



Grampian Regional Council
(Harbours) Order
Confirmation Act 1987

CHAPTER x

LONDON
HER MAJESTY'S STATIONERY OFFICE



Grampian Regional Council (Harbours) Order Confirmation Act 1987

CHAPTER x

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in Schedule.
2. Short title.

SCHEDULE

GRAMPIAN REGIONAL COUNCIL (HARBOURS)

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

DUTIES AND POWERS OF THE COUNCIL

3. Harbours jurisdiction.
4. Power to dredge.
5. Works in harbour areas.
6. Power to sell or lease works.
7. Power to lease wharves, warehouses, etc.
8. Moorings.
9. Provision of vessels.
10. Accommodation for customs officers.
11. Reserve fund.

PART III

REGULATION OF HARBOUR AREAS

Section

12. Restriction of works and dredging.
13. Licensing of works.
14. Licence to dredge.
15. Appeals in respect of works or dredging licence.
16. Removal of obstructions.
17. Removal of unserviceable vessels.
18. Removal of vehicles at harbour premises.
19. Powers with respect to disposal of wrecks.
20. Protection of Crown interest in wrecks.
21. Power to appropriate lands and works for particular trades, etc.
22. Power to hire out plant.
23. Licensing of tugs.
24. Declaration of draught, etc., of vessel.
25. Boarding vessels.
26. Exclusion of scheduled goods.
27. Power to give directions.
28. Failure to comply with directions.
29. Enforcement of directions.
30. General byelaws.
31. Special responsibility for damage by vessel.
32. Obstruction of officers, etc.
33. Power to detain vessels, etc., in certain circumstances.
34. Repair of piers, landing places, etc.
35. Tidal works to be deemed within district.
36. Access to harbour areas.

PART IV

CHARGES

37. Charges other than ship, passenger and goods dues.
38. Liability for charges.
39. Account of goods.
40. Masters of fishing vessels to give account of catch, etc., and pay rates.
41. Recovery of charges by seizure, etc.
42. Exemptions, rebates, etc., in respect of charges.
43. Security for charges.
44. Weighing, etc., of goods for charging purposes.
45. Liens for charges.
46. Refusal to pay charges for landing places.
47. Exemptions from charges.
48. Conditions as to payment of charges.

PART V

MISCELLANEOUS

Section

49. Banff harbour.
50. Application of income arising from Rainy's Bequest.
51. Abandonment of Port Rae Pier, Rosehearty.
52. Tidal works not to be executed without approval of Secretary of State.
53. Lights on tidal works during construction.
54. Permanent lights on tidal works.
55. Survey of tidal works.
56. Provision against danger to navigation.
57. Abatement of works abandoned or decayed.
58. Provision for life-saving.
59. Sections of Act of 1937 disapplied.
60. For protection of North of Scotland Hydro-Electric Board.
61. For protection of British Telecommunications plc.
62. Saving for certain enactments, etc.
63. Saving for town and country planning.
64. Crown rights.
65. Repeals.

SCHEDULES:

- Schedule 1—Harbour areas.
- Schedule 2—Enactments repealed.

ELIZABETH II



1987 CHAPTER x

An Act to confirm with amendments a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Grampian Regional Council (Harbours).
[12th March 1987]

WHEREAS a Provisional Order relating to harbours in Grampian Region 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 with amendments: 1936 c. 52.

And whereas the said Order as amended is set forth in the Schedule hereunto annexed:

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

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed. Confirmation of Order in Schedule.
2. This Act may be cited as the Grampian Regional Council (Harbours) Order Confirmation Act 1987. Short title.

SCHEDULE

Grampian Regional Council (Harbours)

Provisional Order to make further and better provision for the administration, improvement and regulation of the harbours controlled by the Grampian Regional Council; to transfer the harbour at Banff to that Council; and for connected purposes.

WHEREAS—

1973 c. 65.

(1) Under the Local Government (Scotland) Act 1973 the Grampian Regional Council (hereinafter referred to as “the Council”) are the authority charged with the administration of local government in the Grampian Region:

(2) The harbours at Buckie, Burghead, Cullen, Findochty, Gourdon, Hopeman, Johnshaven, Macduff, Portknockie, Portsoy, Rosehearty and Stonehaven are by virtue of section 154 of the said Act vested in the Council:

(3) The harbour at Banff is by virtue of section 102 of the Act 3 & 4 Victoria chapter cxiv vested in trustees comprising certain persons ex-officio, four persons to be elected as ship owners’ trustees and two persons to be elected as traders’ trustees, but for many years no such trustees have been elected, and it is expedient and in the public and local interest that the said harbour also be vested in the Council:

(4) 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:

(5) 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:

(6) Plans showing the limits of harbour jurisdiction at the harbours and marked “Harbour Limits Plans” were deposited on or before 20th March 1985 in Parliament, at the offices of the Council, at the offices of the district councils of Banff and Buchan, Kincardine and Deeside, and Moray, at the office of the Secretary of State in Edinburgh and at the Department of Transport:

1936 c. 52.

(7) 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

1. This Order may be cited as the Grampian Regional Council Short title.
(Harbours) Order 1987.
2. In this Order, except where the context otherwise requires— Interpretation.
 - “British Telecommunications plc” includes any subsidiary thereof within the meaning given by section 736 of the Companies Act 1985; 1985 c. 6.
 - “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 Grampian Regional Council;
 - “direction” means a direction given under section 27 below;
 - “dredging licence” means a licence granted under section 14 below;
 - “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 (6) of the Preamble to this Order;
 - “harbourmaster” means any person appointed as such pursuant to section 3 below, and includes his deposes 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; 1968 c. 59.
 - “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;
 - “the sheriff” means any of the sheriffs appointed for the sheriffdom of Grampian, Highland and Islands;

Grampian Regional Council (Harbours)
Order Confirmation Act 1987

PART I
—cont.
1984 c. 12.

“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 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 12 and 13 below, moorings, and includes the reclamation of land reasonably required for the purpose of executing works;

“works licence” means a licence granted under section 13 below.

PART II

DUTIES AND POWERS OF THE COUNCIL

Harbours
jurisdiction.
1964 c. 40.

3.—(1) The Council shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Harbours Act 1964, and the powers of the harbourmaster shall be exercisable, within the areas the respective limits of which are described in Schedule 1 to this Order.

(2) In the event of any discrepancy between the harbour limits as described in Schedule 1 to this Order and the limits shown on the harbour limits plans, the limits as described in the said Schedule shall be deemed to be correct and shall prevail.

(3) For and incidental to the performance of their functions under this Order, the Council may employ and appoint harbourmasters.

1894 c. 60.

(4) The Council shall, within each of the harbour areas, be a local lighthouse authority within the meaning of section 634 of the Merchant Shipping Act 1894.

4.—(1) The Council may from time to time, as may appear to them to be necessary or desirable for the purposes of the undertaking, deepen, widen, dredge, scour and improve the bed and foreshore of a harbour area, and may blast any rock in that area.

PART II
—cont.
Power to
dredge.

(2) Subject to the provisions of section 64 below, any materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) taken up or collected in the course of such operations shall be the property of the Council and may be used, sold, removed, deposited or otherwise disposed of as the Council may think fit:

1894 c. 60.

