

**CHAPTER lxxxvii.**

An Act to authorise the Commissioners for the Harbour and Docks of Leith to construct new works to borrow money and for other purposes. [15th August 1913.] A.D. 1913.

WHEREAS by the Leith Harbour and Docks Act 1875 (herein-after referred to as "the Act of 1875") the Acts then in force relating to the harbour and docks of Leith were consolidated and amended and the constitution of the Commissioners was altered and their undertaking was transferred to and vested in new Commissioners incorporated under that Act by the name of "The Commissioners for the Harbour and Docks of Leith" (herein-after called "the Commissioners"):

And whereas by the Act of 1875 powers were conferred on the Commissioners to construct certain works and to borrow money for the purpose:

And whereas by the Act of 1875 the Leith Harbour and Docks Act 1892 (herein-after referred to as "the Act of 1892") the Leith Harbour and Docks Act 1899 (herein-after referred to as "the Act of 1899") and the Leith Harbour and Docks Order 1908 (herein-after referred to as "the Order of 1908") (which Acts and Order are herein-after referred to as "the Harbour Acts") the Commissioners were authorised to construct certain additional works and to borrow money for the purpose and further powers with reference to their undertaking were conferred upon them:

And whereas the trade of the port of Leith and the size of ships and extent of shipping resorting thereto have greatly increased and are still increasing and it is expedient that for

A.D. 1913. the accommodation thereof the Commissioners should be authorised to construct the extension of the Imperial Dock and the reclamation embankments piers and other works herein-after described :

And whereas owing to the increase in the size of fishing vessels and the extended use of steam vessels in the fishing industry it has become expedient to afford increased accommodation and facilities at or near Newhaven Harbour or elsewhere at the port of Leith for the fish traffic :

And whereas it is expedient that the Commissioners should be authorised to levy rates and charges for the use of the works by this Act authorised and to vary the rates and charges which the Commissioners are authorised to levy by the Harbour Acts and the regulations relating thereto :

And whereas it is expedient that the provisions of the Harbour Acts with respect to the procedure for electing commissioners should be amended as in this Act provided :

And whereas it is expedient that the Commissioners should be authorised to borrow further moneys to enable them to carry out the works by this Act authorised and for the other purposes of this Act :

And whereas it is expedient that the other powers in this Act contained should be conferred on the Commissioners :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference thereto 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 purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Midlothian and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

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 A.D. 1913.
 authority of the same as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the Leith Harbour and Docks Act 1913 and this Act and the Leith Harbour and Docks Acts 1875 to 1908 may be cited together as the Leith Harbour and Docks Acts 1875 to 1913. Short title and citation.

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

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

Act divided into Parts.

Part I.—Preliminary.

Part II.—New Works.

Part III.—Procedure for electing Commissioners.

Part IV.—Rates.

Part V.—Superannuation.

Part VI.—Financial.

Part VII.—Miscellaneous.

4. The Lands Clauses Acts are incorporated with this Act. Incorporation of Acts.

5. The Harbours Clauses Act excepting the sections thereof with respect to lifeboats with respect to keeping a tide and weather gauge (unless the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather gauge) with respect to the accounts to be kept of the rates and of the vessels in respect of which they are payable and with respect to the police of the harbour dock and pier and excepting sections 12 25 and 26 of that Act is except where expressly varied by this Act incorporated with and forms part of this Act Provided that the following expressions used in the Harbours Clauses Act shall have the following respective meanings (that is to say):— Partial incorporation of Harbours Docks and Piers Clauses Act.

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

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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 :

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

Interpreta-
tion.

6. In this Act the several words and expressions to which meanings are assigned by the Harbour Acts and by the Acts wholly or 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 Act—

"The Commissioners" means the Commissioners for the Harbour and Docks of Leith ;

"The Act of 1875" means the Leith Harbour and Docks Act 1875 ;

"The Act of 1892" means the Leith Harbour and Docks Act 1892 ;

"The Act of 1894" means the Edinburgh Corporation Stock Act 1894 ;

"The Act of 1899" means the Leith Harbour and Docks Act 1899 ;

"The Order of 1908" means the Leith Harbour and Docks Order 1908 ;

"The Harbour Acts" means the Leith Harbour and Docks Acts 1875 to 1908 ;

"The Harbours Clauses Act" means the Harbours Docks and Piers Clauses Act 1847 ;

"The sheriff" means the sheriff of the Lothians and Peebles ;

"The port of Leith" means the harbour and docks of Leith ;

"The Leith Corporation" means the provost magistrates and councillors of the burgh of Leith ;

"The burgh" means the burgh of Leith.

PART II.

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NEW WORKS.

7. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described with all proper approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The works herein-after referred to and authorised by this Act are—

Description
of works.

- (1) A reclamation wall or embankment on the East Sands of Leith commencing at a point on the existing sea wall or reclamation embankment on the northern side of the Imperial Dock four hundred feet or thereabouts measuring in a north-easterly direction from the north-east corner of the Imperial Dock thence extending in an easterly direction for a distance of four hundred feet or thereabouts thence extending in a south-easterly direction for a distance of one thousand four hundred feet or thereabouts and thence extending in a southerly direction for a distance of one thousand three hundred feet or thereabouts and terminating at or near a point on the sea wall or reclamation embankment on the northern side of the Edinburgh Dock at the northern end of the roadway along the eastern side of the quays at the eastern end of the Edinburgh Dock and the filling up so far as may be necessary of the space within the limits embraced by such reclamation wall or embankment and the aforesaid sea walls or reclamation embankments to the level of the quays of the Edinburgh Dock:
- (2) An extension of the Imperial Dock in a line and on a level with that dock commencing at the eastern end of that dock and extending thence in a south-easterly direction for a distance of six hundred and fifty feet or thereabouts and there terminating The said extension of the Imperial Dock will be of a width of two hundred and eighty feet or thereabouts:

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- (3) A breakwater or reclamation wall on the western side of the harbour and docks commencing at or near the north end of the East Pier at Newhaven extending thence in a north-easterly direction for a distance of three thousand one hundred feet or thereabouts and terminating at a point five hundred feet or thereabouts measured in a south-westerly direction from the seaward end of the pier known as the West Pier of Leith and the filling up of all or some part of the area embraced within or lying to the south and south-east of such breakwater or reclamation wall:
- (4) A pier or breakwater commencing on the north-west side of the breakwater or reclamation wall last above described at a point seven hundred feet or thereabouts measured in a south-westerly direction from the seaward end of the said West Pier of Leith and extending thence in a northerly direction for a distance of one thousand three hundred feet or thereabouts and terminating at a point one thousand two hundred feet or thereabouts measured in a north-westerly direction from the seaward end of the said West Pier of Leith:
- (5) A pier or breakwater commencing at a point on the sea wall or reclamation embankment on the northern side of the Imperial Dock four hundred feet or thereabouts measured in a north-easterly direction from the north-west corner of the Imperial Dock extending thence in a northerly and north-westerly direction for a distance of four thousand feet or thereabouts and terminating at a point one thousand three hundred feet or thereabouts measured in a northerly direction from the seaward end of the said West Pier of Leith:

All of which works will be situate in or adjoin the county of Midlothian the burgh of Leith and the parish of Leith.

