh and the Duke of Buccleuch and all right which the Crown may have granted to others and (three) His Majesty's right title or interest in the minerals in on or under a rectangular area of tidal lands (being bed of the sea) two thousand one hundred and ninety one imperial acres and seven hundred and seventy-six decimal or one thousandth parts of an imperial acre or thereby in extent situated between the said limits of the said port which area extends southward for a distance of one nautical mile from the said northern boundary of the said precincts throughout the whole length of the said boundary and is bounded on the north by the said northern boundary of the said precincts measuring five thousand two hundred and twenty-seven yards or thereby

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*Docks Order Confirmation Act, 1933.*

A.D. 1933. in length on the east by the said eastern limit measuring one nautical mile in length on the south by a straight line parallel to the said northern boundary measuring five thousand two hundred and twenty-seven yards or thereby in length and on the west by the said western limit measuring one nautical mile in length which area is shewn approximately (but not by way of limitation or enlargement) coloured red on the one inch map marked " B " docketted and authenticated in the same manner as the said map " A " and which whole foreshore and bed of the sea above described are situated within the county of the city of Edinburgh or partly therein and partly in the county of Midlothian and the Third Parties have released as they hereby release in favour of His Majesty and His Royal Successors any right of prospective support which the Third Parties have or may have from the said excepted minerals.

(Third) The First Parties and the Second Parties on behalf of His Majesty bind and oblige themselves on behalf of His Majesty and His Royal Successors if and when at any time and from time to time when called upon by the Third Parties or their foresaids so to do to grant in favour of the Third Parties or their successors in title a conveyance or conveyances in appropriate form of the rights and interests if any of the Crown which are (under exceptions) hereby renounced in or in respect of any part or parts or of the whole of the said solum of the foreshore or bed of the sea provided that any such conveyance shall contain all the appropriate clauses and shall be granted in further implement of these presents at the expense of the grantees the Third Parties or their foresaids but without any price or consideration payable by the said grantees or exigible in respect thereof.

(Fourth) The First Parties and the Second Parties on behalf foresaid admit the claim of the Third Parties to the heritable subjects now or formerly tidal lands and to the heritable rights all specified in the schedule hereto and agree that the terms of the feu disposition dated the sixteenth and recorded in chancery the nineteenth both days of October nineteen hundred and seventeen granted by the First Parties in favour of the Third Parties are not binding upon the Third Parties or their foresaids and that the said feu disposition (unrecorded in the vassals' interest in the register of sasines) is now held as superseded by these presents saving and without prejudice to the rights and interests of all parties other than the parties to these presents and

(Last) The whole parties hereto consent to registration hereof for preservation and execution.

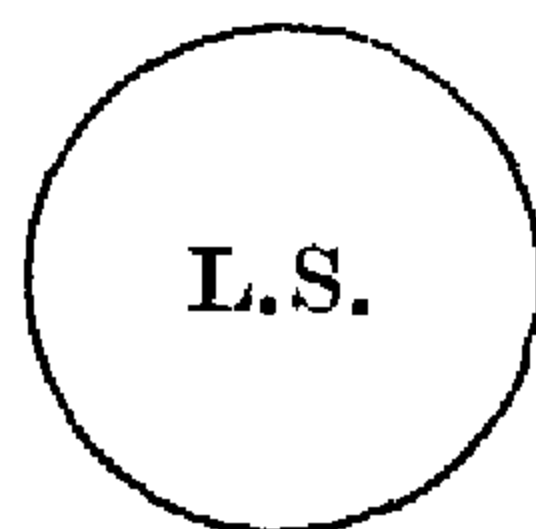
In witness whereof these presents typewritten on this and the four preceding pages are together with the schedule annexed and the said maps " A " and " B " executed in triplicate (together with a further copy of these presents with relative schedule and

maps made for the purpose of being lodged in chancery) as follows videlicet they are sealed with the corporate seal of the Commissioners for the Harbour and Docks of Leith and are signed at and in presence of a meeting of the said Commissioners on each page by Thomas Aitken Wright merchant Leith one of the said Commissioners the chairman of the said meeting and on this page also by Robert Anderson Somerville shipowner Hugh Rose merchant William Alexander Whitelaw shipowner and Robert Ramsay merchant all of Edinburgh being four others of the said Commissioners present at the said meeting at Leith on the twenty-eighth day of February nineteen hundred and thirty before these witnesses Robert Notman and George Gilmour both clerks in the offices of the said Commissioners at Leith they are subscribed for and on behalf of the Board of Trade by George Edwin Baker commander of the British Empire an assistant secretary to the Board of Trade at London on the thirteenth day of March and year last mentioned before these witnesses Herbert George Lindsell and Reginald Walter Eves both clerks in the office of the Board of Trade Westminster London and they are subscribed in terms of Act of Parliament by Douglas Robert Crawford Smith a secretary of the office of Commissioners of Crown Lands on behalf of and as the Act and deed of the Commissioners of Crown Lands at London on the twenty-ninth day of March and year last mentioned before these witnesses Edward Unwin Brockway and Eric John Pedlar both civil servants of the said office of Commissioners of Crown Lands London.

A.D. 1933.  
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(Signed) G. E. BAKER.  
D. R. CRAWFURTH SMITH.

THOS. A. WRIGHT chairman.  
ROBERT A. SOMERVILLE commissioner.  
HUGH ROSE commissioner.  
WM. A. WHITELAW commissioner.  
R. RAMSAY commissioner.



HERBERT G. LINSELL witness.  
REGINALD W. EVES witness.  
EDWARD U. BROCKWAY witness.  
E. J. PEDLAR witness.  
ROBERT NOTMAN witness.  
GEORGE GILMOUR witness.

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A.D. 1933.

SCHEDULE referred to in the foregoing Agreement.

(1) All lands and heritages within the precincts of the Port of Leith situated to landward of the line of high water of ordinary spring tides as now existing which were at any previous time situated to seaward of the line of high water mark of ordinary spring tides as then existing and all artificial works situated on in or under the said lands and heritages.

(2) All lands and heritages forming water areas enclosed by or forming parts of the said artificial works.

(3) A heritable right of extending the harbour works towards the sea and for that purpose of occupying the foreshore and bed of the sea within the precincts of the Port of Leith in so far as the said foreshore and bed of the sea are the property of the Crown without payment or disposition of the land.

(Signed) G. E. BAKER.  
D. R. CRAWFURTH SMITH.  
THOS. A. WRIGHT chairman.

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