Provided that the Council shall not lay down or deposit any materials—

- (a) below the level of high water except in such position as the Secretary of State may approve and subject to such conditions and restrictions as he may impose; or
- (b) in such place or manner as to cover any subaqueous telecommunication apparatus belonging to or used by British Telecommunications plc or to impede in any way the inspection, maintenance, removal or renewal of any such telecommunication apparatus; or
- (c) so as to obstruct or impede any work of, or connected with, the inspection, maintenance, removal, replacement, alteration, renewal or repair of any electric line or work (as respectively defined in the Electric Lighting Act 1882) belonging to or used or maintained by the North of Scotland Hydro-Electric Board, or so as to affect the efficient operation thereof, except with the consent of that board.

1882 c. 56.

(3) The Council shall give notice in writing to British Telecommunications plc as early as possible, and in any event not less than 28 days, before exercising any of the powers conferred by subsection (1) above within a distance of 50 metres, or, in the case of blasting operations, 150 metres, of any subaqueous telecommunication apparatus belonging to or used by British Telecommunications plc.

5.—(1) The Council may from time to time maintain, renew, alter or remove temporarily or permanently all works now or hereafter executed or acquired by them in a harbour area:

Works in
harbour areas.

Provided that nothing in this subsection shall—

- (a) authorise the Council to deviate laterally or vertically beyond the limits of deviation prescribed by any enactment authorising the execution of those works; or
- (b) relieve the Council from the obligation to obtain the consent of any government department, body or person to the execution of works which consent they would, but for this subsection, have been liable to obtain.

(2) The Council shall obtain the approval of the Commissioners of Northern Lighthouses before placing in or near a harbour area a buoy, beacon, light or other device of any nature designed to assist or regulate navigation.

PART II
—cont.

(3) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used pursuant to the powers conferred by this section or to any of the enactments repealed by this Order shall be so constructed, erected or laid down, and so maintained, worked and used that any electricity generated or conveyed by or used in or in connection with any such works or equipment does not cause interference (whether by induction or otherwise) with—

(a) any telecommunication apparatus belonging to or used by British Telecommunications plc or with telecommunication by means of any such apparatus;

1882 c. 56.

(b) any electric line or work (as respectively defined in the Electric Lighting Act 1882) belonging to, or used or maintained by the North of Scotland Hydro-Electric Board.

Power to sell or
lease works.

6.—(1) The Council may, with the previous consent in writing of, and upon such terms, conditions and restrictions (and in the case of a lease for such period) as may be approved by, the Secretary of State, sell or lease works in a harbour area.

(2) As from such sale or the commencement of such lease the purchaser, to the extent authorised by his conveyance, or the lessee during and to the extent provided in his lease, shall have and may exercise in relation to the works all or any of the powers conferred upon the Council by this Order, and shall in respect of the works be subject to all the restrictions, liabilities and obligations to which the Council are subject, and shall perform all the duties of the Council under this Order in respect of the works.

(3) No lease made under this section shall be assignable without the previous consent in writing of the Secretary of State, and the provisions of this section with respect to such lease or the lessee shall apply to any such assignation or to the assignee respectively.

Power to lease
wharves,
warehouses, etc.

7. The Council may lease or grant the use or occupation of any warehouses, buildings, wharves, yards, cranes, machines or other conveniences provided by them at such rents and upon such terms and conditions as shall be agreed upon between the Council and the persons taking the same.

Moorings.

8.—(1) The Council may, as they consider necessary or desirable for the convenience of vessels, provide, place, lay down, maintain, renew, use or remove moorings, buoys and similar apparatus on land owned or leased by them or in which they hold an appropriate interest within a harbour area.

(2) The Council may from time to time grant a licence to any person to place, lay down, maintain, renew and use moorings, buoys and similar apparatus for vessels in a harbour area:

Provided that—

(a) nothing in any such licence shall entitle a person to place, lay down, maintain, use or have any mooring on land not owned or leased by him or by the Council or in which he has no appropriate interest;

(b) the Council shall not unreasonably refuse to grant a licence to an owner or lessee of any land not leased by the Council to place, lay down, maintain, use and have existing moorings on that land and any question whether the grant of a licence has been or has not been unreasonably refused shall be determined by the Secretary of State.

(3) Any person who, without reasonable excuse shall place, lay down, maintain, renew or use a mooring, buoy or similar apparatus for vessels within a harbour area except under and in accordance with the terms and conditions of a licence granted under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any licence granted under subsection (2) above shall be valid only for a period of 3 years commencing with the date on which it takes effect.

(5) The Council may charge a reasonable fee for the grant of a licence under this section.

9. The Council may construct, purchase, contract for or hire, and may maintain and use, vessels required by them for carrying out their functions under this Order, including towage, and may sell or dispose of any such vessels belonging to them. Provision of vessels.

10. The Council shall, if required by the Commissioners of Customs and Excise so to do, provide at a harbour area such accommodation for the use of officers of the customs and excise service as may be reasonably required by the said commissioners. Accommodation for customs officers.

11.—(1) If in respect of any financial year the moneys received by the Council on account of the revenue of the undertaking exceed the moneys expended or applied by them in respect thereof, the Council may in respect of that year carry to the credit of a reserve fund in respect of the undertaking such a sum as they consider reasonable not exceeding the amount of such excess. Reserve fund.

(2) Moneys for the time being standing to the credit of the reserve fund may be invested in any securities in which trustees are for the time being authorised to invest trust moneys including debenture stock or other security created by the Council.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the regional rate fund any deficiency at any time arising in the income of the Council from the undertaking; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking; or
- (c) in defraying any expenditure in connection with the undertaking for which capital is properly applicable or in providing money for repayment of loans; or
- (d) in defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing buildings, works, plant, vessels, equipment or articles forming part of the undertaking; or

PART II
—cont.

- (e) for any other purpose which in the opinion of the Council is desirable in the interests of securing the improvement, maintenance or management of a harbour area in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea.

PART III

REGULATION OF HARBOUR AREAS

Restriction of
works and
dredging.

12.—(1) No person other than the Council shall in a harbour area—

- (a) alter, renew or maintain any works; or
(b) dredge;

unless he is licensed so to do, in the case of works by a works licence and in the case of dredging by a dredging licence, nor except upon the terms and conditions, if any, upon which the licence is granted and in accordance with plans, sections and particulars approved in pursuance of section 13 or, as the case may require, section 14 below.

(2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The Council may by notice require a person who contravenes this section to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates, and to restore the site thereof to its former condition; and if he fails to comply with the notice the Council may carry out the works so required and may recover the cost of so doing from that person.

1984 c. 12.

(4) Nothing in this section shall affect the powers of British Telecommunications plc under the Telecommunications Act 1984.

Licensing of
works.

13.—(1) The Council may upon such terms and conditions as they think fit grant to any person a licence to maintain, alter or renew works within a harbour area on, under or over tidal waters or tidal land below the level of high water, notwithstanding any interference with public rights of navigation or other public rights by such works as maintained, altered or renewed.