For protec-
 tion of
 Water of
 Leith Purifi-

8. For the protection of the Water of Leith Purification and Sewerage Commissioners (in this section called "the purification commissioners") the following provisions shall unless

otherwise agreed between the Commissioners and the purification commissioners have effect (that is to say):—

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—
cation and
Sewerage
Commis-
sioners.

- (1) The Commissioners shall at least twenty-one days before commencing any operations under this Act which may in any way affect the main outfalls or other sewers or conduits or other works of the purification commissioners authorised by statute now existing or which may hereafter be constructed (which operations are herein-after in this section referred to as "such operations") give to the purification commissioners notice in writing of such operations and such notice shall be accompanied by all necessary plans sections and specifications which plans sections and specifications in so far as relating to such operations shall be subject to the reasonable approval of the purification commissioners previous to the commencement of such operations. Provided that if the purification commissioners do not within twenty-one days after service upon them of such notice and plans sections and specifications intimate to the Commissioners their approval or disapproval of such plans sections and specifications the purification commissioners shall be deemed to have approved the same and the Commissioners may proceed to carry out such operations in accordance with such plans sections and specifications. Provided further that any works which in consequence of such operations may reasonably be required by the purification commissioners either for the temporary or permanent protection or for the enlargement construction or renewal of the said main outfalls or other sewers conduits or other works of the purification commissioners and the uninterrupted use thereof or for proper and convenient accesses to the same or any part thereof shall be executed and constructed by the Commissioners at the sight and to the reasonable satisfaction of the purification commissioners and that at the sole expense of the Commissioners and such protective works shall be maintained by the Commissioners :

- (2) If in the execution of such operations the Commissioners shall deem it necessary or desirable to divert or alter

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in any way the said main outfalls or other sewers or conduits or other works of the purification commissioners or any of them the Commissioners may by agreement with the purification commissioners so divert or alter the same and the purification commissioners may agree to such diversion or alteration Provided that any such altered or substituted works shall form part of the undertaking of the purification commissioners as if the same had been expressly authorised by the Acts relating to the purification commissioners :

- (3) Subject to the provisions of this Act nothing in this Act contained shall prejudice limit restrict or affect (A) the rights of the purification commissioners to construct and maintain any sewers conduits or works not at present existing but for the construction of which they have obtained statutory authority or (B) any of the powers rights or authorities of the purification commissioners for preserving and protecting their said main outfalls or other sewers or conduits or other works and for securing the free and uninterrupted use thereof and the discharge of sewage therefrom :
- (4) The Commissioners shall make good any damage and relieve the purification commissioners from all claims for damage of whatever nature which may be caused by any such operations and the Commissioners shall clean out the said main outfalls or other sewers or conduits or other works of the purification commissioners should they get silted up by or in consequence of any such operations during and for the period of twelve months after the execution of such operations :
- (5) The Commissioners shall pay to the purification commissioners the expenses which they may reasonably incur or be put to in supervising such operations :
- (6) If any difference shall arise between the purification commissioners and the Commissioners as to the meaning construction or effect of any of the provisions of this section or otherwise in connexion with

and in relation to the matters referred to in this section such difference shall be referred to the determination of a single arbiter to be mutually agreed upon by the purification commissioners and the Commissioners or failing agreement to be appointed on the application of either of them by the sheriff. A.D. 1913.

9. For the protection of the Leith Corporation the following provisions shall unless otherwise agreed upon in writing between the Commissioners and the Leith Corporation have effect (that is to say):— For protection of Leith Corporation.

- (1) Where any of the works constructed by the Commissioners under the authority of this Act (in this section referred to as "the works") pass over under or by the side of or so as to interfere with any sewer or drain under the jurisdiction or control of the Leith Corporation or shall in any way affect the sewerage or drainage of the burgh the Commissioners shall make good any damage which may be caused by the works :
- (2) If any such sewer or drain shall be silted up in consequence of the construction of the works the Commissioners shall during or for twelve months after the construction of such of the works as cause such silting up clean out such sewer or drain :
- (3) The Commissioners shall at their own expense provide—
 - (A) New sewers or substituted sewers for existing sewers of the Leith Corporation removed or rendered useless by the Commissioners in the construction of the works ;
 - (B) Works or other means for affording protection to and preventing injury or impediment to any such sewer or drain by or by reason of the works or any part thereof during the construction of the works For the purposes of this subsection the Leith Corporation shall afford to the Commissioners all reasonable facilities and when required by the Commissioners shall at the reasonable expense of the Commissioners exercise their powers in relation to the construction of sewers and works connected therewith :

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- (4) Such new or substituted sewers or other works shall be constructed to the reasonable satisfaction of the Leith Corporation and be of such size in such situation and shall have such manholes for the convenient access thereto in such positions as the Leith Corporation may reasonably require and such new or substituted sewers or other works shall be maintained and repaired by the Commissioners :
- (5) All such works shall be done under the supervision of the Leith Corporation if they think fit to give the same and all reasonable costs charges and expenses thereby occasioned shall be paid to the Leith Corporation by the Commissioners on demand Provided that if the Leith Corporation fail or neglect to give such supervision after notice in writing from the Commissioners of the date upon which they intend to commence such works the Commissioners may commence and complete such works without such supervision :
- (6) Such new or substituted sewers or other works shall after completion be as fully and completely under the direction jurisdiction and control of the Leith Corporation (who shall have free access to the same at all reasonable times) as any other sewers or drains now belonging to them :
- (7) Except as otherwise expressly so provided by this Act nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested in the Leith Corporation but all such rights powers and authorities shall be as valid and effectual as if this Act had not passed :
- (8) At least twenty-one days before the Commissioners commence any of the works the execution of which will in any way interfere with or affect any sewer or drain belonging to the Leith Corporation the Commissioners shall submit to the Leith Corporation plans sections working drawings and specifications showing the manner in which the proposed works are to be executed and also the means to be employed for protecting and making good any injury or damage or interference with such sewer or drain for their

approval and if the Leith Corporation do not within twenty-one days after the receipt of the said plans sections working drawings and specifications intimate to the Commissioners their approval or disapproval of the same the Commissioners may proceed to carry out the works in accordance with such plans sections working drawings and specifications but if within the said period the Leith Corporation shall disapprove the said plans sections working drawings and specifications the same shall be referred to arbitration as herein-after in this section provided: A.D. 1913.

