



Highland Regional Council (Harbours) Order Confirmation Act 1991

1991 CHAPTER xii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Highland Regional Council (Harbours).
[25th July 1991]

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 Confirmation of Order in Schedule

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

2 Short title

This Act may be cited as the Highland Regional Council (Harbours) Order Confirmation Act 1991.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULE

HIGHLAND REGIONAL COUNCIL (HARBOURS)

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Provisional Order to make further and better provision for the administration, improvement and regulation of the harbours controlled by the Highland Regional Council; and for connected purposes.

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WHEREAS—

- (1) Under the Local Government (Scotland) Act 1973 the Highland Regional Council (hereinafter referred to as “the Council”) are the authority charged with the administration of local government in the Highland Region:
- (2) The harbours at Armadale, Aultbea, Balintore, Broadford, Brora, Culkein Drumbeg, Dunbeath, Elgol, Gairloch, Helmsdale, John O’Groats, Keiss, Kinlochbervie, Kyle of Lochalsh, Kyleakin, Kylesku, Lochinver, Nairn, Old Dornie, Plockton, Portmahomack, Portree, Raasay, Sconser, Shieldaig, Thurso and Uig, are by virtue of section 154 of the said Act vested in the Council:
- (3) It is expedient that the administration and control of the aforesaid harbours, at present governed by various and disparate enactments, be co-ordinated so far as possible, and that the further provisions of this Order should be enacted:
- (4) It is further expedient that the limits of harbour jurisdiction at the said harbours should in present circumstances be redefined and in relation to certain of them extended:
- (5) Plans showing the limits of harbour jurisdiction at the harbours and marked “Harbour Limits Plans” were deposited in the month of November 1987 in Parliament, at the offices of the Council, at the offices of the district councils of Caithness, Sutherland, Ross and Cromarty, Skye and Lochalsh, Lochaber, Inverness, Badenoch and Strathspey and Nairn, at the office of the Secretary of State in Edinburgh and at the Department of Transport:
- (6) The purposes of this Order 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 said Act of 1936, the Secretary of State orders as follows:—

PART I

PRELIMINARY

Short title

1 Short title

This Order may be cited as the Highland Regional Council (Harbours) Order 1991.

Interpretation

2 Interpretation

In this Order, except where the context otherwise requires—

“charges” means charges, dues and tolls of every description for the time being payable under any enactment to the Council in relation to the undertaking;

“the Council” means the Highland Regional Council;

“direction” means a direction given under section 29 below;

“dredging licence” means a licence granted under section 17 below;

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“harbour area” means a sea area within which the Council for the time being exercise jurisdiction as a harbour authority under section 3 below and includes harbour premises adjacent thereto;

“harbour limits plans” means the plans referred to in paragraph (5) of the Preamble to this Order;

“harbourmaster” means any person appointed as such pursuant to section 3 below, and includes his deputed and assistants and any person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbourmaster;

“harbour premises” means the quays, piers, landing places, and all other works, land and buildings for the time being vested in or occupied or administered by the Council as part of the undertaking;

“hovercraft” has the same meaning as in the Hovercraft Act 1968;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

“land” includes land covered by water, and any interest in land or any servitude or right in, to or over land;

“the level of high water” means the level of mean high-water springs;

“licensee” means a person in whose favour a works licence, or as the case may be a dredging licence, has been granted and is in operation;

“master” in relation to a vessel, means any person for the time being having or taking the command, charge or management thereof;

“public telecommunications operator” has the meaning assigned to it by section 9 (3) of the Telecommunications Act 1984;

“the sheriff” means any of the sheriffs appointed for the sheriffdom of Grampian, Highland and Islands;

“telecommunication apparatus” has the meaning assigned to it in paragraph 1 (1) of Schedule 2 of the Telecommunications Act 1984;

“tidal work” means so much of—

- (a) any work belonging to or vested in the Council; or
- (b) any other work authorised by or under this Order;

as is on, under or over tidal waters or tidal lands below the level of high water in a harbour area;

“the undertaking” means the harbour undertaking of the Council as from time to time authorised;

“vessel” means every description of vessel, however propelled or moved, and includes—

- (a) any thing constructed or used to carry persons or goods by water;
- (b) any rig, platform or other man-made structure on or in navigable water;
- (c) a seaplane on or in the water, a hovercraft and a hydrofoil vessel;
- (d) any other structure capable of floating on water (or which would be so capable if in proper repair) and used or capable of being used for human habitation;

but does not include any houseboat constructed for or used by five or less persons;

“works” means works of every description, including, except for the purposes of sections 15 and 16 below, moorings and includes the reclamation of land reasonably required for the purpose of executing works;