(2) Application for a works licence shall be made in writing to the Council and shall—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates;
(b) specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefits of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted; and
(c) be accompanied by a copy of a notice published in a newspaper circulating in the Grampian Region stating that it

is intended to make the application, containing a general description of the nature of the works for which application is being made and of the land affected thereby, specifying a place where a copy of the plans, sections and particulars of the proposed works may be inspected at all reasonable hours and stating that any person who desires to object to the Council to the grant of the application should do so in writing stating the grounds of his objection before the expiration of the period of 28 days from the date of the publication.

(3) In deciding whether or not to grant a works licence or as to the terms and conditions to be included in the licence the Council shall take into consideration any objection made to them in accordance with subsection (2) (c) above (hereinafter in this section and in section 15 below referred to as a competent objection) and in granting a licence the Council may require modifications in the plans, sections and particulars submitted to them by the applicant.

(4) If the Council decide to grant a works licence they shall give notice of their decision to the applicant and to any person who has made a competent objection and has not withdrawn it.

(5) If within 3 months from the date of the making of an application under subsection (2) above the Council do not notify to the applicant their decision to grant a works licence, they shall be deemed to have refused the application.

(6) The Council may charge a reasonable fee for the grant of a licence under this section.

(7) The grant of a licence under this section shall not confer statutory authority for the carrying out of the operations covered by the licence.

(8) In the exercise of the powers of a works licence the licensee shall not damage or injuriously affect any electric line or work (as respectively defined in the Electric Lighting Act 1882) belonging to, or used or maintained by, the North of Scotland Hydro-Electric Board or, without the consent of that board, interfere with or adversely affect the operation of any such line or work. 1882 c. 56.

14.—(1) The Council may upon such terms and conditions as they think fit grant to any person a licence to dredge in any part of a harbour area. Licence to dredge.

(2) Application for a dredging licence shall be made in writing to the Council and shall be accompanied by—

- (a) plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence; and
- (b) a copy of a notice published in a newspaper circulating in the Grampian Region stating that it is intended to make the application, containing a general description of the position, nature, extent and manner of the operations in respect of which the application is made, specifying a place where a copy of the plans, sections and particulars of the proposed

PART III
—cont.

operations may be inspected at all reasonable hours and stating that any person who desires to object to the Council to the grant of the application should do so in writing stating the grounds of his objection before the expiration of the period of 28 days from the date of publication of the notice.

(3) In deciding whether or not to grant a dredging licence or as to the terms and conditions to be included in the licence the Council shall take into consideration any objection made to them in accordance with subsection (2) (b) above (hereinafter in this section and in section 15 below referred to as a competent objection) and in granting a licence the Council may require modifications in the plans, sections and particulars submitted to them by the applicant.

(4) If the Council decide to grant a dredging licence they shall give notice of their decision to the applicant and to any person who has made a competent objection and has not withdrawn it.

(5) If within 3 months from the date of making an application under subsection (2) above the Council do not notify the applicant of their decision to grant a dredging licence they shall be deemed to have refused the application.

1894 c. 60. (6) Unless otherwise agreed between the Council and the licensee any materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) taken up or collected by means of dredging in pursuance of a dredging licence shall, in so far as they are not the property of the Council before being taken up or collected, but subject to the provisions of section 64 below, become the property of the Council, and the provisions of subsection (2) of section 4 above shall apply to such materials which are or become the property of the Council.

(7) The Council may charge a reasonable fee for the grant of a licence under this section.

(8) The grant of a licence under this section shall not confer statutory authority for the carrying out of the operations covered by the licence.

1882 c. 56. (9) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not damage or injuriously affect any electric line or work (as respectively defined in the Electric Lighting Act 1882) belonging to, or used or maintained by, the North of Scotland Hydro-Electric Board or, without the consent of that board, interfere with or adversely affect the operation of any such line or work.

Appeals in
respect of works
or dredging
licence.

15.—(1) A person who has made a competent objection and has not withdrawn his objection and who is aggrieved by the decision of the Council to grant a works licence or a dredging licence, and an applicant for any such licence who is aggrieved by—

- (a) the refusal of the Council to grant the licence; or
- (b) any terms or conditions subject to which the licence is granted; or

(c) any modifications required by the Council in the plans, sections and particulars submitted by the applicant; PART III
—cont.

may within 28 days from the date on which the Council give notice of their decision or the date on which they are under subsection (5) of section 13 or of section 14 above deemed to have refused the application, as the case may be, appeal to the Secretary of State.

(2) An appeal under this section shall be made by notice in writing, stating the grounds of the appeal.

(3) A person who appeals to the Secretary of State under this section shall at the same time send a copy of his statement of appeal to the Council and the Council shall as soon as practicable thereafter furnish the Secretary of State with all relevant documents, and may within 28 days from the receipt of the statement of appeal furnish the Secretary of State with their observations on the appeal.

(4) On an appeal under this section the Secretary of State may confirm, vary or revoke the decision appealed against and may require any consequential amendments to be made, including amendment of the terms and conditions or modification of the plans, sections and particulars.

(5) The Council shall give effect to any decision or requirement given or made by the Secretary of State under subsection (4) above.

16.—(1) Without prejudice to their powers under any other enactment (including this Order) the Council may remove anything which is causing or likely to become an obstruction or impediment to the proper use of any part of a harbour area other than—

(a) a vessel or vehicle; or

(b) wreck within the meaning of Part IX of the Merchant Shipping Act 1894.

1894 c. 60.

(2) (a) If anything removed by the Council under subsection (1) above is so marked as to be readily identifiable as the property of any person, the Council shall within one month of its coming into their custody give notice, as required by subsection (5) of this section, to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period vest in the Council.

(b) If anything removed by the Council under subsection (1) above which is not so marked is not within 3 months of its coming into the custody of the Council proved to their reasonable satisfaction to belong to any person it shall thereupon vest in the Council.

(3) The Council may at such time and in such manner as they think fit dispose of anything referred to in subsection (2) (b) above which is of a perishable or obnoxious nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has

PART III
— cont.

not vested in the Council under this section, and if it is sold the proceeds of sale shall be applied by the Council in payment of the expenses incurred by them under this section in relation to the thing, and any balance—

- (a) shall be paid to any person who within 3 months from the time when the thing came into the custody of the Council proves to their reasonable satisfaction that he was the owner thereof at that time; or
- (b) if within the said period no person proves ownership at the said time, shall vest in the Council.

(4) If anything removed under this section—

- (a) is sold by the Council and the proceeds of sale are insufficient to reimburse them for the amount of the expenses incurred in the exercise of their powers of removal; or
- (b) is unsaleable;

the Council may recover as a debt due to them the deficiency or the whole of the expenses, as the case may be, from the person who was the owner when the thing removed came into the custody of the Council or who was the owner at the time of its abandonment or loss.

(5) A notice given under subsection (2) (a) above shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Council possession may be retaken at a place specified in the notice within the time specified therein, being not less than 14 days after the date when the notice is served.

(6) The Council shall not under the powers of this section move anything placed or constructed by statutory undertakers under the provisions of any enactment or of a consent or licence given or issued by the Council thereunder.

(7) In subsection (6) above “statutory undertakers” means a person authorised by statute to carry on any undertaking for the supply of electricity or gas, or British Telecommunications plc.

Removal of
unserviceable
vessels.