- (9) If any difference shall arise between the Leith Corporation and the Commissioners under this section such difference shall be referred to the determination of a single arbiter to be mutually agreed upon by the Leith Corporation and the Commissioners or failing agreement to be appointed on the application of either of them by the sheriff.

10.—(1) On the permanent reclamation and making up for a width of one hundred yards of the land and foreshore to the north of the existing reclamation embankment adjoining the street at Annfield Newhaven to be enclosed by the breakwater or reclamation wall (Work No. 3) by this Act authorised— Additional
accesses.

- (A) The Commissioners shall make available to the Leith Corporation a strip of ground on the north side of the said street to enable the Leith Corporation to widen and thereupon the Leith Corporation shall widen the said street to a width of sixty feet Such widening shall be constructed in a straight line between a point seven hundred and fifty feet or thereabouts west of the west side of Hawthornvale and a point opposite the said west side of Hawthornvale and the widening shall continue thence in a curve to a point on the north side of the public street opposite the east end of the buildings known as Anchorfield where it joins the Marine Parade at the northern end of the bridge carrying the Lindsay Road over the Caledonian Railway:

- (B) The Commissioners shall on the completion of the widening of the said street make a footpath ten feet wide abutting on the north side of the said strip of

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ground and shall abutting on the north side of the said footpath erect a parapet wall with an open iron railing not less than eight feet in height from the level of the said footpath except where buildings or erections on the north side of the footpath shall at any time abut upon or be within a distance of twenty feet from the footpath and there the Commissioners may erect such fence wall or railing as they shall deem sufficient:

- (c) The said street as and when widened and the said footpath shall be maintained and repaired by the Leith Corporation and the said parapet wall with open iron railing shall be maintained and repaired by the Commissioners.

(2)—(A) If the Commissioners shall in the construction of the said Work No. 3 acquire the playground (being the property numbered 12 on the deposited plans) the Commissioners shall provide and lay out on existing land reclaimed by them at Newhaven a playground on a site not less in area than the area of the said existing playground. Such substituted playground shall be accepted by the Leith Corporation as full compensation for all claims the Leith Corporation may have for the acquisition of the existing playground by the Commissioners:

(B) The Leith Corporation shall obtain from the Caledonian Railway Company a discharge or release of all the rights and interests of the Caledonian Railway Company in the existing playground and until the Leith Corporation have obtained such discharge or release and shall have disburdened the site of the said existing playground of the said rights and interests of the said Caledonian Railway Company the Commissioners shall not be obliged or required to provide or lay out the said substituted playground or make available the said strip of ground for the said street widening in so far as the said street widening shall abut upon the said existing playground.

(3) If the Commissioners shall in constructing the reclamation wall or embankment (Work No. 1) by this Act authorised—

- (A) Displace the slip giving access to the east sands of Leith at the northern end of the roadway along the eastern side of the quays at the eastern end of the Edinburgh

Dock called Albert Road they shall provide and maintain one or more sets of steps not exceeding eight feet in width from the road along the inside of the existing reclamation embankment extending from the end of the said Albert Road to Portobello Road for affording access to the sands and seashore; or

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- (B) Dissever the said road along the inside of the existing reclamation embankment extending from the northern end of the said Albert Road to the said Portobello Road they shall provide and maintain a footpath or access not less than six feet in width between the severed portions of the said road from Albert Road to Portobello Road.

(4) If any difference shall arise between the Leith Corporation and the Commissioners under the immediately preceding subsection of this section such difference shall be referred to the determination of a single arbiter to be mutually agreed upon by the Leith Corporation and the Commissioners or failing agreement to be appointed on the application of either of them by the sheriff.

11.—(1) For the purpose of affording to the public facilities for obtaining sea views the Commissioners shall make and maintain—

Facilities for
sea views.

- (A) Such footpaths and accesses along the sea front of the works authorised by this Act;
- (B) Such steps or slipways from the said new works to the sands or sea;

as they may from time to time in their discretion think fit.

(2) The Commissioners may at any time close and remove such footpaths accesses steps or slipways or any of them as in the opinion of the Commissioners may prevent the full utilisation of the port of Leith and lands works and property of the Commissioners for the purposes of their undertaking or may prejudice the rights or powers of the Commissioners under their title deeds byelaws and regulations and the Harbour Acts.

12. In the event of the works by this Act authorised involving any alteration of a telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the

For protec-
tion of
Postmaster-
General.

A.D. 1913. Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply and have effect in relation to such alteration as aforesaid.

Land for
War Department.

13.—(1) If at any time during or after the construction of the pier or breakwater (Work No. 5) by this Act authorised His Majesty's Principal Secretary of State for the War Department shall so require the Commissioners shall set apart at or near the outer edge of such pier or breakwater a space which shall be approved by the said Principal Secretary of State of an area not exceeding twenty-four thousand superficial feet the length whereof along the outer face of the said pier or breakwater shall not be more than six hundred feet to be occupied by the said Principal Secretary of State for the purpose herein-after in this section set forth and upon such space being so set apart the right of the said Principal Secretary of State to the occupation of ground for the purpose of a battery in accordance with the provisions of section 23 of the Act of 1892 shall cease.

(2) The said Principal Secretary of State may construct on such space a battery for local coast defence.

(3) In the event of such space being so set apart by the Commissioners and occupied by the said Principal Secretary of State the Commissioners shall allow the said Principal Secretary of State and his agents to have access thereto by any ordinary existing access to the said pier or breakwater Provided that in the event of such access not being sufficient for military purposes the Commissioners shall make such alterations thereto as the said Principal Secretary of State may reasonably require the expense of such alterations being defrayed by the said Principal Secretary of State.

(4) If the Commissioners shall construct works to seaward of the said pier or breakwater (Work No. 5) the right of the said Principal Secretary of State to the occupation of such space shall cease two years after notice by the Commissioners to the said Principal Secretary of State of their intention to construct such works and the Commissioners shall if so required by him provide and substitute another equivalent space at the outer edge of such new works on the same terms and subject to the like conditions as are provided in this section with respect to the space at the said pier or breakwater (Work No. 5) and the Commissioners shall pay the cost of the construction of a new battery on such equivalent space.

