

A
B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1920.
Legislation Procedure (Scotland) Act 1899 relating to —
the Port and Harbours of Greenock.

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the pro-
visions of the Private Legislation Procedure (Scotland) Act 1899 62 & 63 Vict.
5 and it is requisite that the said Order should be confirmed by c. 47.
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
10 assembled and by the authority of the same as follows:—

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

2. This Act may be cited as the Greenock Port and Harbours Short title.
Order Confirmation Act 1920.

A.D. 1920.

SCHEDULE.

*Provisional Order to authorise the Trustees of the port
and harbours of Greenock to acquire lands to
confer further powers on the Trustees
and for other purposes.*

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WHEREAS the Trustees of the port and harbours of Greenock (hereinafter called "the Trustees") are a statutory trust constituted and acting under the Acts relating to the said port and harbours:

And whereas the said port and harbours are administered 10
by the Trustees:

And whereas the undertaking of the Trustees consists of an extensive system of harbours and docks on the Clyde at Greenock situated between Inch Green Street on the east and Princes Pier on the west and includes the harbour of Cartsdyke 15 and the entrances thereto from the River Clyde and Main Street Greenock (in this Order referred to as "Cartsdyke Harbour"):

And whereas the Trustees own the property immediately adjoining Cartsdyke Harbour on the east including amongst 20 others the shipbuilding yard occupied by the Greenock Dockyard Company Limited:

And whereas the Trustees and their predecessors have since the year one thousand eight hundred and forty owned the rights of harbour at Cartsdyke Harbour subject to an annual rent 25 payment or feu-duty now payable to Mrs. Lilian Macknight Crawford of Cartsburn:

And whereas the said rent payment or feu-duty has been duly paid by the Trustees or their predecessors since the said year one thousand eight hundred and forty but no feudal title 30 has been obtained to Cartsdyke Harbour and the right of the Trustees is contained in a minute of agreement entered into between the deceased William Crawford Esquire of Cartsburn and John Gray Esquire merchant in Greenock dated the eleventh day of March one thousand eight hundred and forty by which 35 the said rent payment or feu-duty is fixed:

And whereas Cartsdyke Harbour owing to its situation and condition is capable of being used only to a very limited extent for harbour purposes : A.D. 1920.

And whereas it is expedient and would conduce to the prosperity of the undertaking of the Trustees that the Trustees should be authorised to acquire Cartsdyke Harbour and the properties adjoining the same on the south and to appropriate the site and solum of the lands so acquired for such harbour shipbuilding warehousing manufacturing trading commercial industrial or street widening or other purposes as the Trustees think fit and should be authorised to close and fill up Cartsdyke Harbour as hereafter in this Order provided :

And whereas the business of shipbuilding forms one of the chief industries of Greenock and the space available for the extension of shipbuilding yards is limited and it is desirable that further accommodation should be provided for the development of shipbuilding and other trades at the port :

And whereas with the view of increasing facilities for the development of industrial enterprise by providing convenient sites for works shipbuilding and repairing yards or otherwise it is desirable that the Trustees should be authorised to use or sell lease or otherwise administer or deal with the said site of Cartsdyke Harbour for such purposes or any other harbour purpose freed and discharged from all statutory and all other restrictions affecting the same or any part thereof and from all rights of harbour rights of way or other public or private rights :

And whereas it is expedient that the Trustees should be authorised to apply their funds for the purposes of this Order :

And whereas plans of the lands proposed to be acquired for the purposes of this Order and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the principal sheriff clerk for the county of Renfrew and are hereinafter referred to as the deposited plans and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by

A.D. 1920. Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

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Short title.

1. This Order may be cited as the Greenock Port and Harbours Order 1920.

Commence-
ment of
Order.

2. This Order shall commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this 10 Order."

Interpre-
tation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And 15 in this Order unless the subject or context otherwise requires the following expressions shall have the respective meanings in this section assigned to them (that is to say):—

"The burgh" means the burgh of Greenock;

"The Trustees" means the Trustees of the port and 20 harbours of Greenock;

"The port and harbours" means the port and harbours of Greenock;

"The sheriff" means the sheriff of Renfrew and Bute or his substitute at Greenock; 25

"The Act of 1913" means the Greenock Port and Harbours Consolidation Act 1913.

Incorporation
of provisions
of Lands
Clauses Acts.

4. The Lands Clauses Acts are so far as they are applicable for the purposes of and are not expressly varied by this Order incorporated with and form part of this Order. 30

Purchase of
lands.

5. The Trustees may purchase take and acquire compulsorily or by agreement and may enter upon hold use and appropriate the lands houses and property respectively shown on the deposited plans and marked thereon "Area A" and described in the deposited book of reference The said lands houses 35 and other property are wholly situate within the burgh and are as follows (that is to say):—

Area A.—The lands houses and other property situate within the area marked "Area A" and delineated on

the deposited plans bounded as follows:—On the north by the River Clyde on the east by land belonging or reputed to belong to the Trustees and occupied by Messrs. Ross & Marshall Limited on the south by the northern side of Main Street on the west by property belonging or reputed to belong to Richard Dennistoun Ormston on the north-west and again on the west by the shipbuilding yard belonging or reputed to belong to Messrs. Scotts Shipbuilding and Engineering Company Limited.