17. If any vessel in a harbour area is unseaworthy the harbourmaster may require the owner or master thereof to remove it from that area, and if the requirement is not complied with may cause the vessel to be so removed and may recover from the owner or master the expenses reasonably incurred in effecting such removal.

Removal of
vehicles at
harbour
premises.

18.—(1) If a vehicle is left without the permission of the Council—

- (a) in a parking place provided by the Council within the harbour premises for a longer period than 24 hours; or
- (b) in any part of the harbour premises where the parking of vehicles is prohibited by notice erected by the Council; or
- (c) in any place within the harbour premises where it is likely to obstruct or interfere with the use of the harbour premises;

the Council may cause it to be removed to a place of safe custody.

(2) Any such notice as is referred to in subsection (1) above shall be conspicuously posted in or in proximity to the place to which it relates.

(3) Where the Council in exercise of the powers of this section cause a vehicle to be removed, the expenses of and incidental to its removal and safe custody shall be recoverable by the Council from the person responsible as a debt due to them.

PART III
—cont.

(4) If the Council in exercise of the powers of this section cause a vehicle to be removed, they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1964, or any regulations replacing those regulations, at his last known address, his registered address, or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(5) A notice stating the general effect of subsection (1) above shall be displayed in a prominent position at each entrance to any parking place provided by the council and at each place where a road accessible to vehicles enters any part of the harbour premises, and shall be endorsed on any tickets issued to persons leaving vehicles in such parking place or elsewhere at the harbour premises.

(6) In subsection (3) above “person responsible”, in relation to a vehicle, means—

- (a) the owner of the vehicle at that time when it was put in the place from which it was so removed, unless he shows that he was not concerned in and did not know of its being put there;
- (b) any person by whom it was put in the place aforesaid;
- (c) any person convicted of an offence under section 19 (1) of the Civic Amenities Act 1967 in consequence of the putting of the vehicle in the place aforesaid.

19.—(1) In their application to the Council, sections 530 and 532 of the Merchant Shipping Act 1894 shall have effect—

- (a) subject to the provisions of section 20 below; and
- (b) in relation to a vessel sunk, stranded or abandoned before as well as after the making of this Order.

Powers with respect to disposal of wrecks.

1894 c. 60.

(2) Subject to subsection (3) below, and to any enactment for the time being in force limiting his liability, the Council may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(3) Except in a case which is in the opinion of the Council a case of emergency, subsection (2) above shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the Council have given to the owner of the vessel not less than 48 hours' notice of their intention to do so; and if before the notice expires the Council receive from the owner

PART III
—cont.

counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under subsection (2) (b) of the said section 20, he shall be at liberty to do so, and the Council shall not exercise the powers aforesaid in relation to that vessel until the expiration of 7 days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Council.

(4) Notice under subsection (3) above to the owner of any vessel may be served by the Council either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Council or is not in the United Kingdom, by displaying the notice at the office of the harbourmaster for the period of its duration.

(5) In this section the expression “owner” in relation to any vessel includes the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

Protection of
Crown interest
in wrecks.
1894 c. 60.

20.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894, the powers conferred on the Council by sections 530 and 532 of that Act shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) below, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence, of Her Majesty's ships of war.

(2) The Council shall give notice in writing to the Secretary of State for Defence and to the Secretary of State for Transport of any decision of the Council to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) above any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the Council a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State for Defence and the Secretary of State for Transport, before the

expiration of a period of 14 days from the giving of the notice; or

PART III
—cont.

- (b) if before the expiration of the said period there is served on the Council a direction by the Secretary of State for Defence or the Secretary of State for Transport that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where in any such case the Council proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and if, before the expiration of that period such a direction is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 19 above:

Provided that—

- (i) the Council shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) above, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 19 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Council by the said section 530, the Council shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894, raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section in accordance with such directions (if any) as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the Council shall discharge any sums payable in respect of that property by way of duties of customs or excise and any sums so discharged shall be deemed to be expenses incurred by the Council under that section.

(4) Any limitation on the powers of the Council in relation to any vessel arising by virtue of subsection (1) or subsection (2) above shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Commissioners of Northern Lighthouses by section 531 of the said Act of 1894.

21.—(1) Notwithstanding anything in this or any other statutory provision of local application, the Council may from time to time set apart or appropriate any lands, works, buildings, machinery, equipment or other property of the Council in a harbour area for the exclusive, partial or preferential use and accommodation of any

Power to appropriate lands and works for particular trades, etc.

PART III
—cont.

particular trade, person, vessel or class of vessels or goods, subject to the payment of such charges and to such terms and conditions as the Council think fit.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any lands, works, buildings, machinery, equipment or other property so set apart or appropriated without the consent of the harbourmaster or other duly authorised officer of the Council, and the harbourmaster or, as the case may be, such officer may order any person or vessel making use thereof without such consent to leave or be removed.

Power to hire
out plant.

22. The Council may let upon hire (with or without the services of their employees) on such terms and conditions as they think fit any vessel, plant, equipment or other property belonging to them and forming part of the undertaking.

Licensing of
tugs.

23.—(1) It shall not be lawful for any person, except in an emergency, to operate a vessel exceeding 5 tons gross for fee or reward for the purpose of moving or controlling the movement of any other vessel within a harbour area except under and in accordance with the terms and conditions of a licence granted by the Council in that behalf.

(2) The Council may charge a reasonable fee for the grant of any licence under this section.

(3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Declaration
of draught,
etc., of
vessel.

24.—(1) The master of a vessel entering, leaving or intending to enter or leave a harbour area shall, if required to do so by the harbourmaster, state the length overall and draught maximum of his vessel.

(2) The master of a vessel who in response to a requirement under subsection (1) above gives incorrect information shall, without prejudice to any right of the Council to compensation for loss or damage occasioned thereby, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) For the purpose of this section “draught” in relation to a hovercraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air or on foils or by any other means and in relation to a seaplane means its draught when afloat.

Boarding
vessels.

25. Any duly authorised officer of the Council may, on producing if so required his authority, enter and inspect a vessel in a harbour area—

(a) for the purposes of any enactment relating to the Council or of any byelaw of the Council, including the enforcement thereof; or

(b) to prevent or extinguish fire;
but, except in emergency, no entry shall be made under this section without notice first having been given to the owner or the person appearing to have charge of the vessel; and the notice shall have annexed to it a copy of this section.

PART III
—cont.

26.—(1) The Council may—

- (a) refuse entry into a harbour area of any goods which in their opinion would endanger or be liable to endanger persons or property; or
- (b) permit the entry of any such goods subject to such terms and conditions (including specification of the part or parts of the harbour premises where such entry is permitted) as they think fit.

Exclusion of
scheduled
goods.

(2) The Council shall publish a schedule of such goods—

- (a) entry of which is forbidden by them; and
- (b) entry of which is permitted by them only upon terms and conditions specified in the schedule.

(3) A person who after publication of the schedule referred to in subsection (2) above—

- (a) brings or causes or permits to be brought into a harbour area any goods the entry of which is forbidden; or
- (b) fails in relation to any goods brought into harbour premises to comply with any terms and conditions imposed by the Council under subsection (1) above;

shall—

- (i) be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale; and
- (ii) indemnify the Council against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Council in consequence of the commission of the offence;

and the Council may remove the goods and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

(4) Where the owner or master of the vessel is charged with an offence under subsection (3) above it shall be a defence to prove that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings are taken.

