

THE VICTORIAN STATUTES

No. 6340.

PORTLAND HARBOR TRUST ACT 1958.

An Act to consolidate the Law relating to Portland Harbor.

[30th September, 1958.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria 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 *Portland Harbor Trust Act* 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*, and is divided into Parts as follows:—

Short title
commencement
and division.

Part I.—Administration ss. 4–14.

Part II.—Property Powers and Duties of the Commissioners ss. 15–26.

Part III.—Financial ss. 27–44.

Part IV.—Miscellaneous ss. 45–47.

Repeal.
First
Schedule.

2. (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation order appointment incorporation determination direction contract agreement security consent loan debenture stock fund vesting approval liability or right made effected issued granted given presented fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act.

Inter-
pretation.
No. 5425 s. 2.

3. (1) In this Act unless inconsistent with the context or subject-matter—

“Ballast.”

“Ballast” includes every kind of stone gravel sand and soil and every commodity or thing commonly used for the ballasting of vessels.

“Buoys and
beacons.”

“Buoys and beacons” includes all other marks and signs of the sea.

“Chairman.”

“Chairman” means the Chairman of the Commissioners.

“Commis-
sioner.”

“Commissioner” means Commissioner of the Portland Harbor Trust and includes the Chairman and Deputy-chairman.

“Commis-
sioners.”

“Commissioners” means the Portland Harbor Trust Commissioners under this Act.

“Deputy
chairman.”

“Deputy-chairman” means the Deputy-chairman of the Commissioners.

“Fund.”

“Fund” means the Portland Harbor Trust Fund under this Act.

“Goods.”

“Goods” includes all wares merchandise and articles of every description.

“ Harbor-master ” includes assistant harbor-master.	“ Harbor-master.”
“ Minister ” means the Commissioner of Public Works.	“ Minister.”
“ Part ” means Part of this Act.	“ Part.”
“ Person ” includes a corporation whether aggregate or sole, any commission or other public body although not incorporated, and persons trading together in partnership.	“ Person.”
“ Port ” means so much of Portland Bay and the waters falling into it and the adjacent lands as are described or referred to in the Second Schedule.	“ Port.” Second Schedule.
“ Prescribed ” means prescribed by this Act or the regulations.	“ Prescribed.”
“ Regulations ” means regulations made pursuant to this Act by the Commissioners.	“ Regu-lations.”
“ Revenues ” of the Commissioners includes all tolls rates charges fees rents interest fines penalties forfeitures and moneys (other than loan moneys and moneys applied out of the Consolidated Revenue) given granted to vested in or authorized to be demanded received or taken by the Commissioners.	“ Revenues.”
“ Schedule ” means Schedule to this Act.	“ Schedule.”
“ Secretary ” means the secretary to the Commissioners.	“ Secretary.”
“ Ship ” includes every description of vessel used in navigation not propelled by oars.	“ Ship.”
“ Shore ” means the shore so far as the tide flows and re-flows between high and low water marks at ordinary tides.	“ Shore.”
“ Treasurer ” means Treasurer of Victoria.	“ Treasurer.”
“ Vessel ” means any ship lighter keel barge boat wherry raft or craft or any other kind of vessel whatever and however propelled.	“ Vessel.”
“ Wreck ” includes jetsam flotsam lagan and derelict.	“ Wreck.”

(2) Unless inconsistent with the context or subject-matter any reference in this Act to stock or debentures issued under this Act shall include a reference to stock or debentures issued under the *Portland Harbor Trust Act 1949*.

PART I.—ADMINISTRATION.

The Commissioners.

4. (1) There shall be three Commissioners for carrying this Act into execution.

Appointment of Commissioners.
No. 5425 s. 3.

(2) The Governor in Council may from time to time appoint such Commissioners for such term (not exceeding five years) as is specified in the instrument of appointment and may at any time remove any Commissioner, and as any vacancy occurs in the office of Commissioner may appoint or re-appoint some person to fill such vacancy.

(3) One of the Commissioners shall be so appointed to be the Chairman and one to be the Deputy-chairman.

(4) Each of the Commissioners shall be paid from the fund an annual salary at such rate as is determined by the Governor in Council before appointment.

Commissioners
a body
corporate.
No. 5425 s. 4.

5. (1) The Commissioners shall be a body corporate by the name of the "Portland Harbor Trust Commissioners" and by that name shall have perpetual succession and a common seal and subject to this Act shall be capable in law of suing and being sued and shall have power to take purchase sell lease and hold lands tenements and hereditaments goods chattels and other property for any of the purposes of this Act.

Application
of Public
Contracts Act.

(2) The Commissioners shall be a local authority for the purposes and within the meaning of the *Public Contracts Act 1958*.

Seal of Com-
missioners
to be
judicially
noticed.
No. 5425 s. 5.

6. (1) All courts judges and persons acting judicially shall take judicial notice of the incorporation and also of the common seal of the Commissioners affixed to any deed instrument or writing and shall presume that such seal was properly affixed thereto.

(2) Such deed instrument or writing when sealed, whether such instrument or writing is required to be sealed or not, shall be admissible in evidence for and against the Commissioners on the mere production thereof without any other or further proof of the making of such deed instrument or writing or of the due incorporation of the Commissioners.

Quorum of
Commis-
sioners,
procedure &c.
No. 5425 s. 6.

7. (1) All powers vested in the Commissioners under this Act may be exercised by any two of the Commissioners present at any meeting of Commissioners.

(2) No act or proceeding of the Commissioners or any of them shall be invalidated or illegal in consequence only of there being any vacancy in the number of Commissioners at the time of the act or proceeding.

(3) Where only two Commissioners (neither of them being the Chairman) are present at a meeting the Deputy-chairman shall preside.

(4) Subject to this Act the Commissioners may regulate their own procedure.

8. (1) No undischarged or uncertificated bankrupt or insolvent shall be capable of being appointed a Commissioner.

Insolvents incapacitated. No. 5425 s. 7.

(2) Any Commissioner who—

Office of Commissioner how vacated.

(a) becomes bankrupt or insolvent or applies to take the benefit of any Act or law for the relief of bankrupt or insolvent debtors or by any deed or writing compounds with his creditors or makes an assignment of his salary for their benefit;

(b) is absent from four consecutive meetings of the Commissioners except on leave granted by the Minister; or

(c) resigns—

shall thereby vacate his office as Commissioner.

9. (1) Any Commissioner who—

Commissioners not to be personally interested in contracts &c. No. 5425 s. 8.

