



CHAPTER xxix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Greenock Port and Harbours. [28th July 1950.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation 26 Geo. 5. & Procedure (Scotland) Act 1936 and it is requisite that the said 1 Edw. 8. c. 52. Order should be confirmed by Parliament:

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 Greenock Port and Harbours Order Confirmation Act 1950. Short title.

SCHEDULE

ARRANGEMENT OF SECTIONS

Preamble

Section

1. Short title commencement and citation.
2. Interpretation.
3. Incorporation of Acts.
4. Amendment of section 5 of Order of 1943.
5. Revision of rates.
6. Amendment of section 137 of Act of 1913.
7. Repeal of section 9 of Order of 1943.
8. Saving of Harbour Acts.
9. Costs of Order.

GREENOCK PORT AND HARBOURS

Provisional Order to confer further rating and charging powers on the Trustees of the port and harbours of Greenock and for other purposes.

WHEREAS by the Greenock Port and Harbours Consolidation Act 1913 (hereinafter referred to as "the Act of 1913") the Acts relating to the port and harbours of Greenock were consolidated with amendments and the said port and harbours were vested in the Trustees of the port and harbours of Greenock (hereinafter referred to as "the Trustees"):

And whereas by virtue of the powers conferred on the Trustees by the Greenock Port and Harbours Acts 1913 to 1943 (hereinafter referred to as "the existing Harbour Acts") and the Greenock Port and Harbours (Increase of Charges) Order 1949 the Trustees manage maintain work and use the said port and harbours and levy charge and recover various rates and charges in respect of the use thereof as more particularly prescribed by the existing Harbour Acts and the said Order:

And whereas by virtue of the Greenock Port and Harbours Order 1943 the Trustees may vary the rates and charges authorised by the existing Harbour Acts as prescribed therein:

And whereas it is expedient that the Trustees should be authorised to vary further the rates and charges leviable at the said port and harbours as hereinafter provided in this Order:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

26 Geo. 5. &
1 Edw. 8. c. 5

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

1.—(1) This Order may be cited as the Greenock Port and Harbours Order 1950 and shall commence and have effect on and from the date of the passing of the Act confirming the same.

Short title
commencement
and citation.

(2) The Greenock Port and Harbours Acts 1913 to 1943 and this Order may be cited together as the Greenock Port and Harbours Acts 1913 to 1950.

2. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction—

(a) The several words and expressions to which meanings are assigned by the Acts partially incorporated herewith or by the Harbour Acts or any of them have the same respective meanings; and

(b) The following words and expressions have the meanings assigned to them in this section (that is to say):—

“ Act of 1913 ” means the Greenock Port and Harbours Consolidation Act 1913 ;

“ Harbour Acts ” means the Greenock Port and Harbours Acts 1913 to 1943 ;

“ The Minister ” means the Minister of Transport ;

“ Order of 1943 ” means the Greenock Port and Harbours Order 1943.

3. Subject to the provisions of this Order section 3 (Incorporation of Acts) of the Order of 1943 shall so far as applicable and not varied by or inconsistent with this Order apply for the purposes of this Order as if it had been re-enacted herein.

4. Section 5 (Trustees may vary rates and charges) of the Order of 1943 shall be amended by substituting the words “ one-half ” in paragraph (a) of subsection (1) thereof for the words “ one-fourth ”.

5.—(1) If it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port and harbours and is a proper person to make an application ; or

(c) by the Trustees ;

that in the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an Order revising all or any of the authorised rates referred to in the application and may fix the date as from which such Order shall take effect and thenceforth such Order shall remain in force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an Order has been made or the Minister has decided not to make an Order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such Order or decision as the case may be.

(4) Before making an Order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Trustees where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Trustees or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an Order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Trustees being insufficient or more than sufficient to enable the Trustees with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their undertaking including interest on the harbour stocks and interest on and repayment of loan capital (regard being had by him to any capital which the Trustees may reasonably be expected to expend) making good depreciation providing for any contributions which the Trustees may reasonably and properly carry to any reserve fund contingency fund suspense fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking of the Trustees taking into account their financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Trustees being insufficient to enable them to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an Order under subsection (1) of this section shall not in any case be less than the maximum rates which the Trustees were authorised to levy demand and recover under or by virtue of the Greenock Port and Harbours Acts 1913 to 1943.

(7) Subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Trustees were a local authority. 10 & 11 Geo. 6.
c. 43.

(8) The power of the Minister to make an Order under subsection (1) of this section shall be exercisable by statutory instrument.

(9) In this section "authorised rates" means the rates and charges which the Trustees are for the time being authorised to levy demand and recover in pursuance of the Greenock Port and Harbours Acts 1913 to 1950 or any Order made under subsection (1) of this section.

6. Section 137 (Power to vary rates on vessels) of the Act of Amendment of 1913 is hereby repealed and the Act of 1913 shall be read and have effect as if the following section were inserted therein as section 137 thereof:— section 137 of
Act of 1913.

" 137. The Trustees may from time to time vary all or any of the rates leviable on vessels in such manner as they may think expedient Provided that such rates do not in any

“ case exceed the amounts which the Trustees are from time to
“ time authorised to levy demand and take Provided also that
“ such rates shall at all times be charged equally to all persons
“ in respect of vessels coming from or going to the same port
“ but a variation in such rates shall not be made except by a
“ resolution passed by a majority of at least two-thirds of the
“ Trustees present at a meeting of the Trustees of which notice
“ specifying the intention to propose such resolution has been
“ duly given.”

Repeal of
section 9 of
Order of 1943.

7. Section 9 (As to section 137 of Act of 1913) of the Order of 1943 is hereby repealed.

Saving of
Harbour Acts.

8. Except as in this Order specially provided nothing in this Order shall affect the Harbour Acts and the Acts incorporated therewith in so far as the provisions of those Acts relate to rates and charges at the port and harbours.

Costs of Order.

9. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the revenues of the port and harbours.

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