27.—(1) The harbourmaster may give special directions for any of the following purposes:—

Power to give
directions.

- (a) For regulating the time at which and the manner in which any vessel shall enter into, leave or lie in a harbour area and its berthing, mooring or unmooring whilst therein;

PART III
—cont.

- (b) For regulating the loading, discharging, storing and safeguarding of a vessel's cargo, fuel, water or stores and the embarking or disembarking of passengers or its taking in or delivering ballast at harbour premises;
- (c) For regulating the manner in which any vessel entering a harbour area shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to harbour premises, and the moorings therein;
- (d) For removing unserviceable vessels and other obstructions from a harbour area and keeping the same clear;
- (e) For regulating the quantity of ballast or dead weight in the hold which each vessel in or at harbour premises shall have during the delivery of its cargo or after having discharged the same;
- (f) For regulating the use of the motive power of a vessel whilst within a harbour area;
- (g) For prohibiting or restricting the use of fires or lights at harbour premises;
- (h) For requiring the removal from any part of a harbour area of a vessel if—
 - (i) it is on fire; or
 - (ii) it is in such condition as to be liable to become immobilised or waterlogged, or to sink; or
 - (iii) its removal is necessary to enable maintenance or repair work to be carried out to harbour premises or to premises adjacent thereto;
 and requiring its removal outside a harbour area if such removal is considered by the harbourmaster to be necessary in order to avoid danger to life (or to wildlife) or to property.

(2) In an emergency, the harbourmaster may give general directions applicable to all vessels or to a particular class of vessels for any of the purposes mentioned in subsection (1) above.

(3) Any directions given under this section may be given by the harbourmaster orally or otherwise communicated to the master of the vessel on any occasion when it is not reasonably practicable for a written notice to be served on the master.

Failure to
comply with
directions.

28.—(1) The master of a vessel who fails to comply with a direction given under section 27 above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Without prejudice to any other defence, it shall be a defence to a charge made pursuant to subsection (1) above that the master had reasonable ground for believing that to comply with the direction in question would have endangered life or imperilled the safety of any vessel or its cargo, or that for other reason such compliance was impracticable.

Enforcement of
directions.

29.—(1) Without prejudice to any other remedy available to the Council, if a direction given under paragraph (g) or (h) of section 27

(1) above is not complied with within a reasonable time, the harbourmaster may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

PART III
—cont.

(2) If there is no person on board a vessel to attend to a direction, the harbourmaster may proceed as if the direction had been given and not complied with:

Provided that the powers of this subsection shall not be exercised—

- (a) in relation to a vessel other than a lighter unless, after reasonable inquiry has been made, the master cannot be found; or
- (b) in relation to a lighter unless it is obstructing or interfering with navigation.

(3) Expenses incurred by the Council in the exercise of the powers conferred by subsection (1) above shall be recoverable by them as if they were a charge of the Council in respect of the vessel.

30.—(1) The Council may from time to time make byelaws for the efficient management and regulation of a harbour area and of the undertaking. General byelaws.

(2) Without prejudice to the generality of subsection (1) above, byelaws made under this section may provide for—

- (a) regulating the use, operation and superintendence of a harbour area and the docks, berths, wharves, quays, piers, jetties, staiths, warehouses, sheds, landing places, locks, sluices, equipment, works and conveniences (including moorings) in such area;
- (b) regulating the admission to, and the movement within, and the departure of vessels from, a harbour area, or the removal of vessels, and for the good order and government of vessels whilst within such area;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within a harbour area;
- (d) regulating the navigation, berthing and mooring of vessels within a harbour area and their speed and manner of navigation, and the use of tugs within such area;
- (e) preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within a harbour area;
- (f) regulating the conduct of all persons in a harbour area not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (g) regulating the placing and maintenance of moorings within a harbour area;
- (h) preventing and removing obstructions or impediments within a harbour area;

PART III
—cont.

- (i) prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into a harbour area;
 - (j) regulating the use of ferries within a harbour area;
 - (k) regulating in a harbour area the use of yachts, sailing boats, sailboards, rowing boats, pleasure craft and other small craft;
 - (l) regulating the holding of regattas and other public events in a harbour area;
 - (m) regulating or prohibiting the activities in a harbour area of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in paragraph (k) above;
 - (n) regulating the launching of vessels within a harbour area;
 - (o) prohibiting persons working or employed in or entering a harbour area, or any part thereof, from smoking therein;
 - (p) regulating or preventing the use of fires and lights within a harbour area, and within any vessel within a harbour area;
 - (q) regulating traffic on railways within a harbour area and the use of locomotives thereon;
 - (r) regulating the movement, speed and parking of vehicles within a harbour area;
 - (s) regulating the use of any fish market provided by the Council and the conduct of persons working therein or resorting thereto, and for preventing nuisance or annoyance thereat;
 - (t) regulating the exercise of the powers, vested in the harbourmaster;
 - (u) making the carrying out of specified harbour operations, or the conduct of persons in a harbour area, subject to the approval (with or without conditions), control or direction of the harbourmaster, and for authorising him to take such action as may be reasonably required in default of compliance with any such condition, control or direction.
- (3) Byelaws made under this section may—
- (a) provide for imposing upon persons offending against them, or against any condition, requirement or direction imposed, made or given thereunder, fines not exceeding level 3 on the standard scale;
 - (b) relate to the whole of a harbour area or any part thereof;
 - (c) make different provisions for different harbour areas, or for different parts of any such area, or in relation to different classes of vessels.

(4) For byelaws made under this section the confirming authority for the purposes of section 202 of the Local Government (Scotland) Act 1973 shall be the Secretary of State.

1973 c. 65.

(5) Where the Secretary of State proposes to exercise the power conferred on him under subsection (10) of section 202 of the Local Government (Scotland) Act 1973 to confirm with modifications any

byelaws submitted by the Council for confirmation and where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.

PART III
—cont.

31. Where any damage is done to a work in a harbour area by a vessel, or by any person employed in connection therewith, the owner of the vessel, and the master through whose intentional act or failure to act the damage is done, shall be liable to make good the damage, and the Council may detain the vessel until sufficient security has been given for the amount of the damage:

Special responsibility for damage by vessel.

Provided that nothing in this section shall prejudice any right of recovery of the owner or master from any person whose act or failure to act gave rise to the damage.

32. Any person who intentionally obstructs an officer of the Council or other person acting in execution of this Order or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Obstruction of officers, etc.

33. If any person contravenes any of the provisions of this Order or of any byelaw made thereunder by the Council and any damage is occasioned thereby to the property of the Council, they may, in addition to any right they have to recover from any such person the cost of repairing or making good any such damage, detain any vessel or other property belonging to or in charge of such person or belonging to his employers until the cost has been paid or until reasonable security therefor has been given to the Council.

Power to detain vessels, etc., in certain circumstances.

34.—(1) The Council may by notice require the owner or occupier of a pier, landing place or embankment which in the opinion of the Council is, or is likely to become, by reason of its insecure condition or want of repair—

Repair of piers, landing places, etc.