(a) is in anywise concerned or interested in any bargain or contract made by or on behalf of the Commissioners; or

(b) in anywise participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising therefrom—

shall thereby vacate his office as Commissioner and shall be guilty of a misdemeanour and be liable to a penalty of not more than Five hundred pounds or to imprisonment for a term of not more than three years or to both such penalty and imprisonment.

(2) No person being a shareholder or member of any company consisting of more than twenty persons shall be disqualified from acting as a Commissioner by reason of any contract entered into between such company and the Commissioners; nevertheless it shall not be lawful for any such shareholder or member to act as a Commissioner in any matter relating to any contract entered into between the Commissioners and such company.

Exception.

10. (1) The Governor in Council, in the case of the illness suspension absence or vacancy in the office of the Chairman Deputy-chairman or other Commissioner, may appoint some person to act as his deputy during such illness suspension absence or vacancy and every such person shall, while so acting, have the powers and perform the duties of the Chairman Deputy-chairman or other Commissioner (as the case may be).

Deputy Commissioners. No. 5425 s. 9.

(2) If the person appointed to act as the deputy of the Chairman is the Deputy-chairman or the other Commissioner the Governor in Council may appoint some other person to act as deputy of such Deputy-chairman or other Commissioner while he is acting as the deputy of the Chairman.

(3) If the person appointed to act as the deputy of the Deputy-chairman is a Commissioner the Governor in Council may appoint some other person to act as deputy of such Commissioner while he is acting as the deputy of the Deputy-chairman.

(4) No person shall hold the office of deputy of a Commissioner for a longer period than six months at any one time without re-appointment.

Officers.

Secretary and other officers.
No. 5425 s. 11.

11. (1) The Commissioners with the approval of the Minister—

(a) may appoint or employ and may remove a secretary and such pilots harbor-masters engineers surveyors collectors clerks officers servants and persons to assist in the execution of this Act as the Commissioners think necessary or proper; and

(b) shall pay such salaries wages and allowances to the persons so appointed or employed as the Commissioners think reasonable.

(2) No person so appointed or employed shall engage in any employment other than in connexion with the duties of his office without the sanction in writing of the Commissioners.

Security from officers intrusted with money.

(3) Before any person intrusted with the custody and control of moneys of the Commissioners enters upon his office the Commissioners shall take sufficient security from him for the faithful execution of his office.

Powers &c. of harbor-masters.
No. 5425 s. 12.

12. Each harbor-master and each of the assistant harbor-masters—

(a) shall be the port officer or harbor-master for the port within the meaning of the *Marine Act* 1958; and

(b) shall have and may exercise any of the powers conferred upon such port officer or harbor-master by the said Act so far as such powers are not inconsistent with this Act.

Provision of offices.
No. 5425 s. 13.

13. Subject to this Act the Commissioners may provide equip furnish and maintain offices for carrying on the business of the Commissioners and for that purpose may purchase or rent any necessary land building or premises and alter remove or enlarge any building or erect any new building upon any land so purchased or rented.

14. The provisions of sections twenty-five to twenty-nine of the *Harbor Boards Act* 1958 shall extend and apply for the purposes of this Act as if incorporated in this Part with such adaptations as are necessary and in particular as if any reference therein to a harbor board were a reference to the Commissioners.

Powers of officers, penalties, &c. No. 5425 s. 14.

PART II.—PROPERTY POWERS AND DUTIES OF THE COMMISSIONERS.

15. (1) The bed soil and shores of the waters and the lands described or referred to in the Second Schedule are declared to have been vested in the Commissioners by the *Portland Harbor Trust Act* 1949 upon trust for the purposes set forth in this Act, but subject to the estate and interest of any person in any such land existing at the time of the commencement of the first mentioned Act, and to the right of Her Majesty to resume possession at any time without payment of compensation of any land required for giving ingress egress and regress to and from the shore.

Port and lands vested in Commissioners. No. 5425 s. 15. Second Schedule.

(2) The right to resume possession of any such land for the purpose of giving ingress egress and regress to and from the shore shall not be exercised except for the purpose of proclaiming such land a public highway.

(3) All liabilities of the Crown existing with regard to any of the land so vested in the Commissioners are declared to have been transferred by the first mentioned Act from the Crown and thereupon became liabilities of the Commissioners, who became charged with the payment or settlement thereof.

16. Whenever any question arises as to whether any property or any duty or authority or any liability of the Crown was by the operation of the *Portland Harbor Trust Act* 1949 transferred or assigned to the Commissioners the Governor in Council may by Order published in the *Government Gazette* finally and conclusively determine the same.

Questions of transfer. No. 5425 s. 16.

17. (1) Except in pursuance of any powers expressly conferred by this Act the Commissioners shall not sell any land vested in the Commissioners.

No power to sell land unless expressly conferred. No. 5425 s. 17.

(2) Where power is by any Act conferred on the Commissioners to sell any land the Commissioners may with the consent of the Governor in Council lease such land.

18. (1) For the purposes of this Act or for the purpose of enabling or facilitating the establishment of any trade or industry in the vicinity of the port the Commissioners may either by agreement or compulsorily purchase any land or any easement right or privilege in or over or affecting any land or water.

Power to Commissioners to purchase by agreement or compulsorily land easements &c. No. 5425 s. 18; No. 5944 s. 2 (a).

Lands Compensation Act.
incorporated.

(2) The *Lands Compensation Act* 1958 is hereby incorporated with this Act and subject to this Act and so far as is consistent with the tenor thereof shall be read and construed as one therewith and shall take effect with regard to the purposes for which the Commissioners are authorized to purchase or acquire land; and for the purposes of this Act in the construction of the *Lands Compensation Act* 1958 unless inconsistent with the context or subject-matter—

- (a) “the Board of Land and Works” and the “Board” shall mean the Commissioners;
- (b) “the special Act” shall mean this Act; and
- (c) the word “land” as used in connexion with the purchase or acquisition of land as aforesaid includes, as well as any land, any easement right or privilege in over or affecting any land or water.

Power to sell or lease certain lands.
No. 5425 s. 19;
No. 5944
s. 2 (b)-(d).

19. (1) The Commissioners may with the consent of the Governor in Council sell and convey or transfer any part of any land of the Commissioners (other than land described in the Second Schedule) or any estate or interest therein.

(2) The Commissioners may with the approval of the Governor in Council grant leases of any land vested in or possessed by the Commissioners which is not required for the purposes of this Act or which has been acquired for the purpose of enabling or facilitating the establishment of any trade or industry in the vicinity of the port, and any such lease may be granted upon such rent and upon such conditions and for such terms not exceeding ninety-nine years as the Commissioners think fit.