(5) The space whether original or substituted so set apart shall remain the property of and continue to be vested in the Commissioners and the said Principal Secretary of State shall pay as yearly rent therefor a sum of ten pounds sterling per annum at the term of Whitsunday yearly from and after the date of their taking possession thereof during the whole period of their possession and the Commissioners shall be entitled to use and occupy such space for the purposes of their undertaking or any of them when and so long as such space shall not be in the actual occupation of the said Principal Secretary of State and for such purposes the Commissioners shall have access at all times to the seaward end of the said pier or breakwater. A.D. 1913.

(6) For all purposes connected with any battery erected upon such space the said Principal Secretary of State shall be entitled to lay in under over or upon any property belonging to or under the control of the Commissioners such electric or other communications of any kind as he may deem necessary but so that such communications and all works in connexion therewith shall be laid in such position and be carried out in such manner as the Commissioners may reasonably require and that all damage occasioned thereby shall be made good by and at the expense of the said Principal Secretary of State to the reasonable satisfaction of the Commissioners.

14. The works by this Act authorised and the areas to be enclosed or embraced within such works and the lands to be acquired and the lands to be reclaimed under the powers of this Act shall if and in so far as any part or parts thereof are not already vested in the Commissioners be deemed for all purposes including rating to be part of the works authorised by the Harbour Acts and be deemed to be vested in the Commissioners by their titles to the port of Leith and by the Harbour Acts and shall be deemed to be part of the port of Leith and the whole powers rights and authorities of the Commissioners shall apply to and may be exercised therein and with respect thereto as fully and freely in all respects as in other parts of the port of Leith. Works to be deemed to be authorised by Harbour Acts and vested in Commissioners.

15. The Commissioners in the execution of the works by this Act authorised may deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans and they may deviate from the levels of the said works as shown on the deposited sections to any extent not Power to deviate.

A.D. 1913. — exceeding five feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to stop up foot-path. **16.** The Commissioners may stop up throughout its whole length the footpath along the bulwark or embankment on the north-west of the property belonging or reputed to belong to the Caledonian Railway Company lying to the west of the West Old Dock and thereupon all rights of way over that footpath shall be extinguished.

Period for acquisition of lands. **17.** The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Power to make subsidiary works. **18.** Section 12 (Commissioners to provide plant &c. and maintain and execute works) of the Order of 1908 is hereby repealed and in lieu thereof the following provisions shall have effect:—

(1) The Commissioners may (subject to the provisions of the section of this Act of which the marginal note is “Land for War Department”) upon lands or premises vested in them or belonging to them or acquired or reclaimed under the Harbour Acts or this Act or upon the areas enclosed or embraced within the works authorised by this Act construct erect make provide and maintain on in over under or in connexion with such lands premises areas and works and the existing works and undertaking of the Commissioners or any of them as they may from time to time deem requisite or expedient for the shipping and trade of the port of Leith and other traffic thereat—

(A) Harbour or dock works dredged or deepened basins cuts and channels piers jetties quays wharves wharf walls river walls sheet and other piling parapets groynes and other protective works;

(B) Railways tramways sidings rails junctions stations bridges crossings turntables roads accesses approaches gates retaining and other walls sheds buildings offices warehouses stores bins hoppers weighing machines timber ponds slipways shipping-places pontoons dry docks sluices landing stages

A.D. 1913.

or altering the piers and the quays quay walls jetties and other works thereof and other properties whatsoever vested in the Commissioners as now or hereafter existing:

- (B) For using maintaining repairing renewing extending enlarging increasing adding to removing or altering the works machinery conveniences appliances and other things authorised to be constructed erected made provided and maintained by the section of this Act the marginal note of which is "Power to make subsidiary works."

Correction
of errors in
deposited
plans and
book of
reference.

20. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the county of Midlothian and a duplicate thereof shall also be deposited with the town clerk of the burgh of Leith and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands and execute the works in accordance with such certificate.

Works below
high-water
mark to be
subject to
approval of
Board of
Trade.

21. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade.

staithes cranes coaltips elevators pumps transporters A.D. 1913.
 hydraulic and other lifts hoists drops dolphins buoys
 moorings beacons lighthouses slips stairs sewers
 drains water-courses culverts pipes electric lines
 lighting and other works machinery plant fittings
 conveniences and appliances and electric hydraulic
 or other power Provided that any electric lines
 lighting electric power and other works shall be so
 constructed erected maintained and worked as to
 prevent any interference with telegraphic commu-
 nication by means of any telegraphic line of the
 Postmaster-General;

(c) Conveniences and appliances (1) for repairing
 vessels (2) for shipping and unshipping of ballast
 minerals grain and other goods and for the trans-
 mission thereof underground or overhead to or from
 warehouses or other premises (3) for dredging and
 (4) for any other purposes relating to the port of
 Leith which the Commissioners may deem requisite
 or expedient;

(D) Works for landing housing slaughtering and
 otherwise dealing with cattle imported in accordance
 with the provisions of the Diseases of Animals Acts
 1894 to 1911 and the regulations and orders of the
 Privy Council or Board of Agriculture and Fisheries
 or other laws regulations and orders relating thereto
 in force for the time being:

- (2) Compensation in respect of injurious affection shall be
 made by the Commissioners to all persons whose lands
 or premises may be injuriously affected by the exercise
 of the powers by this section conferred.

19. The Commissioners may (subject to the provisions of the section of this Act of which the marginal note is "Land for War Department") carry on perform and do all such acts and things as they may from time to time deem requisite or expedient:—

- (A) For maintaining repairing deepening dredging and
 cleansing the harbour and the docks or any of them
 and the approaches or channels leading thereto and
 for repairing maintaining renewing extending removing

Commis-
 sioners may
 carry on
 works &c.

Any alteration or extension of any such works shall be subject to the like approval. A.D. 1913.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade 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 as a Crown debt or summarily.

22. The Commissioners shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. Lights on works during construction.

23. The Commissioners shall at the outer extremity of their works below high water exhibit and keep burning 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 shall from time to time direct. If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. Permanent lights on works.

24. The Commissioners shall at all times keep at convenient places on the works below high-water mark by this Act authorised and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use. Life-buoys to be kept.

25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use for shelter of the works below high-water mark by this Act authorised and not breaking bulk while making use thereof be exempt from rates leviable under this Act. Certain fishing vessels under stress of weather exempt from rates.

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Survey of
works by
Board of
Trade.

26. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of 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 be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

27. If a work constructed by the Commissioners on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Provision
against
danger to
navigation.

28. In case of injury to or destruction or decay of the pier or works or any part thereof 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 and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Compensa-
tion for
damage to
salmon
fishings.

