



Harbours, Piers and Ferries (Scotland) Act 1937

1937 CHAPTER 28 1 Edw 8 and 1 Geo 6

PART IV

MISCELLANEOUS

22 Returns regarding repayment of moneys borrowed.

- (1) The clerk to the harbour authority by whom any moneys have been borrowed under this Act shall, within one month after being requested so to do by the [^{F1}Secretary of State for Scotland], transmit to him a return showing the provision made by the authority for the repayment of the moneys so borrowed.
- (2) The return shall show such particulars, shall be made up to such date, and shall be in such form as the [^{F1}Secretary of State for Scotland] may require, shall be certified by the person whose duty it is to keep the accounts of the authority, and shall, if so required by the [^{F1}Secretary of State for Scotland], be verified by a statutory declaration made by that person.
- (3) If it appears to the [^{F1}Secretary of State for Scotland] from any return made under this section or otherwise that the authority—
 - (a) have failed to pay any instalment or to make any annual payment required to be paid or made; or
 - (b) have failed to appropriate to the discharge of any loan any sum required to be so appropriated; or
 - (c) have failed to set apart any sum required for a sinking fund; or
 - (d) have applied any portion of a sinking fund to a purpose other than those authorised;

the [^{F1}Secretary of State for Scotland] may by order direct that such sum as is specified in the order, not exceeding the amount in respect of which default has been made, shall be paid or applied in the manner and by the date set out in the order, and the

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authority shall notify the [^{F1}Secretary of State for Scotland] as soon as the order has been complied with.

- (4) An order made under the last foregoing subsection may be enforced at the instance of the [^{F1}Secretary of State for Scotland] under section ninety-one of the ^{M1}Court of Session Act 1868, in like manner as if compliance with the order were a statutory duty.
- (5) If a return required to be made under this section is not made, the person in default shall be liable on summary conviction to a penalty not exceeding [^{F2}level 2 on the standard scale] and notwithstanding the recovery of any such penalty the making of the return may be enforced as aforesaid.

Textual Amendments

F1 Words substituted by virtue of S.I. 1970/1537, **art. 6 Sch. 2 para. 2**

F2 Words substituted by virtue of **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G**

Marginal Citations

M1 1868 c. 100.

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