- (a) dangerous to persons or vessels using a harbour area; or
- (b) a hindrance to the navigation of a harbour area;

to remedy its condition to the satisfaction of a duly authorised officer of the Council within a reasonable time specified in the notice.

(2) If a person to whom notice is given under this section fails to comply with it within the time stated in the notice or, if he appeals and the appeal is not allowed, within the time stated in the notice or such other time as the court may substitute therefor—

- (a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale; and

PART III
—cont.

(b) the Council may carry out the works they consider necessary to remedy the condition of the pier, landing place or embankment in question, and may recover the expenses of so doing from the person on whom the notice was served.

(3) A notice under subsection (1) above shall have annexed to it a copy of this section.

(4) A person aggrieved by a notice served by the Council under subsection (1) above may appeal to the sheriff who may confirm, vary or quash the notice as he thinks just, and make such order in the matter as he considers equitable, and the determination of the sheriff on any such appeal shall be binding on all parties, and shall be final.

Tidal works to be deemed within district.

35. Tidal works from time to time under the ownership or control of the Council in a harbour area shall be deemed for all purposes to be in the district nearest to those works.

Access to harbour areas.

36. Upon payment of the charges payable in relation to any harbour area, and subject to the provisions of this or any other enactment relating thereto, the harbour areas shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers.

PART IV

CHARGES

Charges other than ship, passenger and goods dues.
1964 c. 40.

37.—(1) The Council may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig or floating plant (not being a ship as defined by section 57 of the Harbours Act 1964) entering, using or leaving a harbour area such reasonable charges as they may determine, and sections 30 and 31 of that Act shall with any necessary modifications apply to the charges authorised by this subsection as they apply to ship, passenger and goods dues.

(2) The Council may in relation to the undertaking demand, take and recover in respect of anything done or provided by them or on their behalf such reasonable charges as they may determine.

(3) In subsection (2) above “charges” does not include ship, passenger and goods dues as defined by section 57 of the said Act of 1964 or charges authorised by subsection (1) above.

Liability for charges.

38.—(1) Charges payable to the Council on or in respect of—

- (a) a vessel, shall be payable by the owner or master thereof;
- (b) goods, shall be payable by the owner, consignee or shipper thereof.

(2) Where a charge payable to the Council may be recovered from more than one person, the persons from whom it is recoverable shall be jointly and severally liable.

39.—(1) When goods are to be unshipped within a harbour area the master of the vessel containing them shall, within 12 hours of the arrival of the vessel within the area, deliver to the harbourmaster the name of the consignee of the goods and a copy of the bill of lading or manifest or, if part only of the cargo is to be unshipped, a sufficient account in writing of the goods to be unshipped; and every such master shall, if required so to do by the harbourmaster, give to him 12 hours' notice of the time at which any such goods are to be unshipped.

PART IV
—cont.
Account of
goods.

(2) Before any person shall ship goods on board of a vessel within a harbour area he shall give to the harbourmaster a true account, signed by him, of the kinds, quantities and weights of the goods.

(3) If any difference shall arise between the harbourmaster and a master or the owner of goods concerning the weight or quantities of goods in respect of which charges may be payable, the harbourmaster may cause the goods to be weighed or measured and may detain a vessel containing such goods until the goods have been so weighed or measured.

40.—(1) The master of every vessel engaged in fishing shall on arrival in a harbour area forthwith report the arrival to the harbourmaster and shall if so required by the harbourmaster furnish him with a true statement of the catch (if any) on board and the value of the catch if it is landed and sold, and of the names and addresses of the persons to whom the catch is to be delivered, and shall not leave the harbour area until all charges payable in respect of the catch have been paid or arrangements agreed with the harbourmaster for the payment thereof.

Masters of
fishing vessels to
give account of
catch, etc., and
pay rates.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

41.—(1) If default is made in the payment of any charge in respect of a vessel or its cargo the harbourmaster may, on producing if so required his authority, board the vessel with such assistance as he deems necessary and take, seize or arrest the vessel and the tackle and cargo thereof, and if the charge remains unpaid for 7 days after the seizure or arrestment may cause any of the matters so seized or arrested to be sold, and the surplus (if any) of the proceeds of sale over the amount of the charge and over the expenses of taking, keeping, appraising and selling the matters aforesaid shall be paid to the master on demand.

Recovery of
charges by
seizure, etc.

(2) If any dispute arises as to the amount of the charge due, or of the expenses of seizure or arrestment by virtue of this section, the harbourmaster may detain the matters so seized or arrested until the amount aforesaid, subject to any costs of the application payable by either party, shall be determined upon application to the sheriff.

42.—(1) The Council may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to, charges, and may vary or extinguish any such exemption or composition.

Exemptions,
rebates, etc., in
respect of
charges.

PART IV
—cont.
1964 c. 40.

(2) Nothing in section 30 of the Harbours Act 1964 shall require the Council to include, in the list of ship, passenger and goods dues kept at the harbour office as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in that list.

Security for
charges.

43. The Council may require a person who incurs or is about to incur a charge to deposit with them, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or guarantee the sum of money required the Council may detain the vessel in a harbour area, or goods on or in harbour premises, in respect of which the charge has been or will be incurred, until the requirement has been complied with or the charge paid.

Weighing, etc.,
of goods for
charging
purposes.

44. A person in possession of goods in respect of which information relating to the assessment or collection of charges has been given to the Council shall give to a duly authorised officer of the Council, on production of his authority, reasonable facilities for weighing, measuring and examining the goods and shall, if so requested, give to such an officer any information he may reasonably require for the purpose of checking or amplifying the information already given to the Council in respect of the goods.

Liens for
charges.

45.—(1) A person who by agreement with the Council collects charges on their behalf and who pays or gives security for the payment of charges on goods in his possession shall have a lien on those goods for the amount paid or security given in respect thereof.

(2) A wharfinger or carrier who is not himself liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in his custody, and in that event he shall have a like lien on the goods for the amount of those charges as he would have in respect of his charges for safe custody or carriage of the goods, as the case may be.

Refusal to pay
charges for
landing places.

46. The harbourmaster may prevent a vessel from using a landing place provided by the Council, if the master of the vessel refuses to pay the charges for such use.

Exemptions
from charges.

47.—(1) Except in so far as may be agreed between the Council and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Council to levy charges shall extend to authorise them to levy charges on—

(a) a vessel—

(i) belonging to or in the service of Her Majesty or any member of the Royal Family; or

(ii) in the service of the Commissioners of Customs and Excise and not carrying goods for reward; or

(iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward; or

PART IV
—cont.

(iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service;

- (b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;
- (c) troops landed at harbour premises or a person employed by the Secretary of State for Defence while in the execution of his duty;
- (d) goods or stores belonging to the Secretary of State for Defence.

(2) Officers of the Department of Transport in the execution of their duty shall at all times be exempt from charges in respect of their vessels and otherwise.

(3) This Order shall not extend to subject any person to liability for charges in respect of a vessel which—

- (a) merely passes through the limits of a harbour area without mooring or making use of any facilities therein provided by the Council; or
- (b) is forced by stress of weather to make use of a harbour area but without breaking bulk.

48.—(1) Charges shall be payable subject to such terms and conditions as the Council may from time to time specify in their published list of charges. Conditions as to payment of charges.