(3) Such sales leases and conveyances from the Commissioners shall be valid and effectual to all intents and purposes; and the money produced by any such sale or lease shall be added to the Fund.

(4) The Commissioners may surrender to the Crown any of the land described in the Second Schedule whereupon the Governor in Council may subject to the *Land Act* 1958 sell any land so surrendered subject to such covenants conditions exceptions and reservations as he thinks fit.

Second Schedule.

Lands vested in Commissioners to be free from municipal rates.
No. 5425 s. 20.

20. (1) All lands vested in the Commissioners or purchased by the Commissioners in pursuance of this Act shall be exempt from any municipal rate or tax.

(2) Nothing herein shall preclude any municipality from making and levying rates in respect of any such lands occupied for private purposes by persons other than the Commissioners.

21. (1) Subject to this Act—

- (a) the exclusive management and control of the port and of all shipping light-ships buoys beacons moorings wharfs docks piers jetties ferries landing-stages slips platforms or light-houses therein; and
- (b) the preservation and improvement of the port generally—

shall be vested in the Commissioners.

(2) The Commissioners shall actively promote the co-operation of producers manufacturers traders and consumers throughout the area to be served by the port in making the fullest use of the port for inward and outward traffic and shall facilitate and encourage plans and organizations to that end.

Management of port and shipping vested in the Commissioners.
No. 5425 s. 21.

22. The Commissioners shall not later than the first day of February in each year submit for the approval of the Governor in Council a detailed statement showing—

- (a) all works proposed to be undertaken by the Commissioners during the year commencing on the first day of July next following and the estimated cost of each such work; and
- (b) the funds available or estimated to be available to the Commissioners for all such proposed works, showing separately the various sources of such funds.

Statement of proposed works to be submitted for approval of Governor in Council.
No. 5425 s. 23 (1).

23. (1) Except with the consent of the Governor in Council—

- (a) no work estimated to cost more than Two thousand pounds shall be undertaken by the Commissioners unless such work is specified in a statement aforesaid approved by the Governor in Council;
- (b) the expenditure on any work specified in such a statement shall not exceed the amount approved therefor by the Governor in Council nor shall the total expenditure on all works of the Commissioners during any financial year exceed the total amount approved by the Governor in Council for works of the Commissioners in such financial year.

Works and expenditure subject to consent.
No. 5425 s. 23 (2) (3).

(2) The Commissioners shall not enter into any contract involving an expenditure of an amount exceeding Two thousand five hundred pounds except with the written consent of the Minister first obtained.

Contracts of Commissioners.

Request by
Minister for
report by
Commissioners on
matters of
policy.
No. 5425 s. 24.

24. (1) The Minister may at any time in writing request the Commissioners to propose in writing a scheme for effecting an increase of income or a decrease of expenditure or for carrying out any matter of general policy specified by the Minister; and if the Minister approves of the scheme he may direct the Commissioners to take all necessary steps to carry it out.

(2) If the Minister does not approve of any scheme so proposed by the Commissioners he may transmit to them an alternative scheme for their consideration. If the Commissioners do not approve of the alternative scheme they shall inform the Minister in writing of their detailed reasons for not approving, and the Minister may consult with the Commissioners and may, in default of agreement, determine a scheme (whether or not the same as any scheme proposed) and may direct the Commissioners to take all necessary steps to carry out the scheme so agreed upon or determined. Where the Minister so determines a scheme in default of agreement, the Minister shall as soon as practicable lay before both Houses of Parliament a statement of the facts relating to the disagreement.

(3) If any doubt or difference of opinion occurs respecting the provisions of this section it may be finally determined by the Governor in Council.

Settlement of
differences
between Com-
missioners
and
municipal
councils.
No. 5425 s. 25.

25. If any difference arises between the Commissioners and the council of the borough of Portland or the council of the shire of Portland in relation to any matter affecting works of the Commissioners or of either such council or the development or operation of the port or any matter arising under the administration of this Act or of any Act relating to local government such difference shall be referred by the Minister to the Governor in Council whose decision thereon shall be final and conclusive.

Application
of *Harbor
Boards Act*
ss. 41-73.
Powers and
duties of the
Commis-
sioners.
No. 5425 s. 26.

26. The provisions of section forty-one to seventy-three of the *Harbor Boards Act* 1958 shall extend and apply for the purposes of this Act as if incorporated in this Part with such adaptations as are necessary and in particular as if any reference therein to a harbor board were a reference to the Commissioners.

PART III.—FINANCIAL.

Port Rates, Tolls and Charges.

Power to
collect tolls
rates and
charges.
No. 5425 s. 27.

27. (1) The Commissioners shall in respect of all goods merchandise and things (including goods merchandise and things belonging to Her Majesty's Government) except passengers' luggage landed or unshipped from any vessel within the port demand collect and receive such tolls and rates as are prescribed by regulations of the Commissioners.

(2) Goods transhipped within the port not later than forty-eight hours after the vessel has finally discharged shall be exempt from such tolls and rates.

(3) The Commissioners may demand collect and receive in respect and for the use of any of the property of the Commissioners such tolls rates and charges as are prescribed by regulations of the Commissioners.

(4) The provisions of sections seventy-five to eighty of the *Harbor Boards Act* 1958 shall extend and apply for the purposes of this Act as if incorporated in this Part with such adaptations as are necessary and in particular as if any reference therein to a harbor board were a reference to the Commissioners.

Collection of rates &c.

Borrowing of Moneys.

28. The Treasurer of Victoria may out of moneys standing to the credit of the Loan Fund make advances by way of loan to the Commissioners of amounts not exceeding in all the sum of Five million pounds for the purposes of this Act.

Government loans.
No. 5425 s. 28;
No. 5801 s. 2 (1).
No. 6020 s. 2.

29. The capital liability of the Commissioners to the State in respect of moneys advanced under the last preceding section shall be determined by the Treasurer of Victoria having regard to any discounts or expenses incurred by the State in the provision of loan funds for the purposes of such advances.

Capital liability of Commissioners.
No. 5425 s. 29;
No. 5801 s. 2 (1).

30. The Commissioners shall pay to the Treasurer as they become due such sums as the Treasurer requires in order to provide for the payment of interest and contributions to the National Debt Sinking Fund in respect of advances by way of loan to the Commissioners under the foregoing provisions of this Part.