29. The Commissioners shall not construct any work on any shore bed of the sea or other land over which a right of salmon fishing belongs to His Majesty without having previously paid to the Commissioners of Woods compensation for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Woods and the other by the Commissioners or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland)

Act 1894 shall apply to any arbitration under this section The A.D. 1913.
Commissioners shall further make compensation for any damage
or injury which may be sustained by His Majesty or his tenants
in respect of any right of salmon fishing through the exercise
of the powers of this Act although the work causing such
damage or injury may be constructed elsewhere than on any
shore bed of the sea or other land over which a right of
salmon fishing belongs to His Majesty and the amount of such
compensation shall failing agreement be settled by arbitration
as aforesaid The charges and expenses of any such arbitration
including the fees and expenses of the arbiters and oversman
shall be paid by the Commissioners.

30. Nothing in this Act contained shall authorise the
Commissioners to enter upon take use or interfere with any
land soil buildings or water or any rights in respect thereof
vested in or exercised or exerciseable by His Majesty's Principal
Secretary of State for the War Department or to take away
lessen prejudice or alter any of the estates rights privileges
exemptions authorities or powers vested in or enjoyed or exer-
cised or exerciseable by the said Principal Secretary of State
without his previous consent signified in writing under his hand
which consent the said Principal Secretary of State is hereby
authorised to give subject to such special or other conditions as
he shall see fit to impose on the Commissioners.

Saving
rights of His
Majesty's
Principal
Secretary of
State for
War Depart-
ment.

PART III.

PROCEDURE FOR ELECTING COMMISSIONERS.

31. Notwithstanding anything contained in section 14
(Elections of Commissioners by shipowners and ratepayers) of
the Act of 1875 the following provisions shall have effect with
respect to the nomination of persons to be elected Commissioners
by shipowners and by ratepayers :—

Nomination
of Commis-
sioners
elected by
shipowners
and rate-
payers.

- (1) The date fixed by the returning officer for such nomina-
tion shall be such date not earlier than the third
Tuesday of October in each year as the returning
officer may appoint :
- (2) If the date fixed for such nomination shall in any year
be a date earlier than the first day of November and
if no more candidates for the office of Commissioners
to be elected either by shipowners or by ratepayers
are nominated than the number to be elected the

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candidates nominated shall not be deemed to be elected until the first day of November following and on and after the last-mentioned date but not later than the seventh day of November in any year the returning officer shall sign a declaration of the election of such candidate or candidates which shall be conclusive evidence thereof and shall publish the names of the persons so elected as provided by section 15 (5) of the Order of 1908 notwithstanding that any candidate so declared to be elected may have declined to accept his election or have died or resigned or become disqualified or incompetent to act before the date of such declaration or advertisement:

- (3) If a candidate declared to be elected in pursuance of the immediately preceding subsection of this section shall decline to accept his election or die or resign or become disqualified or incompetent to act before the third Tuesday in November following his nomination the Commissioners shall after such third Tuesday fill up the vacancy so resulting in manner provided by section 32 (Filling up of occasional vacancies) of the Act of 1875 as amended or varied by section 21 (Filling up of occasional vacancies) of the Act of 1892 and by section 19 (Quorum of meeting of elected Commissioners for filling occasional vacancies) of the Order of 1908.

PART IV.

RATES.

Commence-
ment of
Part IV. of
Act.

32. This Part of this Act shall except where otherwise expressly provided by this Part of this Act commence and take effect on and from Whitsunday one thousand nine hundred and fourteen.

Amendment
of section 37
of Order of
1908.

33. Section 37 (Minimum rates) of the Order of 1908 shall be read and have effect as if the word "three" were substituted for the word "two" wherever that word occurs in that section.

Rates to be
charged on
gross weight
or measure-
ment.

34. In charging the rates authorised by Schedule (A) (Rates on Goods) of the Act of 1892 the gross weight or measurement of the articles shall be taken and in all cases of weight or measurement not proved by evidence satisfactory to the collector the

owner shall be bound at his own expense to have the goods weighed or measured at the sight of the collector before the goods are removed from the quays. A.D. 1913.

35.—(1) From and after the date on which the Commissioners shall declare that the Work No. 3 by this Act authorised is open to traffic (which declaration shall not be open to challenge or question) the rates specified in Schedule (A) (Rates on Goods) and in Schedule (B) Branch I (Rates on Vessels) and Schedule (C) (Regulations applicable to Schedules (A) and (B)) of the Act of 1892 as amended by this Act shall extend and apply to Newhaven Harbour as well as to all other parts of the port of Leith. New rates for Newhaven Harbour and repeal of existing rates.

(2) Sections 57 and 61 and Schedule (B) Branch II (Newhaven Harbour Rates) of the Act of 1892 shall as from the date of such declaration be repealed.

36. Schedule (B) Branch I (Rates on Vessels) of the Act of 1892 shall be amended as follows (viz.) The words “or outward” shall be inserted between the words “inward” and “voyage” occurring in the heading of the column in that Schedule which reads as follows “Per Register Ton per Inward Voyage in each Year between Whitsunday and Whitsunday.” Amendment of Schedule (B) of Act of 1892.

37. Section 34 (Article 7 Schedule C of Act of 1892 amended) of the Order of 1908 is hereby repealed and the following provisions shall have effect in lieu of the said Article 7:— Rates on vessels.

When a vessel shall have paid the full rates exigible for eight inward or outward voyages from or to foreign ports between Whitsunday in any one year and Whitsunday in the following year the rates for such vessel shall for any further voyage during that period be two pence per ton per voyage.

38. The Regulations 2 15 20 to 22 and 24 contained in Schedule (C) of the Act of 1892 are hereby repealed. Repeal of part of Schedule (C) of Act of 1892.

39. Regulation 11 of Schedule (C) of the Act of 1892 as amended by section 34 of the Order of 1908 shall be read and have effect as if the following words were added at the end thereof:— Dock passes.

The master of every vessel shall produce to the harbour master at least one hour before leaving any dock

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basin or harbour a permit or dock pass which may be obtained at the office of the collector after payment of all rates and charges for which such vessel is liable.

Additions to regulations in Schedule (C) of Act of 1892.

40. The regulations contained in Schedule (C) of the Act of 1892 shall be read and have effect as if the following regulations were added at the end thereof:—

Vessels shall not be charged rates both on the inward and next outward sailing but if a vessel having paid coasting rates inwards shall sail with cargo to a foreign port the difference between such coasting rates and the foreign rates respectively shall be charged or if a vessel having paid foreign rates inwards shall sail with cargo to a foreign port the rates to which are higher than those paid inwards the difference between the two rates shall be charged:

No work shall be carried on on a Sunday at or in any dry or graving dock or at any staithes cranes tips elevators transporters lifts hoists drops or like appliances or otherwise in the port of Leith without the permission of the Commissioners.

Rates for dry docks and repeal of rates under Act of 1892 and Order of 1908.