A.D. 1920.

6. 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 Trustees after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in such 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 Renfrew and a duplicate thereof shall also be deposited with the town clerk of the burgh 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 Trustees to take the lands in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

7. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for
compulsory
purchase of
lands.

8. In determining any question of disputed purchase money or compensation payable in respect of lands houses or property taken under the authority of this Order the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or in respect of any interest in the land whether by way of lease or otherwise created after the first day of May one thousand nine hundred and twenty if in the opinion of the tribunal the improvement

Provisions
as to com-
pensation.

A.D. 1920. alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Order.

Power to
stop up
passageway
or access to
Cartsdyke
Harbour.

9. The Trustees may stop up and discontinue the user by the public of the passageway or access leading from Main Street to the harbour known as Cartsdyke Harbour within the burgh and thereupon all rights of way over the said passageway or access shall be extinguished.

Power to
close Carts-
dyke Har-
bour and
other works.

10.—(1) The Trustees may close and discontinue the use of and may at such time and in such manner as they may think fit fill up the harbour known as Cartsdyke Harbour situate within the area shown on the deposited plans and marked thereon "Area A" and lying within the burgh and the quay and works in connexion therewith and the Trustees shall be relieved from all and any obligations to keep open maintain repair or renew the same.

(2) All public private and other rights of harbour rights of way and all restrictions and other rights in over or upon the said harbour quay and works shall be and the same are hereby extinguished.

(3) Notwithstanding any provisions to the contrary contained in any Act of Parliament or Order relating to the Trustees or the port and harbours the Trustees may use the said lands or any part or parts thereof together with the quay and works or about the same in such way and manner and for such purposes as they think fit Provided that nothing in this section shall empower the Trustees to cause or permit a nuisance on any such lands.

(4) The said Cartsdyke Harbour authorised to be closed and filled up is shown by a green line on the plan signed in triplicate by Major Gilbert McMicking chairman of the Commissioners to whom this Order was referred one copy whereof shall within one month after the commencement of this Order be deposited in the Scottish Office Whitehall London one in the office of the Trustees and one in the office at Greenock of the principal sheriff clerk of the county of Renfrew.

(5) The Trustees may adapt the lands comprising the site of the said harbour quay and works or such part or parts of

such lands as they think fit for the purpose of a shipbuilding yard or shipbuilding yards or of warehouses or generally for manufacturing trading commercial or industrial purposes. A.D. 1920.

11. The Trustees may take down and remove the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Order and sell and dispose of the materials thereof. Power to take down buildings &c.

12.—(1) Notwithstanding any provision to the contrary contained in the Lands Clauses Acts or any Act of Parliament or Order relating to the Trustees or the port and harbours the Trustees may sell lease or otherwise dispose of for the purpose of a shipbuilding yard or shipbuilding yards or of warehouses or generally for manufacturing trading commercial or industrial purposes or for the purpose of widening Main Street Greenock all or any of the lands houses or property or any interest therein vested in or which may under the powers of this Order be acquired by the Trustees and situate within the area shown on the deposited plans and marked thereon "Area A" in such manner for such price or consideration at such rent or premium or rent and premium for such period and upon such terms and conditions as the Trustees may think fit. Agreements for sale or lease of lands &c.

(2) The Trustees may enter into and carry into effect agreements and arrangements with any purchaser or lessee of such lands houses or property or interests therein for the carrying out by such purchaser or lessee or by the Trustees at the expense of such purchaser or lessee of all or any of the powers conferred upon the Trustees by this Order.

(3) All moneys received by the Trustees by way of purchase money rent or premium in respect of the sale lease or other disposition of the said lands houses or property or interests therein shall be carried to the credit of the capital or revenues of the port and harbours as the case may be.

13. The Trustees may appropriate and apply for the purposes of this Order any moneys belonging to them at the commencement of this Order or which they are authorised to borrow or raise under the powers conferred by any previous Act or Order and not being in either case required at the time of such appropriation and application for the purposes for which the same were raised or authorised to be raised. Trustees may apply moneys.

A.D. 1920.

For protec-
 tion of cor-
 poration of
 Greenock.

14. Whereas part of one of the main outfall sewers of Greenock is situated in or passes through certain of the lands or properties or parts and portions thereof which the Trustees are by this Order authorised to acquire and the corporation of Greenock as local authority within the burgh (hereinafter in this section called "the corporation") may find it necessary to construct a flood-water pipe for the more effective drainage of the burgh And whereas it is expedient that provision should be made for the protection of the said sewer and pipe and for preventing any interference with or interruption of the drainage of the burgh through the said sewer and pipe.