Commissioners to provide interest and sinking fund contributions on loan moneys raised by the State.
No. 5425 s. 30;
No. 5801 s. 2 (2).

31. (1) Subject to this Part—

(a) for the purposes of this Act the Commissioners may from time to time with the consent of the Governor in Council borrow and re-borrow at interest such sums of money as they think requisite for the said purposes but such sums shall not exceed in all the sum of Five million pounds;

(b) the Commissioners may borrow and re-borrow such sums on the security of the revenues funds and assets of the Commissioners;

Power to Commissioners to raise moneys.
No. 5425 s. 31;
No. 5801 s. 2 (3).
No. 6020 s. 2.

Re-borrowing.

(c) in the event of the whole or any part of such sums being repaid by the Commissioners the Commissioners may re-borrow the same, and so *toties quoties*, but there shall not be owing at any one time more than the said sum of Five million pounds; and

Borrowing to pay off loan.

(d) for the purpose of making provision to pay off any loan or part of a loan raised by the Commissioners under this Act the Commissioners with the consent of the Governor in Council may re-borrow on the credit of the revenues funds and assets of the Commissioners the necessary money before the loan or part becomes payable notwithstanding that by such re-borrowing the said sum of Five million pounds is temporarily exceeded.

(2) Except as provided in paragraph (d) of the last preceding sub-section the total amount of all moneys owing by the Commissioners under this section and of all outstanding advances from the Loan Fund under the preceding provisions of this Part shall not at any one time exceed in all the sum of Five million pounds.

Power to borrow as one loan or as several loans.
No. 5425 s. 32.

32. (1) Any sums which the Commissioners are under this Part authorized to borrow may be raised as one loan or as several loans.

Money borrowed on debentures or stock.

(2) Every loan raised by the Commissioners under this Part shall be raised—

- (a) by the issue of debentures payable to bearer with interest coupons attached; or
- (b) by the creation and issue of inscribed stock to be called "Portland Harbor Trust Incribed Stock" (in this Act referred to as "stock"); or
- (c) partly in one way and partly in the other.

Debentures and stock how secured.

(3) All such debentures and stock respectively—

- (a) shall with interest thereon be charged and secured upon the revenues funds and assets of the Commissioners;
- (b) shall bear interest at such rate and be redeemable at such date or dates and at such place or places in or outside the Commonwealth as the Commissioners with the consent of the Treasurer and the sanction of the Governor in Council determine; and

Interest on and dates of redemption of debentures and stock.

Provision for paying off in certain cases.

- (c) may with the consent of the holder or the registered owner thereof respectively be paid off at any time previous to the due date thereof at not more than the par face value thereof or (with the consent of

the Treasurer and the sanction of the Governor in Council) at a premium, with interest thereon to date of payment only.

(4) Interest secured by any such debentures or stock shall be payable—

Time and place of payment of interest.

(a) half-yearly on days fixed by the Commissioners;

(b) at such place or places in or outside the Commonwealth as the Commissioners with the consent of the Treasurer determine.

(5) The Commissioners at the request of the holder of any debenture or of the registered owner of any stock issued under this Part may in lieu thereof issue to him stock or debentures (as the case may be) in respect of the same loan and of the same amount bearing the same interest and of the same currency.

Issue of stock to debenture-holders and vice versa.

33. (1) In the case of every loan raised by them under this Part the Commissioners shall provide a sinking fund at such rate and for such period as the Governor in Council on the recommendation of the Treasurer approves.

Sinking fund. No. 5425 s. 33.

(2) Whenever it is necessary to have resort to any fund mentioned in this section for the purpose of paying off any loan in respect of which the fund is provided or portion of such loan, the Commissioners may sell any securities in which the fund is invested or obtain an advance thereon from any bank or banks in Victoria or elsewhere.

Power to sell securities in funds &c.

(3) Notwithstanding anything in the foregoing provisions of this section the Governor in Council may by Order published in the *Government Gazette* direct that in the case of any loan raised by the Commissioners under this Part it shall not be necessary for the Commissioners to provide a sinking fund if he is satisfied that debentures or stock or both representing a sufficient proportion of the principal sum borrowed including interest will fall due and be repaid in each year during the currency of the loan.

Power to Governor in Council to dispense with sinking fund in certain cases.

34. (1) Any trustee unless expressly forbidden by the instrument (if any) creating the trust may invest any trust funds in his hands in any debentures or stock issued by the Commissioners under the authority conferred by this Part.

Power to invest in Commissioners' securities. No. 5425 s. 34.

(2) Such debentures and stock shall be a lawful investment for any moneys which any company or body corporate incorporated by any Act of the Parliament of Victoria is authorized or directed to invest in addition to any other investments expressly authorized for the investment of such moneys.

To be lawful investment for companies &c.

(3) Any trustee or company or body corporate aforesaid may pursuant to this Part convert any such debentures in his or its hands into such stock.

As to conversion of debentures into stock.

Notice of trust in relation to debenture not receivable.

(4) No notice of any trust express implied or constructive shall be received by the Commissioners or by any officer of the Commissioners in relation to any debenture issued under this Act, and the Commissioners or any such officer shall not be bound to see to the execution of any such trust to which any such debenture may be subject.

Notice of trust in relation to stock not receivable.

(5) No notice of any trust express implied or constructive shall be received by the registrar or the Commissioners in relation to any stock or entered in any stock ledger or other book kept by the registrar, and the registrar and the Commissioners shall not be bound to see to the execution of any such trust to which any part of the said stock may be subject.

Owners of securities not responsible for application of moneys.

(6) A person advancing money to the Commissioners and receiving in consideration of such advance any debenture or stock issued under this Act shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

Provisions of Third Schedule incorporated. No. 5425 s. 35.

35. (1) The provisions of the Third Schedule shall be deemed and taken to be and shall have the same force and effect as if contained in this Act.

Debentures.

(2) The provisions of Part I. of the said Schedule shall apply with respect to debentures issued by the Commissioners under this Part.

Stock.

(3) The provisions of Part II. of the said Schedule shall apply with respect to stock issued by the Commissioners under this Part.

Fees.

(4) The Commissioners may demand take and receive for or in respect of the several matters and things with respect to which fees are provided for under Part I. or under Part II. of the Third Schedule the fees so provided or as to any other matters or things thereunder such reasonable fees as are specified in that behalf in the regulations of the Commissioners.

Making false entry in books &c. No. 5425 s. 36.

