



CHAPTER xviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Leith Harbour and Docks. [1st August 1952.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

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

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

2. This Act may be cited as the Leith Harbour and Docks Short title.
Order Confirmation Act 1952.

SCHEDULE

LEITH HARBOUR AND DOCKS

Provisional Order to authorise the Commissioners for the harbour and docks of Leith to provide a towage service for the use and accommodation of vessels using the said harbour and docks and the harbour of Granton and to confer powers on the said Commissioners in respect thereof and for other purposes.

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

And whereas towage for the use and accommodation of vessels using the said harbour and docks has hitherto been provided by a towage company not in the ownership or control of the Commissioners:

And whereas the said towage company have announced their intention to discontinue their operations in the said harbour and docks:

And whereas it is expedient that the powers contained in this Order should be conferred upon the Commissioners with a view to the maintenance of an adequate towage service for the use and accommodation of vessels using the said harbour and docks and the harbour of Granton:

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

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

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

Short and
collective titles.

1.—(1) This Order may be cited as the Leith Harbour and Docks Order 1952.

(2) The Leith Harbour and Docks Orders 1935 and 1950 and this Order may be cited together as the Leith Harbour and Docks Orders 1935 to 1952.

Commencement
of Order.

2. This Order shall commence and have effect on the date of the Act confirming the same.

Interpretation.

3.—(1) In this Order—

"the Commissioners" means the Commissioners for the port of Leith;

"the harbour of Granton" means the harbour of Granton in the county of Edinburgh with the whole pertinents thereof and all the powers and privileges pertaining thereto and any future addition thereto and extension thereof vested

or to become vested in Granton Harbour Limited incorporated under the Companies Act 1929 or their successors all as more particularly described in the Granton Harbour Acts and Orders 1837 to 1950 ;

“ the Order of 1935 ” means the Leith Harbour and Docks Consolidation Order 1935 ;

“ the Order of 1950 ” means the Leith Harbour and Docks Order 1950 ;

“ the port of Leith ” means the port and harbour of Leith including the harbour of Newhaven and the harbours docks quays piers and whole other works and property included in the undertaking vested in the Commissioners by the Order of 1935 and all future additions thereto and extensions thereof ;

“ tug ” means any vessel built designed fitted or used whether regularly or occasionally for the purpose of towing vessels.

(2) (a) In the Order of 1935 and this Order—

“ seaplane ” includes a flying boat and any other aircraft designed to float or manoeuvre on water ;

“ vessel ” includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind howsoever navigated propelled or moved and except in Part III of the Order of 1935 includes a seaplane on the surface of the water.

(b) In the Order of 1935 “ vessel ” shall cease to have the meaning assigned to it by section 3 of the Harbours Docks and Piers Clauses Act 1847.

4. The Commissioners may from time to time build purchase contract for or hire and may maintain and use tugs for the use and accommodation of vessels using the port of Leith and the harbour of Granton and may let the same on hire within the Firth of Forth for such sums and upon and subject to such terms and conditions as they think fit or may sell or dispose of the same. Commissioners may provide tugs etc.

5.—(1) (a) The Commissioners may from time to time license such number of tugs belonging to any person for such period and on such terms and conditions including conditions as to charges as they think fit. Power to license tugs etc.

(b) The Commissioners may charge a fee not exceeding five pounds for the granting of a licence under paragraph (a) of this subsection.

(2) (a) It shall not be lawful for any person to use or employ any tug for towing vessels within the port of Leith except a tug provided by the Commissioners unless there is in force in relation to such first-mentioned tug a licence granted under paragraph (a) of subsection (1) of this section.

(b) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty-five pounds.

6.—(1) The Commissioners may demand levy collect and receive for or in respect of the use of tugs maintained used or let by the Charges for use of tugs etc.

Commissioners such reasonable rates and charges as they may from time to time determine and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining or requesting the assistance of such tug to the Commissioners or to the person with whom the Commissioners contract as the case may be and such rates and charges shall be due and payable whether such tug is actually employed or not provided that the assistance thereof has been requested and has in consequence of the request been tendered by the Commissioners or by the master or other person having command of such tug.

(2) The raising of steam or any other act of preparation done in consequence of and with a view to complying with a request for assistance shall be deemed to constitute the tendering of assistance notwithstanding that such request is cancelled or withdrawn before the tug leaves the berth or place at which it was lying at the time when the request for assistance was received.

Application of
revenue.

7.—(1) The provisions of section 120 (Application of revenues &c.) of the Order of 1935 shall extend and apply to all sums received by the Commissioners in respect of the hire letting or use of tugs under the provisions of this Order.

(2) The said section 120 shall be read and have effect as if in paragraph (1) thereof the words “the expenses connected with the maintenance repair and renewal of tugs and other vessels” were inserted after the word “otherwise”.

Accounts.

8. The provisions of section 121 (Accounts to be kept and balanced) of the Order of 1935 shall extend and apply to all moneys received and paid by the Commissioners under the authority of this Order.

Power to invest
in securities
of towage
companies.

9.—(1) In order to provide or facilitate the provision of funds for the establishment or carrying on by any company of an undertaking or business providing towage services within the port of Leith the Commissioners may from time to time subscribe for purchase take up and hold or dispose of any shares stock mortgages debentures or debenture stock of such company and may in respect of such shares stock mortgages debentures or debenture stock for the time being held by them exercise either by themselves or through some person nominated by the Commissioners for the purpose all or any rights exercisable by an individual holder of such shares stock mortgages debentures or debenture stock Provided that the total amount applied by the Commissioners for the purposes of this section shall not exceed at any time the sum of one hundred thousand pounds.

(2) The Commissioners may apply for the purposes of this section any moneys which they have already raised under section 10 (Additional borrowing powers) of the Order of 1950 or are authorised to raise under that section or any of the revenues of their undertaking.

(3) Section 11 (Application of additional borrowing powers) of the Order of 1950 shall be read and have effect as if the words “section 7 (Power to invest in securities of towage companies) of the Order of 1952” were inserted therein after the words “the Order of 1935” where those words first occur in the section.

10.—(1) In addition to any flat rate charge (inclusive of wages) Recovery of which the Commissioners are authorised by section 71 (Commis- piece-work sioners to levy rates on goods and shipping &c.) section 83 (Coal wages. cranes tips or hoists of steam hydraulic or other power and capstans when working in connection therewith) section 84 (Modified rates for use of cranes capstans jiggers weighing machines rails sheds quays cattle sheds yards and storage ground) or section 85 (Inclusive rates for work done &c. and for use of appliances and wages) of the Order of 1935 as amended by the Order of 1950 to demand levy collect and receive for the use of any crane capstan jigger weighing machine or other plant belonging to them the Commissioners may when any such plant is used in connection with the piece-work discharge or loading of a vessel and any wages based on a piece-work system are paid by the Commissioners to their employees in addition to ordinary wages and overtime demand levy collect and receive from every person whomsoever using any such plant the amount of the additional wages so paid.

(2) For the purposes of the said provisions of the Order of 1935 as amended by the Order of 1950 wages shall be deemed to include piece-work wages.

11. All costs charges and expenses of and incident to the Costs of Order. preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Commissioners out of the revenues of their undertaking.

Table of Statutes referred to in this Act

Short title	Session and chapter
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Companies Act 1929	19 & 20 Geo. 5. c. 23.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5. & 1 Edw. 8. c. 52.

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*Leith Harbour and Docks Order
Confirmation Act, 1952*

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LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 6d. net

PRINTED IN GREAT BRITAIN

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