(2) Without prejudice to the generality of subsection (1) above the terms and conditions may prescribe the time when a charge falls due for payment and may require such information to be given to the Council by the owner or master of a vessel or a person using a service or facility of the Council as the Council may require in connection with the assessment or collection of a charge.

PART V

MISCELLANEOUS

49. On the commencement of this Order the harbour at Banff, including the lands, rights and privileges vested in the Trustees at Banff harbour pursuant to section 102 of the Act 3 and 4 Victoria, chapter cxiv which relates, inter alia, to that harbour, shall by virtue of this section be transferred to and vested in the Council.

50.—(1) Notwithstanding—

- (a) the repeal by this Order of section 33 of the Portsoy Harbour Order 1932; and
- (b) anything contained in the trust disposition and settlement and the codicil referred to in subsection (3) below;

Application of income arising from Rainy's Bequest.
1932 c. xcvi.

PART V
—cont.

the trust fund comprising the sum of £2,000 and the investments and monies from time to time representing the same set aside pursuant to the said section 33 shall remain under the control of the Rainy Trustees and the annual income shall each year be paid by the said trustees to the Council.

(2) Any income received by the Council under subsection (1) above shall be applied by the Council as they in their absolute discretion think proper towards the expenses incurred by the Council in the maintenance, repair, improvement or extension of the Portsoy Harbour Area.

(3) In this section “the Rainy Trustees” means the trustees established by the trust disposition and settlement dated 25th February 1852 and a codicil thereto dated 3rd March 1852 made by Alexander Rainy of Boyne, factor to the then Earl of Seafield.

Abandonment
of Port Rae
Pier,
Rosehearty.

51.—(1) Nothing in this Order or in any other enactment shall impose a duty on the Council to maintain the Port Rae Pier at Rosehearty as part of their undertaking.

(2) Notwithstanding subsection (1) above sections 54 to 57 below shall apply to the Port Rae Pier as if that pier were a tidal work to which this Order applies.

Tidal works not
to be executed
without
approval of
Secretary of
State.

52.—(1) A tidal work shall not be constructed, renewed, altered or removed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, renewed, altered or removed in contravention of this section—

- (a) the Secretary of State may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

Lights on
tidal works
during
construction.

53.—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, renewal or removal thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction

given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

PART V
—cont.

54.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

Permanent
lights on
tidal works.

(2) If the Council fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

55. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by him in such survey and examination shall be recoverable from the Council.

Survey of
tidal works.

56.—(1) In the case of injury to or destruction or decay of a tidal work or any part thereof the Council shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

Provision
against
danger to
navigation.

(2) If the Council fail to notify the Commissioners of Northern Lighthouses as required by this section or to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

57.—(1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State may by notice in writing require the Council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

Abatement of
works
abandoned or
decayed.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Council, they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Council.

PART V
—cont.Provision for
life-saving.Sections of
Act of 1937
disapplied.
1937 c. 28.For protection
of North of
Scotland
Hydro-
Electric
Board.

1882 c. 56.

58. The Council shall at all times make at each harbour area such provision for life-saving, whether by means of lifebuoys and lifelines or otherwise, as appears to them to be requisite.

59. Sections 10 and 14 of the Harbours, Piers and Ferries (Scotland) Act 1937 shall not apply to any part of the undertaking.

60. For the protection of the North of Scotland Hydro-Electric Board the following provisions shall, except as may be otherwise agreed in writing between the Council and the board, apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“apparatus” means electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or used or maintained by the board;

“the board” means the North of Scotland Hydro-Electric Board;

“in” in a context referring to apparatus includes under, over, across, along or upon;

“plan” includes a section and description;

“position” includes depth.

(2) (a) Nothing in this Order shall relieve the Council from liability for damage caused by them to any apparatus in the exercise of the powers conferred on them by this Order and the Council shall indemnify the board against all claims, demands, costs, damages and expenses made or taken against or recovered from or incurred by the board by reason or in consequence of any damage done by the Council to any apparatus or of any interruption in the supply by the board of electricity which may without the written authority of the board be in any way occasioned either by reason of the exercise of any of the powers of this Order or by the acts or defaults (in, or in connection with, such exercise) of the Council;

(b) If in consequence of the exercise by the Council of the powers of this Order the access to any apparatus is materially obstructed, the Council shall provide an alternative means of access to such apparatus.

(3) (a) Before exercising the powers of section 4 above at, over, under, or near to any apparatus the Council shall give to the board not less than 28 days’ notice in writing of their intention so to do, stating the position of the proposed operation, and shall furnish such further particulars with respect thereto as the board may reasonably require.

(b) If within 21 days of receipt of such notice as is provided for by the preceding paragraph the board notify the Council in writing of the need to take measures of which the board shall be sole judge to protect apparatus from possible harm caused

by the proposed operation and specify the reasonable requirements subject to which the proposed operation may be carried out, the Council shall—

PART V
—cont.

- (i) carry out such operation only in accordance with such requirements;
 - (ii) pay to the board the expenses reasonably incurred by them in and in connection with the carrying out of any of the said protective measures.
- (4) If the Council in exercise of the powers of section 5 above require to cross over or under, remove, alter or otherwise interfere with any apparatus, or if the exercise of such powers is likely to affect any apparatus, the Council shall—
- (a) give to the board not less than 28 days' prior notice in writing of such requirement or (as the case may be) of their intention to exercise such powers, together with a plan of the work proposed, and shall execute the work only in accordance with such plan and in accordance with such reasonable requirements as may within 21 days of the receipt of the plan be made by the board, and the board may under such requirements alter or otherwise protect the apparatus or provide alternative apparatus adequate to enable them to fulfil their statutory functions not less efficiently than before (hereinafter referred to as "alternative apparatus");
 - (b) afford to the board, where possible, any necessary facilities and rights for the construction, use, maintenance, repair, renewal and inspection of any alternative apparatus;
 - (c) pay to the board the expenses reasonably incurred by them in and in connection with removing, re-laying, replacing, altering or protecting the apparatus or providing alternative apparatus less (in a case where alternative apparatus is provided) the value of any apparatus removed pursuant to this section.
- (5) (a) Sections 12, 13 and 14 above shall not apply to the alteration, maintenance or renewal by the board of any apparatus or make unlawful the carrying out by the board of any works not authorised by the said section 13 or 14;
- (b) If the board carry out any such works or any such dredging they shall inform the Council as soon as practicable of the works or dredging being carried out.
- (6) (a) Before granting to any person a works licence or a dredging licence to carry out works or dredging at, over, under or near to any apparatus, the Council shall submit to the board particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the board may reasonably require and, if so required by the board, the Council shall include in such licence conditions requiring the licensee to comply with such of the provisions of this section as the

PART V
—cont.

board think fit as if for the references therein to the Council there were substituted references to the licensee;

- (b) Upon the grant of a licence in respect of which notice of the application is required to be given under paragraph (a) above, the Council shall supply to the board a copy of the licence and of any conditions subject to which it is granted.
- (7) Alternative apparatus, if provided under this section, shall be constructed in such manner and in such line or position as may be agreed between the Council and the board, and no apparatus shall be removed, altered or interfered with until any protective works required have been carried out or until alternative apparatus required has been provided and is operating to the reasonable satisfaction of the board.
- (8) (a) Any difference arising between the Council and the board under this section shall be referred to and determined by an arbiter to be mutually agreed upon, or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Electrical Engineers.
- (b) In settling any difference under this section the arbiter shall have regard to any duties or obligations which the board may be under in respect of any apparatus and may if he thinks fit require the Council to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of British
Telecommunica-
tions plc.