36. (1) Any person who wilfully and with intent to defraud—

- (a) makes any false entry in or alters any word or figure in any of the books kept by the Commissioners in which books the accounts of the owners of any stock issued by the Commissioners under this Part are entered and kept;
- (b) in any manner falsifies any of the accounts of any of such owners in any of the said books; or
- (c) makes any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest—

shall be guilty of felony and be liable to imprisonment for a term of not more than fifteen years.

(2) Any officer or servant of or person employed or intrusted by the Commissioners who knowingly and with intent to defraud makes out or delivers any interest cheque or warrant for payment of any interest or money payable in respect of any stock aforesaid for a greater or less amount than the person on whose behalf such warrant is made out is entitled to shall be guilty of felony and be liable to imprisonment for a term of not more than seven years.

Making out false interest warrants &c.

(3) Any person who forges or alters or offers utters or disposes of or puts off knowing the same to be forged or altered any debenture made out and issued or purporting to be made out and issued under this Part by the Commissioners shall be guilty of felony and shall be liable to imprisonment for a term of not more than ten years.

Forging &c. debentures.

(4) The provisions of this section shall be read and construed as in aid of and not in derogation from the provisions of the *Crimes Act 1958* or of any other Act or any other law with respect to offences relating to stock or debentures.

Construction of section.

37. Subject to the approval of the Governor in Council the Commissioners may make regulations for or with respect to all matters and things authorized or required to be prescribed or necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Part and the Third Schedule in relation to stock and debentures issued by them, and in particular without affecting the generality of the foregoing may make regulations for or with respect to—

Power of Commissioners to make regulations. No. 5425 s. 37. Third Schedule.

- (a) prescribing any forms for use under this Part and the Third Schedule; and any forms so prescribed or forms to the like effect shall be sufficient in law; and
- (b) prescribing any matters with respect to which fees are to be payable under this Part or the Third Schedule and reasonable fees with respect thereto.

38. The Commissioners may with the consent of the Treasurer borrow money not exceeding in all at any one time the sum of Twenty-five thousand pounds by way of temporary loan or overdraft from any bank (including the State Savings Bank of Victoria).

Commissioners authorized to borrow from banks. No. 5425 s. 38.

39. In addition to any other moneys which the Treasurer is authorized to issue and apply under the *Public Account Act 1958* there may be issued and applied temporarily out of the Public Account for establishment and administration expenses of the Commissioners any sum or sums (not exceeding in all at any one time the sum of Five thousand pounds) on such terms and conditions as are agreed upon between the Treasurer and the Commissioners.

Temporary application of The Public Account for establishment and administration expenses of Commissioners. No. 5425 s. 39.

Guarantee of payment of liabilities of Commissioners by Government of Victoria.
No. 5425 s. 40.

40. (1) All liabilities of the Commissioners including the repayment of all moneys borrowed in accordance with this Part by the Commissioners by the issue of inscribed stock or debentures or by way of loan or overdraft from any bank and the payment of interest thereon are hereby guaranteed by the Government of Victoria.

Appropriation of Consolidated Revenue fulfilling guarantees.

(2) Any sums required by the Treasurer for fulfilling such guarantees shall be paid out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly).

Repayment by Commissioners.

(3) The Commissioners shall pay to the Treasurer such sums at such times as the Treasurer requires by way of repayment of any sums so paid by the Treasurer together with interest thereon.

(4) Any sums received or recovered by the Treasurer from the Commissioners or otherwise in respect of any sums so paid by the Treasurer shall be paid into the Consolidated Revenue.

Where default by Commissioners in payments to Treasurer.
No. 5425 s. 41.

41. (1) In case default is made by the Commissioners in paying to the Treasurer of Victoria any sums required by or under this Part to be so paid—

(a) the Director of Finance shall give notice thereof to the Minister; and

(b) thereupon without prejudice to any other remedies the Minister may at the expiration of three months from the date at which any such payment became due give one month's notice in writing of the default to the Commissioners; and at the expiration of that month unless payment thereof is made in the meantime the Board of Land and Works may enter upon and take possession of and manage and maintain the port and all the property and revenues of the Commissioners and without further or other warrant than this Act may do all things which might lawfully be done by the Commissioners in all respects as though the Board of Land and Works were the Commissioners; and any reference in any Act applicable to the Commissioners shall equally apply to the Board of Land and Works during such time as it retains such possession.

Appointment and removal of receiver.

(2) The Board of Land and Works—

(a) may appoint some person on its behalf to enter upon and take possession of the port and the property and revenues of the Commissioners; and the person so appointed shall subject to the Board of Land and Works manage and maintain the same, and in

reference thereto may exercise all the powers rights and duties of the Commissioners as provided in this Act; and

(b) may at any time remove any person appointed as aforesaid and appoint any other person in his place.

(3) The power conferred by this section to take possession of the port and the property of the Commissioners in case of default shall not be deemed to include power to take any property other than the property held by the Commissioners as such.

Extent of property to be taken.

Portland Harbor Trust Fund.

42. (1) All moneys received by the Commissioners (including loan moneys) shall be paid into and form a fund to be called the "Portland Harbor Trust Fund" and shall be applicable to and be applied by the Commissioners in carrying this Act into execution.

Portland Harbor Trust Fund.
No. 5425 s. 42;
No. 5561 s. 2.

(2) Notwithstanding anything in section eighty-two of the *Marine Act 1958* all rates of pilotage for ships entering into or proceeding out of the port and all charges in relation to pilots of such ships under section eighty-one of the said Act shall be paid into and form part of the Portland Harbor Trust Fund.

Pilot rates to be paid into Portland Harbor Trust Fund.

43. The Commissioners shall cause books to be provided and kept and true and regular accounts to be entered therein of—

(a) all sums of money received and paid for or on account of this Act; and

(b) the several purposes for which such sums of money have been received and paid.

Accounts to be kept of receipts and disbursements.
No. 5425 s. 43.

44. (1) The Commissioners shall as soon as practicable after the thirtieth day of June in each year cause the accounts of the Trust to be balanced and a revenue account, and a balance-sheet to be prepared.

Balance-sheet, audit, &c.
No. 5425 s. 44;
No. 5801 s. 3.

(2) The balance-sheet and other accounts shall—

(a) be in such form as the Auditor-General requires; and

(b) show separately what sums (if any) have been paid or set aside for or towards maintenance depreciation interest and sinking or redemption fund.

(3) The balance-sheet and other accounts shall be audited once at least in every year by the Auditor-General, who shall have in respect of such accounts all the powers conferred on him by any law for the time being in force relating to the audit of the public accounts.

