



CHAPTER xx.

An Act to amend the Clyde Navigation Acts, with respect to the Election of Trustees by Shipowners and Ratepayers ; and for other purposes. A.D. 1888.
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[16th May 1888.]

WHEREAS by the Clyde Navigation Consolidation Act, 1858 (herein-after called "the Act of 1858"), the Trustees of the Clyde Navigation (herein-after called "the Trustees") were incorporated and empowered to carry into effect the provisions of that Act; and further powers were conferred on the Trustees by the Clyde Navigation (Glasgow Harbour Tramways) Act, 1864, the Clyde Navigation (Amendment) Act, 1868, the Clyde Navigation (Stobcross Dock) Act, 1870, the Clyde Navigation Act, 1873, the Clyde Navigation Act, 1878, the Clyde Navigation Act, 1883 (herein-after called "the Act of 1883"), the Clyde Navigation Act, 1884 (herein-after called "the Act of 1884"), and the Clyde Navigation Act, 1887 :

And whereas it is expedient that the provisions of the recited Acts, with respect to the mode of electing Trustees by shipowners and ratepayers, should be amended as by this Act provided :

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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say :—

1. This Act may be cited as the Clyde Navigation Act, 1888; and this Act and the recited Acts, as amended by this Act, shall be read and construed together as one Act. Short title.

2. Nothing in this Act contained shall affect or be construed to affect the provisions of the recited Acts, except in so far as necessary to give effect to the express provisions of this Act. Recited Acts to remain in force except as amended by this Act.

[Price 3d.]

A.D. 1888.

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Interpreta-
tion.

3. In this Act the expression "the harbour" means the harbour of Glasgow, as defined in the Act of 1883, and as extended by the Act of 1884; and the expression "the river" means the River Clyde, as defined in the Act of 1858.

Repeal of
section 23 of
Act of 1858.Rules to be
observed in
election of
Trustees by
shipowners
and rate-
payers.

4. Section 23 of the Act of 1858 is hereby repealed, and in lieu thereof it is enacted as follows:—

The following rules shall be observed with respect to the election of Trustees to be elected by shipowners and ratepayers, in pursuance of the provisions of the Act of 1858, in the month of November, one thousand eight hundred and eighty-eight, and in succeeding years:

- (1.) The Lord Provost of Glasgow for the time being or some person appointed by him shall be the returning officer;
- (2.) On every occasion of the nomination of candidates for election as Trustees, the returning officer shall convene a meeting of the electors for the purpose of such nomination, and shall give notice of such meeting and of the time and place at which it is to be held, by advertisement in some one or more of the newspapers published in Glasgow, and by causing a copy of such notice to be sent by post to each elector at least two days before such meeting;
- (3.) The returning officer shall preside, and shall regulate the proceedings at such meeting, and shall decide whether any nomination herein-after provided for is valid, and his decision shall be final;
- (4.) At any such meeting as aforesaid any qualified person may, if he consent thereto, be nominated as a Trustee by any elector as proposer, and seconded by any other elector; and the proposer and seconder shall, at the time of such nomination, deliver to the returning officer a nomination paper subscribed by them, in which shall be set forth the Christian name and surname with the place of abode and designation of the candidate nominated, and stating that he is qualified and willing to act as a Trustee, and also the respective places of abode and designations of his proposer and seconder;
- (5.) If more candidates than three are proposed, and shall ultimately stand nominated as herein-after provided, a poll shall be taken in manner herein-after mentioned, but if only three or less than three candidates are proposed, or shall ultimately stand nominated as aforesaid, a declaration by the returning officer that such candidates are elected Trustees shall be evidence of the fact, and thereupon no poll shall be taken;
- (6.) Where more than three candidates are nominated, any of such candidates may withdraw from his candidature, by notice signed by him and delivered to the secretary of the Trustees

not later than twelve o'clock noon of the day next after that on which the nomination was made: Provided that such notices shall take effect in the order in which they are delivered to the said secretary, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of three. A.D. 1888.

5. Section 24 of the Act of 1858 is hereby repealed, and in lieu thereof it is enacted as follows:— Repeal of section 24 of Act of 1858.

The following rules shall be observed with respect to taking the poll for the election of Trustees at the election which is to take place in the month of November, one thousand eight hundred and eighty-eight, and in succeeding years: Rules as to taking the poll.

- (1.) The returning officer shall direct the poll to be taken at such place within Glasgow, and on such lawful day, not exceeding three clear days from the day of nomination, as he may determine;
- (2.) The poll, subject to the provisions of this Act, shall be taken in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be taken, and, subject as aforesaid, the provisions of that Act shall apply to the election of Trustees, with the substitution of the term "election of Trustees" for the term "municipal election," and of the word "Trustees" for the words "town councillors" or "councillors";
- (3.) The poll shall be opened at ten o'clock in the forenoon of the appointed day, and shall close at four o'clock in the afternoon of the same day;
- (4.) At the close of the poll, the returning officer shall sum up the votes, and as soon as possible publish the names of the persons elected, by advertisement in some one or more of the newspapers published in Glasgow;
- (5.) In the event of two or more candidates having the same number of votes, all of whom cannot be elected Trustees, the returning officer shall determine the candidate or candidates to be elected, and his decision shall be final;
- (6.) The expenses incident to the election (but not including the expenses of any candidate) shall be paid by the Trustees out of the revenues of the trust.

6. On every occasion of the election of a new Trustee by the remaining Trustees chosen by shipowners and ratepayers, under and by virtue of section 30 of the Act of 1858, where two or more candidates shall receive the same number of votes the result of such voting shall forthwith be reported to the Lord Provost of Glasgow, Determination of election on occasional vacancies.

A.D. 1888. — for the time being, who shall determine the candidate to be elected, and his decision shall be final.

Reserving
Merchant
Shipping
general Acts.

7. Subject to the provisions of this Act, nothing contained in this Act shall exempt the harbour or the river, or the Trustees, from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours, or to dues on shipping, or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the rates and tolls authorised by the recited Acts or this Act.

Expenses of
Act.

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

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