41. Schedule (D) (Rates for Graving Docks) of the Act of 1892 and section 30 (Rates for new graving dock) of the Order of 1908 are hereby repealed and in lieu thereof the rates for dry docks shall be not exceeding the rates set forth in Schedule A to this Act.

Rates for cranes weighing machines rails sheds and quays and repeal of rates under Act of 1892.

42. Schedule (E) (Rates for the Use of Cranes Weighing Machines Rails and Sheds) of the Act of 1892 is hereby repealed and in lieu thereof the rates for the use of cranes weighing machines rails sheds and quays shall be those set out in Schedule B to this Act.

Application of Act of 1892 to new rates.

43. The provisions of the Act of 1892 authorising the Commissioners to demand levy collect and receive the rates and charges authorised by that Act shall extend and apply to the rates and charges authorised by this Act in the same manner as if the rates and charges authorised by this Act had been authorised by the Act of 1892.

PART V.

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SUPERANNUATION.

44. Section 52 (Commissioners may grant retiring allowances) of the Order of 1908 shall be read and have effect as if the words "ten years" were substituted for the words "five years" where those words first occur in that section.

Superannuation.

45.—(1) The Commissioners shall grant and pay to any of their officials officers or servants who shall have been thirty years or upwards in their service or that of their predecessors and who (A) shall have become in the opinion of the Commissioners (declared by resolution) unfit for the efficient discharge of their duty or the exercise of their employment or (B) having attained to the age of sixty years shall cease to hold office under the Commissioners an annual allowance equal to thirty-sixtieths of the average amount of his salary or wages during the five years ending on the day which immediately precedes the day on which he ceases to hold his office or employment with an addition of one-sixtieth of such average amount for every completed year of service beyond thirty years until the completion of a period of service of forty years when a maximum allowance of forty-sixtieths shall be granted.

Annual allowances to certain officers.

(2) Where an official officer or servant has at the commencement of this Act attained or shall thereafter attain the age of sixty-five years he shall cease to hold his office or employment under the Commissioners unless in their absolute discretion and in the interests of the service they invite him to remain after that age.

PART VI.

FINANCIAL.

46. The Commissioners may borrow any sum or sums of money not exceeding in the whole six hundred thousand pounds 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 Act and from the

Power to Commissioners to borrow money.

A.D. 1913. — 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.

Securities
to rank *pari*
passu with
existing
securities.

47. All mortgages or securities granted for parts of the said sum of six hundred thousand pounds authorised to be borrowed under the authority of this Act 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 and the Act of 1894 or this Act shall rank *pari passu* without any priority or preference the one over the other.

Definition
of existing
borrowing
powers.

48. Notwithstanding anything contained in the Harbour Acts the Act of 1894 or this Act the borrowing powers of the Commissioners under those Acts at Whitsunday one thousand nine hundred and thirteen shall be deemed to be nine hundred and seventeen thousand pounds.

Consolida-
tion of debt.

49. On the sixteenth day of May one thousand nine hundred and thirteen the total amount of the moneys authorised by the Harbour Acts the Act of 1894 and this Act to be borrowed by the Commissioners 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 to the Commissioners shall apply to the consolidated debt as if the said sum of six hundred thousand pounds by this Act authorised to be borrowed formed part of the money by the Harbour Acts or any of those Acts authorised to be borrowed.

Certain pro-
visions of
Order of
1908 to
apply to
borrowing
powers of
Act.

50. The provisions contained in sections 42 44 to 46 and 48 of the Order of 1908 shall extend and apply to the money by this Act authorised to be borrowed as if such money had formed part of the money by the Harbour Acts and the Act of 1894 or any of them authorised to be borrowed. Provided that the said section 46 shall be read and have effect as if the words “and Orders relating to the port of Leith from time to time in force” were substituted for the words “of 1875 1892 1894 1899 or this Order” therein.

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

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Form of
securities.

52. The sum of six hundred thousand pounds by this Act authorised to be borrowed shall be applied in the execution of the works by this Act authorised or any of them and in providing the same with any or all of the works machinery conveniences and other things authorised to be constructed erected made provided and maintained by the section of this Act the marginal note of which is "Power to make subsidiary works" and in the execution of any other works to which capital is properly applicable under the Harbour Acts and this Act 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 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 Act.

Application
of borrowed
money.

53. The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act or paid by instalment transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to pay any instalment or set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes

Annual
return to
Board of
Trade with
respect to
sinking fund.

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A.D. 1913. other than those authorised by this Act the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

PART VII.

MISCELLANEOUS.

Definition of
steam
vessels.

54. The expression "steam vessel" in the Harbour Acts and this Act and the byelaws and regulations made thereunder shall mean and include all vessels propelled by steam or other mechanical power.

Public quays
of dock &c.

55. The lands to be reclaimed and made up within the reclamation wall or embankment on the east sands of Leith authorised by this Act and adjoining the extension of the Imperial Dock by this Act authorised shall so far as the same are situate within one hundred and fifty feet of the said extension of that dock be deemed public quays and such land beyond such one hundred and fifty feet shall be at the disposal of the Commissioners for letting or using the same for purposes connected with trade of the port of Leith.

Reserving
surface of
quays.

56.—(1) The quays over which any shed or warehouse shall have been or may be erected under the authority of the Harbour Acts or this Act shall so far as regards the surface thereof be reserved as public quays and sheds for the arrival unloading removing and the loading and shipment of goods and general public quay traffic subject to the byelaws and regulations of the Commissioners for the time being.

(2) The owner of any goods which may be landed or shipped on or from such quays shall not be required to deposit such goods in such warehouse nor be subject to the payment of warehouse rent unless such goods be actually deposited therein but such goods shall not without the consent of the Commissioners remain on the quays more than forty-eight hours and if they shall remain longer than that period the Commissioners may warehouse the same at the risk and expense of the owners.

57.—(1) Every master of a vessel shall at any time on being required by the harbour master give to the harbour master a true statement of the draught and beam of such vessel and until such statement is given the harbour master may forbid such vessel to enter or leave the harbour or the docks or any of them.

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Master of vessel to declare draught and beam of vessel.

(2) Every master of a vessel who shall fail to give such statement or give a false statement shall be liable to a penalty of not exceeding fifty pounds for every such offence.

58.—(1) Notwithstanding anything in the Harbour Acts or the Acts incorporated therewith contained the Commissioners may require that—

Measuring weighing tipping and trimming goods and charges therefor.

(A) The weighing tipping and trimming of all or any coals or other minerals; and

(B) The measuring weighing tipping conveying and handling of grain shipped transhipped or unshipped by means of elevators or similar means

shall be carried out by the Commissioners or by persons authorised or employed by them.