(4) All expenses of and incidental to the audit shall be paid by the Trust out of the Fund.

(5) The Commissioners shall once at least in every year furnish to the Governor in Council a true copy of the accounts so audited as aforesaid, together with a particular statement of the moneys received by the Commissioners and of the expenditure thereof.

(6) Copies of such accounts and of such statement shall be laid before both Houses of Parliament as soon as practicable after they are so furnished.

PART IV.—MISCELLANEOUS.

Regulations of
Commissioners.
No. 5425 s. 45.

45. The Commissioners may with the approval of the Governor in Council make regulations for or with respect to—

- (a) the appointment of places and times of meetings of the Commissioners and the management and conduct of business thereat;
- (b) the control supervision and guidance of officers of and the control of property vested in or belonging to the Commissioners; and the time and mode of accounting by officers for all moneys coming to their hands;
- (c) the mode of leasing and licensing under this Act;
- (d) the security and facility of the navigation of the port;
- (e) the construction of wharfs docks piers jetties embankments sheds canals landing-stages slips platforms tramways hoisting cranes shears engines and other works and plant in or for use in connexion with the port;
- (f) the improvement and management of the port and the dredging cleansing and scouring of the port and improving the bed or channel thereof and abating and removing wrecks impediments obstructions and nuisances in the port and the navigation thereof;
- (g) the supply and removal of ballast and all matters relating to ballast water for shipping and the use of hoists;
- (h) the imposing levying and receiving of all tolls rates and charges;
- (i) the regulation and government of boats in the port;
- (j) the anchoring mooring riding and fastening of vessels and the stiffening removal and control of such vessels whether under way at anchor at a wharf pier jetty or landing-place afloat or aground hove down or hauled up or in dock within the port;

- (k) the regulation and control of the use of lights and fire on board vessels within the port;
- (l) the manner of boiling or melting pitch tar resin turpentine or any inflammable substance;
- (m) the appointment of the place or places for the lading of merchant vessels with any explosive or inflammable substance and the unloading thereof the licensing of vessels carrying any such substance and the transport of any such substance;
- (n) the working of vehicles within the port and the conduct and behaviour of porters drivers carriers ferrymen and others resorting to the port, and prohibiting persons from acting as porters drivers carriers ferrymen and cabmen within the port without previously obtaining a licence to that effect;
- (o) the licensing of ferries boatmen watermen and others, and the sufficiency of the boats employed, and the licensing of boat-houses bathing-houses or bathing-boxes within the port;
- (p) the communication between wharfs docks piers jetties landing-stages or platforms and vessels by means of gangways or otherwise;
- (q) any matters authorized or required by this Act to be prescribed by regulations of the Commissioners;
- (r) generally, carrying out the objects and purposes of this Act;
- (s) imposing for any breach of any regulation penalties of not more than Twenty pounds except in those cases where this Act imposes a special penalty in respect of any such offence.

46. (1) Any breach of the regulations for which no specific penalty is therein provided shall be punishable by a penalty of not more than Twenty pounds.

Breaches of regulations.
No. 5425 s. 46.

(2) No regulation shall repeal vary or interfere with any rules or regulations for the time being in force with reference to boatmen under the *Police Offences Act 1958*.

Regulations not to interfere with regulations under *Police Offences Act*.
Approval and publication.

(3) All regulations when approved by the Governor in Council shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the approval thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

(4) Without prejudice to any other method of revocation any regulation may be revoked by Order of the Governor in Council published in the *Government Gazette*.

Revocation.

Miscellaneous,
penalties, &c.
No. 5425 s. 47.

47. The provisions of sections one hundred and five to one hundred and nineteen of the *Harbor Boards Act 1958* shall extend and apply for the purposes of this Act as if incorporated in this Part with such adaptations as are necessary and in particular as if any reference therein to a harbor board were a reference to the Commissioners.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
5425 ..	<i>Portland Harbor Trust Act 1949</i>	The whole.
5561 ..	<i>Portland Harbor Trust (Amendment) Act 1951</i>	The whole.
5801 ..	<i>Portland Harbor Trust (Amendment) Act 1954</i>	The whole.
5944 ..	<i>Portland Harbor Trust (Land) Act 1956</i>	The whole.
6020 ..	<i>Portland Harbor Trust (Borrowing Powers) Act 1956</i>	The whole.

Sections 3,
15, 19.

SECOND SCHEDULE.

The port of Portland includes all navigable waters westward of a line bearing due north from Point Danger to the opposite shore of Portland Bay and the following lands, that is to say:—

(a) All that piece of land in the town and parish of Portland within the boundaries hereinafter described—

Commencing in the eastern side of Bentinck-street at the south-western angle of allotment 7, section 37, Town of Portland; bounded thence by the southern boundary of that allotment and a line in continuation thereof bearing easterly to the shore of Portland Bay; thence generally southerly and south-easterly by that shore to Point Danger; thence south-westerly and north-westerly by the shore of the Southern Ocean to a point in line with the eastern boundary of allotment 24, section 13, Parish of Portland; thence northerly by a direct line to the south-eastern angle of allotment 24; thence northerly and north-westerly by the eastern boundaries of that allotment and allotments 88A and 88 to the north-eastern angle of the latter allotment; thence further north-westerly by a line to the eastern extremity of the northern side of the road forming the northern boundary of allotment 88; thence westerly by the northern side of that road to the eastern boundary of allotment 21A; thence northerly by the eastern boundaries of that allotment and allotments 21, 20 and 84 to the north-eastern angle of the last mentioned allotment; thence easterly, northerly and north-westerly by the southern and eastern boundaries of allotment 84A to the north-eastern angle of that allotment; thence easterly one hundred and seventy-four links more or less by a line in continuation of the northern boundary of allotment 84A; thence north-westerly by a line parallel to and one hundred and fifty links distant from the south-western side of Victoria-parade to the south-eastern boundary of allotment

SECOND SCHEDULE—*continued.*

10, section A, Town of Portland; thence north-easterly, north-westerly, and westerly by the south-eastern, north-eastern and northern boundaries of that allotment to its north-western angle; thence southerly by the western boundary of the same allotment to a point one hundred and fifty links distant from the northern boundary of allotment 6, section D, thence westerly and north-westerly by a line parallel to and one hundred and fifty links distant from the northern boundaries of the last mentioned allotment and allotment 5 to the north-eastern side of Cliff-street; thence further north-westerly by that side of Cliff-street to the northern side of Gawler-street; thence westerly by that side of Gawler-street to the eastern side of Bentinck-street; and thence northerly by that side of Bentinck-street to the point of commencement; excepting such portions as are occupied and enclosed by The Victorian Railways Commissioners and excepting allotment 6, section A, Town of Portland, and the land permanently reserved for public purposes by Order in Council of the 28th January, 1930, and known as Centenary Park.