Therefore the following provisions shall have effect (that is to say) :—

- (1) Nothing in this Order contained shall prevent the corporation from maintaining and using the said existing outfall sewer where the same passes through the lands or properties belonging to the Trustees or which the Trustees are by this Order authorised to acquire or any sewer which may be constructed in substitution therefor nor prevent the corporation from constructing laying and maintaining a new flood-water pipe in such line through the said lands as the Trustees shall determine and of such sufficient dimensions as shall subject to the provisions hereinafter contained with respect to the settlement of differences by arbitration be determined by the Trustees and the Trustees shall be bound to give the use of the ground necessary for such purposes without any payment therefor :
- (2) The Trustees may provide another sewer in substitution for either or both of the said existing outfall sewer and the said flood-water pipe and in that event such substituted sewer shall be of dimensions equivalent to the sewer or pipe or to the sewer and pipe as the case may be for which it is substituted and shall be laid in such line through the said lands as the Trustees shall determine and shall be constructed and laid by the Trustees at their sole expense and in such manner as the Trustees and the corporation may mutually determine or failing agreement as

shall be fixed by an arbiter to be appointed in A.D. 1920.
manner provided in subsection (7) of this section: —

5 (3) The corporation shall be entitled at all times to obtain
access to the said sewer substituted sewer and pipe
for the purpose of inspection renewal repair or other
necessary work and the Trustees and their successors
shall be bound to give all reasonable facilities for
such access and to make and provide all manholes
reasonably necessary therefor:

10 (4) Where any of the operations of the Trustees or their
successors in the lands to be acquired under the
powers of this Order pass over under or by the side
of or so as to interfere with or interrupt or injuriously
15 affect the said sewer substituted sewer and pipe or
interfere with the access thereto for the purposes of
inspection renewal repair or other necessary work
the Trustees or their successors shall make good any
damage which may be caused by the said operations:

20 (5) At least twenty-one days before the Trustees or their
successors commence any operations the execution of
which would in any way interfere with or affect the
said sewer substituted sewer and pipe or the access
thereto the Trustees or their successors shall give to
25 the corporation notice thereof in writing accompanied
by plans sections working drawings and specifications
showing the manner in which the said operations are
to be executed and also the means proposed to be
employed by them for the protection of the said
30 sewer substituted sewer and pipe and the manholes
or other means of access thereto proposed to be
provided by the Trustees or their successors which
plans sections working drawings and specifications
shall subject to the provision hereinafter contained
with respect to the settlement of differences by
35 arbitration be subject to the reasonable approval of
the corporation previously to the operations being
commenced and if the corporation do not within
twenty-one days after the receipt of the said plans
sections working drawings and specifications intimate
40 to the Trustees or their successors their approval or
disapproval of the same the Trustees or their successors

A.D. 1920.

may proceed to carry out the said operations in accordance with such plans sections working drawings and specifications:

- (6) The corporation shall not be liable for any loss injury or damage caused to or sustained by the Trustees or 5 their successors in Cartsdyke Harbour and the said lands and properties or any part thereof by reason of any stoppage or interruption of or flooding from or in any way whatsoever arising from the said sewer substituted sewer and pipe unless such loss injury or 10 damage has been caused by the default or neglect of the corporation or their servants and unless as aforesaid the Trustees shall indemnify the corporation and save them harmless from and against all loss injury and damage caused to or sustained by any 15 other person whomsoever by reason of any stoppage or interruption of or interference with the said sewer substituted sewer and pipe occasioned or materially contributed to by any operations of the Trustees or their successors within or on the said harbour lands 20 and properties. If by reason of any of the said operations of the Trustees or their successors any damage shall be caused to the said sewer substituted sewer and pipe the Trustees or their successors shall make compensation therefor to the corporation 25 and such compensation unless otherwise agreed between the parties shall be ascertained by an arbiter to be appointed in manner provided in subsection (7) of this section:

- (7) If any dispute or difference shall arise under this 30 section the same shall be referred to the determination of an arbiter to be mutually agreed upon by the parties to the dispute or difference or failing agreement to be appointed by the sheriff and such arbiter shall have power to determine the matter in 35 dispute or difference and by whom and in what manner the costs of and incident to the arbitration shall be paid.

Works below
high-water
mark to be
subject to

15. Subject to the provisions of this Order any of the works authorised by this Order to be constructed on over or 40 under tidal lands below high-water mark of ordinary spring tides

Order Confirmation.

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.

A.D. 1920.
—
approval of
Board of
Trade.

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

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 Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable as a Crown debt or summarily.

16. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained or shown on the deposited plans shall authorise the Trustees 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 and Board are hereby respectively authorised to give).

Crown
rights.

17. 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 or out of the moneys to be borrowed under the Act of 1913 and if paid out of borrowed money shall be repaid within five years from the commencement of this Order.

Costs of
Order.

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B I L L

INTITULED

An Act to confirm a Provisional
Order under the Private Legisla-
tion Procedure (Scotland) Act 1899
relating to the Port and Harbours
of Greenock.

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