(2) The Commissioners may make and recover from the owner of such coals or other minerals and grain such reasonable rates and charges as they think fit for or in respect of such measuring weighing tipping trimming conveying and handling when carried out by them.

59.—(1) The Commissioners may admit and license for such periods and upon such conditions as may be fixed by the Commissioners a sufficient number of persons to be (A) weighers of or (B) tippers and trimmers of coal and other minerals at the port of Leith and may remove any such persons at their pleasure and may make byelaws and regulations for their government and fix reasonable rates to be paid or other remuneration to be made to them for weighing and for tipping and trimming coal and other minerals.

Licensing weighers &c. of coal.

(2) If any person is aggrieved by the refusal of the Commissioners to grant a licence or by the withdrawal of any licence granted by the Commissioners under this section he may within one month after the refusal or withdrawal as the case may be appeal to the sheriff who shall have power to hear and determine such appeal and to make such order thereon as he may think fit.

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Penalties on
other than
licensed
persons
weighing
coal &c.

60. When a sufficient number of weighers or tippers and trimmers are admitted and licensed or employed by the Commissioners any person (other than such a weigher or tipper and trimmer) who shall weigh tip or trim any coal or other minerals at the port of Leith as well as the person by whom he is employed shall for every such offence be liable to a penalty not exceeding five pounds and the weighing tipping or trimming of any such goods by any such person shall be deemed illegal.

Exempting
harbour master
from serving
on juries.

61. The harbour master shall be exempt from serving on any jury.

Power to
make agree-
ments for
purposes of
Act.

62. The Commissioners may from time to time make and carry into effect agreements with any local authority railway or other company or other persons with reference to the carrying out of any purposes of this Act not specially provided for.

Saving obli-
gations as to
streets and
exemption
from taxa-
tion.

63. Nothing in this Act contained shall be construed to relieve the Commissioners of any obligation incumbent on them at the commencement of this Act in regard to the maintenance or repair of streets nor shall anything herein contained be construed to relieve the provost magistrates and council of Leith as such or as commissioners of police of Leith of any duty or obligation then incumbent on them in regard to streets or otherwise under the Municipal or Police Acts or Provisional Orders in force within the burgh of Leith and nothing herein contained shall be construed to render the Commissioners or the port of Leith or the rates to be levied in virtue of this Act liable to any public or other rate or assessment from which the Commissioners or the port of Leith or the rates and duties leviable under the Harbour Acts were exempt at the commencement of this Act or to exempt them from any such rate or assessment for which they were then liable.

Provisions
of Harbour
Acts and
byelaws to
remain in
force.

64. The provisions of the Harbour Acts so far as not expressly repealed amended varied or altered by this Act and all byelaws and regulations made by the Commissioners under those Acts or any of them shall remain in full force as byelaws and regulations and be applicable to the works authorised by this Act.

New works
to be in
burgh and
parish of
Leith.

65. The works by this Act authorised as constructed and the areas to be enclosed or embraced within such works shall be deemed to be within the burgh and parish of Leith.

66. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained 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 His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners of Woods and Board are hereby respectively authorised to give).

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Crown
rights.

67. Nothing in this Act contained shall be deemed to exempt the port of Leith or the Commissioners from the provisions of any of the Merchant Shipping Acts or of any general Act relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Act.

Nothing to
exempt
harbour and
docks from
provisions of
Merchant
Shipping
Acts.

68. 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 Commissioners out of the revenues of their undertaking.

Costs of Act.

A.D. 1913. The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

(Referred to in the section of this Act of which the marginal note is "Rates for dry docks and repeal of rates under Act of 1892 and Order of 1908.")

I.—RATES FOR DRY DOCKS (EXCEPT IMPERIAL DRY DOCK).

Days in Dock.	For every Vessel on Gross Registered Tonnage.					
	Not exceeding 600 Tons.	Over 600 and not exceeding 900 Tons.	Over 900 and not exceeding 1,200 Tons.	Over 1,200 and not exceeding 1,500 Tons.	Over 1,500 and not exceeding 1,800 Tons.	Above 1,800 Tons.
1 to 3	£ 6	£ 9	£ 12	£ 15	£ 18	For the first two days £1 per 100 tons or part of 100 tons there- after £6 per day, for each vessel.
4	8	12	16	20	24	
5	10	15	20	25	30	
6	12	18	24	30	36	
7	14	21	28	35	42	
8	16	24	32	40	48	
9	18	27	36	45	54	
10	20	30	40	50	60	

(A) Every vessel remaining in dock more than two days to be charged £3 for pumping and use of shores.

(B) Every vessel remaining in dock after ten days and not over fourteen days may be charged £6 for each and every day beyond ten days.

(C) Every vessel remaining in dock more than fourteen days may be charged £12 for each and every day beyond fourteen days.

II.—RATES FOR IMPERIAL DRY DOCK.

Not exceeding twice the amount of the above rates.

REGULATIONS APPLICABLE TO ALL DRY DOCKS.

(1) Every vessel to be charged on the gross registered tonnage.

(2) The day on which a vessel enters and that on which it leaves a dry dock shall be together reckoned as one day.

(3) No Sundays to be at any time reckoned chargeable days unless work is done in which case double rates may be charged.

(4) The master owner and agent of every vessel in any of the dry docks shall be liable in such additional rates damages costs and penalties as are or shall be specified in the byelaws and regulations applicable thereto with reference to any contingency therein expressed or breach or non-observance of or non-compliance with anything thereby enjoined or required and no vessel occupying any dry dock shall be removed from such dry dock without the consent in writing of the superintendent or other duly authorised officer of the Commissioners until all claims against such vessel in respect of or relating to such occupation are settled. A.D. 1913.

(5) The harbour-master may in his discretion order into any dry dock in preference to all other vessels any damaged vessel or any vessel which circumstances render it expedient should be so docked.

(6) The Commissioners may exclude vessels under three thousand tons gross register from the Imperial Dry Dock:

Provided that if the master or owner of a vessel of less than three thousand tons gross register agrees with the Commissioners to pay for the use of that dock rates in respect of his vessel to the amount of the rates exigible for a vessel of three thousand tons gross register using that dock and engages the use of that dock for his vessel on those terms his vessel shall not be excluded from that dock in favour of a vessel of not less than three thousand tons gross register the master or owner of which shall subsequently engage the use of that dock.

SCHEDULE B.

(Referred to in the section of this Act of which the marginal note is "Rates for cranes weighing machines rails sheds and quays and repeal of rates under Act of 1892.")

RATES FOR THE USE OF CRANES WEIGHING MACHINES RAILS SHEDS AND QUAYS.