- (b) All that piece of land set aside for harbor offices, &c., being portion of section 28, Town of Portland, fronting Cliff and Charles Streets.
- (c) All such other land as is from time to time by proclamation of the Governor in Council published in the *Government Gazette* vested in the Commissioners as part of the port of Portland.

THIRD SCHEDULE.

Sections 35,
37.

PART I.—DEBENTURES.

The following provisions shall apply to debentures issued by the Commissioners under this Act:—

1. Every debenture shall be in the form prescribed by the regulations or to the like effect: Provided that if no regulation prescribing the form of debentures is made before the issue of debentures for the purpose of any loan under this Act every debenture for the purposes of that loan shall be in the form or to the effect following:—

PORTLAND HARBOR TRUST DEBENTURE.

No.

Transferable by Delivery.

Under the authority of and subject to the *Portland Harbor Trust Act 1958.*

This debenture entitles the bearer to the sum of _____ pounds on the _____ day of _____ with interest thereon in the meantime at the rate of _____ per centum per annum payable half-yearly on the _____ day of _____ and the _____ day of _____ in every year as per coupons annexed, which principal sum and interest are hereby charged and secured upon the revenues funds and assets (within the meaning of the said Act) of the Portland Harbor Trust Commissioners: And such principal sum and interest are payable at the bankers for the time being of the said Commissioners in [*state the name of the place where payable*].

Given under the common seal of the Portland Harbor Trust Commissioners at _____ the _____ day of _____ in the year 19____

The common seal of the Portland Harbor Trust Commissioners was affixed hereto in the presence of—

(L.S.)

Chairman or Commissioner.

Secretary.

THIRD SCHEDULE—*continued.*

- Seal.** 2. Debentures shall—
- (a) be sealed with the common seal of the Commissioners in the presence of a Commissioner and the secretary or acting secretary; and
- Number.** (b) be numbered consecutively beginning with the number one and proceeding in an arithmetical progression whereof the common difference is one.
- Pass by delivery.** 3. Every debenture with the interest coupons annexed thereto and every interest coupon after being detached therefrom shall pass by delivery and without any assignment or indorsement.
- Rights of bearer.** 4. The bearer of every debenture or detached interest coupon shall have the same rights as if he were expressly named as payee therein
- Payment of interest.** 5. No interest shall be payable in respect of any debenture except to the holder of the coupon representing the interest claimed and upon delivery of the same.
- Register of debentures.** 6. (1) The Commissioners shall cause to be kept in one or more books a register of debentures, and within a reasonable time after the date of any debenture shall cause to be made an entry in the register specifying the number date and amount of the debenture.
- Inspection.** (2) The register of debentures—
- (a) may be inspected at all reasonable times by any person on payment of One shilling for each inspection; and
- (b) shall be evidence of any matters required or authorized by or under this Act to be inserted therein.
- Register to be evidence.**
- Copies to be supplied.** (3) Any person shall be entitled to obtain from the Commissioners copies or extracts certified by the officer in whose custody the register is kept to be true copies of or extracts from such register upon payment for each copy or extract of a fee of Two shillings and sixpence and Twopence for every folio of seventy-two words; and any copy or extract so certified shall be admissible in evidence.
- Provision for lost debentures.** 7. Upon proof being made before a judge of the Supreme Court in chambers by affidavit of any credible person that any debenture issued by the Commissioners under this Act and held by such person the number and sum whereof is specified by him has been lost or accidentally burnt or otherwise destroyed before the debenture has been paid off, and after the insertion of such advertisements as such judge directs and upon such judge certifying that he is satisfied with such proof, the Commissioners may after the expiration of six months cause a new debenture with interest coupons attached to be made having the like currency and bearing the same number date principal sum and rate of interest as the debenture so lost or destroyed and to be delivered to such person upon his giving sufficient security to the Commissioners to indemnify the Commissioners against any double payment.
- Provision for defaced debentures.** 8. If any debenture is defaced by accident—
- (a) the Commissioners may cancel it and cause a new debenture to be made in lieu thereof; and
- (b) the new debenture shall have the like currency and be in all respects subject to the same provisions and bear the same number date and principal sum and rate of interest as the cancelled debenture.
- Discharged debentures to be destroyed.** 9. (1) All debentures paid off discharged exchanged or converted into stock shall—
- (a) be cancelled by the secretary; and
- (b) be burnt in the presence of the secretary and the Auditor-General or one of his officers thereto authorized by him in writing.

THIRD SCHEDULE—*continued.*

(2) The Auditor-General or such officer (as the case may be) before the debentures are burnt shall audit them and allow the accounts thereof and furnish the Commissioners with a certificate particularizing the debentures so burnt; and the secretary shall file that certificate in the office of the Commissioners.

PART II.—STOCK.

The following provisions shall apply to Portland Harbor Trust Inscribed Stock (hereinafter referred to as "stock"):