I.—FOR USE OF CRANES.

DURING ORDINARY WORKING HOURS:—

(A) *Hand Cranes not exceeding Four Tons Capacity.*

For fixed or travelling cranes of this class the use of such cranes being given subject to absolute control by the superintendent as regards the time and purposes for which the use of them is to be allowed and to the condition that parties getting the

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use of them shall be held to take all risks and be responsible for all damage done to persons and property or to the cranes machinery or gearing sheds or other dock or harbour works arising in any way whatever in connexion with the use of such cranes - - - - - per hour 0 9 s. d.

(B) *Other Hand Cranes and Steam Hydraulic and other Cranes not exceeding Five Tons Capacity.*

For the hand cranes not comprehended in Article (A) above s. d.
per ton or part of a ton lifted 0 2

For the steam and hydraulic cranes under four tons capacity
per ton or part of a ton lifted 0 2

For all other cranes under this Article (B)
per ton or part of a ton lifted 0 9

For hydraulic jiggers - per ton or part of a ton lifted 0 2

No single charge for any of the above to be less than one shilling.

Small hydraulic and movable cranes may be charged (in the option of the user to be declared in advance) instead of above rates - - - - - per hour or part of an hour 2 0

(c) *Hand Steam Hydraulic and other Cranes exceeding Five but not exceeding Ten Tons Capacity.*

	Hand Crane.	Hydraulic Steam or other Crane.
	s. d.	s. d.
Per ton lifted - - - - -	0 9	1 6

(D) *Hand Steam Hydraulic and other Cranes exceeding Ten but not exceeding Thirty Tons Capacity.*

	s. d.
Per ton lifted - - - - -	5 0

(E) *Steam Hydraulic or other Cranes exceeding Thirty Tons Capacity.*

	£ s. d.
Per ton lifted - - - - -	1 0 0

Every fraction of a ton is always to be reckoned and charged for as a whole ton.

No single use of a crane exceeding ten tons capacity is to be charged at less than as for ten tons.

(F) *Hydraulic or other Capstans.*

A.D. 1913.

For the use of any capstan for hauling purposes per ton of articles for which they are used two pence and the wages of the men attending and working them at the rates payable to them at the time.

(G) *Coal Cranes Tips or Hoists of Steam Hydraulic or other Power.*

For each ton or part of a ton of coal coke or cinders shipped one penny.

For each ton or part of a ton of sulphur or brimstone coal briquettes coal tar pitch limeshells nitre cake sandstone broken for concrete granite chips burnt ore and other minerals (shipped by coal cranes tips or hoists when not required for coal shipments) three pence.

No charge for any single employment of a crane to be less than ten shillings.

(H) *All Cranes except Coal Cranes.*

When employed for discharging the whole of a cargo the charge may be as fixed by agreement with the Commissioners in place of the rates authorised by this Act.

(I) *All Cranes and Capstans.*

In all cases excepting the cranes under Article (A) of this part of this schedule permits for the use of cranes and capstans will be given only at the collector's office. Parties desiring the use of them shall deposit with him such sum as he shall estimate as sufficient to cover the rates in each case before any permit is issued and the use of the cranes and capstans is to be held as given subject to the regulations and orders applicable thereto for the time being and to the conditions printed on the permit notes.

EXCEPT DURING ORDINARY WORKING HOURS:—

For the use of any crane or capstan at or during any other hours than the ordinary working hours of the day the rates and men's wages are in every case (excepting that of the cranes for coal and minerals &c. under Article (G) of this part of this schedule) one fourth more than those payable during the ordinary working hours.

II.—FOR USE OF WEIGHING MACHINES INCLUDING TRUCKS STEELYARDS
AND ALL OTHERS.

For weighing coal minerals iron and other goods in railway trucks per ton one half-penny.

[Ch. lxxxvii.] *Leith Harbour and Docks* [3 & 4 GEO. 5.]
Act, 1913.

A.D. 1913. For weighing any other articles or goods not in railway trucks
per cart lorry or wagon three pence.

For use of weight indicator on cranes per ton or part of a ton
two pence.

The rates for weighing coal to be paid only when weighed on the
application of the owner.

III.—FOR USE OF RAILS ON HARBOUR AND DOCKS ON QUAYS AND ON
PIERS.

For all goods minerals and other traffic thereon one halfpenny per
ton or in the case of railway companies such percentage on the cost of
the railways or such other yearly or periodical payment for the use of
them as may be agreed on with such companies in lieu of the rate
per ton.

IV.—FOR USE OF SHEDS AND QUAYS.

For each ton of eight barrel bulk or forty cubic feet or for each
ton of twenty hundredweight which shall remain in any shed or on
the quays of the port of Leith for a longer time than forty-eight hours
the Commissioners may if they think fit charge a rate not exceeding
three pence per ton per day for each day during which the said goods
shall remain after the first forty-eight hours but the payment of the
rate shall not confer right to continue the occupation of a shed or quay
or any part thereof after such forty-eight hours and all goods must
be removed from the sheds and quays within twenty-four hours after
notice has been given to that effect by the Commissioners or their
superintendent or other officers and failing their being so removed the
Commissioners or their officers shall be entitled to remove the same
and store them where they think proper at the risk and expense of the
owners or consignees or in the option of the Commissioners they may
if they think fit charge and the owners or consignees shall pay one
shilling per ton per day for any goods remaining unremoved after the
expiry of such twenty-four hours.

In any case where the superintendent shall certify to the collector
that the delay in removal of goods is due to good and sufficient causes
such certificate shall thereupon be reported by the collector to the
Commissioners who may in their discretion modify or remit such
charges of three pence and one shilling per ton.

For special shed accommodation including double-floored sheds
such rates and terms as may be agreed upon.

V.—FOR USE OF CATTLE SHEDS AND YARDS.

A.D. 1913.

For the first twenty-four hours or part thereof:—

	s.	d.
Horses ponies oxen bulls cows and other cattle of that class - - - - - each	1	0
Calves - - - - - „	0	3
Pigs - - - - - „	0	3
Sheep and lambs - - - - - „	0	1½
Sheep and lambs in open pens or yards but not using sheds—		
Under a score - - - - - each	0	0½
If a score or more - - - - - per score	0	6

And for the succeeding twenty-four hours or part thereof one half of these rates and for every twenty-four hours thereafter or any part thereof such reasonable rates as the Commissioners think fit.

VI.—GROUND RENT.

For timber and other goods on all spare ground set apart or let for storing same—per month:—

- Deals and battens 2*d.* per square yard.
- Spars 1½*d.* per square yard.
- Square timber 1*d.* per square yard.
- Other goods 2*d.* per square yard.
- All payable per month and in advance.

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