- | | |
|---|--|
| 1. The Commissioners may establish at the office of the Commissioners a registry for the inscription of stock created and issued under the authority of this Act and appoint officers of the Commissioners to be respectively registrar of stock and deputy-registrar of stock and such deputy-registrar shall in the absence of the registrar have all the powers authorities and duties of the registrar. | Establishment of registry and appointment of registrar. |
| 2. Stock may be sold by the Commissioners for ready money in parcels or amounts of Ten pounds or some multiple of Ten pounds. | Parcels of stock. |
| 3. (1) The Commissioners shall cause to be provided and kept at the office of the Commissioners books to be called "stock ledgers". | Stock ledgers. |
| (2) All stock issued shall be inscribed in the stock ledgers by entering the names of the purchasers of stock and the amount of stock purchased by them respectively. | Inscription of stock. |
| (3) In the case of joint purchasers of stock the names of not more than four of them shall be inscribed as the joint purchasers. | Joint purchasers. |
| (4) The stock ledgers shall be evidence of any matters appearing therein and required or authorized by or under this Act to be inserted therein. | Evidence. |
| 4. (1) Stock or any share therein shall be transferable in the manner prescribed by regulations of the Commissioners from one person to another by instrument in the form so prescribed and not otherwise. | Stock how transferable. |
| (2) No person shall be entitled or allowed to transfer any fraction of One pound or any smaller sum than Ten pounds unless that smaller sum is the full amount of the balance standing to his credit in the stock ledger. | Restrictions on amount of stock which may be transferred. |
| (3) Every instrument of transfer of the said stock or any share therein shall be executed by all parties and the signatures to the instrument shall be attested in the manner prescribed by the regulations. | Execution of transfer. |
| (4) Every instrument of transfer when executed shall be delivered to the registrar who shall register it by entering a memorial of it in the stock ledger and shall inscribe the name of the transferee in the stock ledger as the owner of the said stock. | Registration of transfer. |
| 5. (1) Any person to whom any stock is transmitted in consequence of the death or bankruptcy or insolvency of the registered owner of any stock or by any other lawful means than by a transfer in accordance with this Act may apply in the form prescribed by the regulations to the registrar at the registry to be inscribed as the owner of such stock. | Application for transmission (other than a transfer) of stock. |
| (2) Every such application for transmission shall be verified by statutory declaration or in such other manner as is so prescribed, and— | Verification of application for transmission. |
| (a) in the case of such a transmission consequent on death—the probate of the will or the letters of administration shall be produced to the registrar, or in the case of transmission to a survivor or the survivors of a joint owner a certificate of the death of the owner who has died may if the registrar approves be produced to him in lieu of probate or letters of administration; and | |
| (b) in the case of such a transmission consequent on bankruptcy or insolvency—an office copy of the adjudication or order of sequestration shall be delivered to the registrar. | |

THIRD SCHEDULE—continued.

Registration
of
transmission.

(3) The registrar shall if he is satisfied that the provisions of this Act have been complied with register any such transmission by entering a memorial of it in the stock ledger and incribe the name of the person to whom the stock has been transmitted in the stock ledger as the registered owner of the stock.

Powers of
attorney.

6. (1) Any person may by power of attorney under his hand and seal and attested by two or more credible witnesses appoint some person to be his attorney for any purpose in relation to stock (including an application for conversion or to receive interest or redemption money).

(2) A power of attorney shall be valid and effectual for all purposes therein mentioned until notice of its revocation or of the bankruptcy insolvency lunacy unsoundness of mind or death of the principal has been received by the registrar at the registry.

When
transfer
books to be
closed and
ledgers
balanced.

7. (1) No instrument of transfer of stock or of any part thereof shall be registered on any Saturday Sunday or holiday or within the period of fourteen days or within such period (not exceeding twenty-one days) as is prescribed next before any of the days on which the interest thereon is payable.

(2) During the periods last aforesaid respectively the Commissioners shall cause the amount of the said stock respectively standing to the credit of the several registered owners thereof to be ascertained and the balances to be struck and carried forward in the proper stock ledger.

(3) No instrument of transfer of stock or of any part thereof shall be registered during the period of twenty-one days immediately preceding the date of maturity of stock.

Power of
judge to
prohibit
transfer in
certain cases.

8. (1) If any person by the affidavit of himself or of another or others makes appear to the satisfaction of a judge of the Supreme Court that any part of the stock standing in the name or names of any other person or persons is held by him or them upon any trust in the execution or performance of which such first-mentioned person is beneficially interested such judge may make an order in the form or to the effect following:—

In the Supreme Court.

Upon reading affidavits of A.B. and C.D. and upon hearing [the attorney or agent or Mr. H. of counsel] for the said A.B. I do order that _____ pounds of Portland Harbor Trust Inscribed Stock created under the *Portland Harbor Trust Act 1958* now standing in the name of G.M. [or the names of G.M. and E.F.] shall not be transferred without the further order of a judge of this court, unless the said A.B. shall by writing under his hand upon the said transfer express his assent thereto.

Dated this _____ day _____ A.D. 19 _____

Order to be
served upon
Commis-
sioners &c.

(2) The said order shall be signed in duplicate and with office copies of the affidavit or affidavits mentioned therein shall be delivered to or served upon the Commissioners and the Commissioners shall obey the said order and cause it and the said attested copies to be filed in the office of the Commissioners and a memorandum of the said order to be made in the proper place in the stock ledger.

Commis-
sioners to
give notice
thereof.

(3) Upon receipt of any such order and office copies as aforesaid the Commissioners shall cause to be sent by the post to every person registered as owner of the stock mentioned in such order a notice in the following form or to the like effect:—

The Portland Harbor Trust Office, Portland, 19 _____

A judge's order prohibiting the transfer of _____ pounds of Portland Harbor Trust Inscribed Stock created under the *Portland Harbor Trust Act 1958* standing in your name [or in the names of yourself and _____] has been obtained by A.B. and served upon the Portland Harbor Trust Commissioners.

THIRD SCHEDULE—*continued.*

If you object to the said order you must apply to a judge of the Supreme Court to rescind it, as while it remains in force no transfer can be made without the consent of the person who obtained it.

C.D.,

Secretary.

(4) (a) Any person registered as the owner of the stock mentioned in any such order may at any time apply by summons to any judge of the Supreme Court to rescind such order or to permit a transfer of some specified part of the said stock. Application to rescind order.

(b) Such judge may make an order with or without costs dismissing such summons or rescinding such first-mentioned order or permitting a transfer of some specified part as aforesaid.

(c) Such order shall be signed in duplicate and shall be delivered to or served upon the Commissioners and the Commissioners shall obey the order and cause it to be filed in the Office of the Commissioners and a memorandum of it to be made in the proper place in the stock ledger.

9. (1) The receipt of the person in whose name any stock stands in the stock ledger, or if it stands in the names of more persons than one the receipt of one of the persons named in the stock ledger, shall be a sufficient discharge to the Commissioners for any interest payable in respect of such stock, notwithstanding any trusts to which such stock may then be subject and whether or not the Commissioners have had notice of such trusts, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt. Receipt of registered stock-holders to discharge without regard to trust.

(2) If any stock is held in joint names and one or more of the registered owners of the stock dies becomes bankrupt insolvent or otherwise legally incapable, the receipt of any one of the other joint owners or survivors shall be a sufficient discharge to the Commissioners for any interest payable in respect of such stock, notwithstanding that a transmission has not been registered as required by this Act. Receipt where one of joint holders dies &c.

10. (1) The registrar shall keep the several forms prescribed under this Act and required in connexion with stock. Registrar to keep forms.

(2) No forms other than the prescribed forms shall be used except with the consent of the Chairman of the Commissioners. No other forms to be used.