1984 c. 12.

61. For the purposes of this Order the Council or a licensee is a “relevant undertaker” and any works carried out by the Council or the licensee, as the case may be, under this Order are “undertaker’s works” as defined in paragraph 23(10) of Schedule 2 to the Telecommunications Act 1984 and the provisions of the said Schedule shall apply to the Council or the licensee, as the case may be, accordingly.

Saving for
certain
enactments,
etc.

1971 c. 60.

1974 c. 40.

1975 c. 8.

1985 c. 48.

1949 c. 74.

62.—(1) Nothing in this Order affects the operation of—

- (a) the Prevention of Oil Pollution Act 1971;
- (b) the Control of Pollution Act 1974;
- (c) the Offshore Petroleum Development (Scotland) Act 1975;
- (d) Part II of the Food and Environment Protection Act 1985;
- (e) Part I of the Coast Protection Act 1949, or the operation of sections 34 and 36 of that Act in their application to operations carried out by virtue of section 14 above;
- (f) any of the relevant statutory provisions as defined in section 53 of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(2) Subsection (1) of section 80 (repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Order and to any regulation and byelaw made under it as it applies to any provision to which it relates.

(3) Nothing in this Order shall affect the jurisdiction or authority of the Commissioners of Northern Lighthouses.

PART V
—cont.

63. The provisions of the Town and Country Planning (Scotland) Act 1972 and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding development thereof is or may be regulated by or under this Order.

Saving for town
and country
planning.
1972 c. 52.

64.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing in this Order authorises the Council or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown rights.

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

65.—(1) The enactments specified in Schedule 2 to this Order are hereby repealed.

Repeals.

(2) Notwithstanding the repeals effected by this section, all byelaws made and all licences and other instruments issued by the Council or their predecessors in relation to any of the harbour areas shall continue in force and shall be deemed to have been made or issued under or by virtue of this Order.

SCHEDULES

Section 3.

SCHEDULE 1

HARBOUR AREAS

The areas of water in the Moray Firth and North Sea below the level of high water and bounded as follows:—

BANFF HARBOUR AREA

Commencing at a point (latitude 57° 40.216' N, longitude 2° 31.692' W) on the level of high water 300 metres west of the coastguard station at Banff;

thence in a straight line in a northerly direction for a distance of 1405 metres to a point (latitude 57° 40.973' N, longitude 2° 31.692' W);

thence in a straight line in an easterly direction for a distance of 989 metres to a point (latitude 57° 40.984' N, longitude 2° 30.687' W);

thence in a straight line in a southerly direction for a distance of 1548 metres to a point in Banff Bay (latitude 57° 40.150' N, longitude 2° 30.675' W) 660 metres due north from Banff Bridge;

thence in a straight line in a westerly direction for a distance of 554 metres to a point (latitude 57° 40.150' N, longitude 2° 31.232' W) on the eastern side of the landward end of the harbour quay;

thence by the level of high water to the point of commencement.

BUCKIE HARBOUR AREA

Commencing at a point (latitude 57° 40.768' N, longitude 2° 58.075' W) (known as Rook Craig) on the level of high water opposite Baron Street in Seatown;

thence in a straight line in a westerly direction for a distance of 768 metres to a point (latitude 57° 40.760' N, longitude 2° 58.848' W);

thence in a straight line in a northerly direction for a distance of 1106 metres to a point (latitude 57° 41.356' N, longitude 2° 58.865' W);

thence in a straight line in an easterly direction for a distance of 2003 metres to a point adjacent to East Muck rock (latitude 57° 41.370' N, longitude 2° 56.850' W);

thence in a straight line in a southerly direction for a distance of 600 metres to a point (latitude 57° 41.047' N, longitude 2° 56.850' W) on the level of high water between Whale's Wig and Bents Point;

thence by the level of high water to the point of commencement.

BURGHEAD HARBOUR AREA

SCH. 1
—cont.

Commencing at a point (latitude 57° 41.976' N, longitude 3° 29.279' W) on the level of high water opposite the southern end of Park Street in Burghead;

thence in a straight line in a westerly direction for a distance of 1052 metres to a point (latitude 57° 41.965' N, longitude 3° 30.337' W);

thence in a straight line in a northerly direction for a distance of 638 metres to a point (latitude 57° 42.309' N, longitude 3° 30.348' W);

thence in a straight line in an easterly direction for a distance of 577 metres to a point (latitude 57° 42.318' N, longitude 3° 29.786' W);

thence in a straight line in a southerly direction for a distance of 95 metres to a point on the level of high water (latitude 57° 42.267' N, longitude 3° 29.768' W) 100 metres northwards of the coastguard station;

thence by the level of high water to the point of commencement.

CULLEN HARBOUR AREA

Commencing at a point (latitude 57° 41.587' N, longitude 2° 49.653' W) on the level of high water at the mouth of the Burn of Cullen;

thence in a straight line in a northerly direction for a distance of 392 metres to a point (latitude 57° 41.798' N, longitude 2° 49.653' W);

thence in a straight line in an easterly direction for a distance of 388 metres to a point (latitude 57° 41.798' N, longitude 2° 49.263' W);

thence in a straight line in a southerly direction for a distance of 252 metres to a point (latitude 57° 41.662' N, longitude 2° 49.263' W) on the level of high water adjacent to the eastern extremity of the northern pier;

thence by the level of high water to the point of commencement.

FINDOCHTY HARBOUR AREA

Commencing at a point (latitude 57° 41.934' N, longitude 2° 54.402' W) on the level of high water 120 metres north of the Findochty War Memorial;

thence in a straight line in a northerly direction for a distance of 518 metres to a point (latitude 57° 42.213' N, longitude 2° 54.402' W);

thence in a straight line in an easterly direction for a distance of 289 metres to a point (latitude 57° 42.213' N, longitude 2° 54.111' W);

thence in a straight line in a southerly direction for a distance of 316 metres to a point (latitude 57° 42.043' N, longitude 2° 54.111' W) on the level of high water on the southern shore of Crooked Hythe;

thence by the level of high water to the point of commencement.

SCH. 1
—cont.

GOURDON HARBOUR AREA

Commencing at a point (latitude 56° 49.663' N, longitude 2° 17.018' W) on the level of high water at the landward extremity of the breakwater;

thence in a straight line in a southerly direction for a distance of 445 metres to a point (latitude 56° 49.423' N, longitude 2° 17.018' W);

thence in a straight line in a westerly direction for a distance of 206 metres to a point (latitude 56° 49.423' N, longitude 2° 17.220' W);

thence in a straight line in a northerly direction for a distance of 419 metres to a point (latitude 56° 49.649' N, longitude 2° 17.220' W) on the level of high water on the eastern side of Ware Hole;

thence by the level of high water to the point of commencement.

HOPEMAN HARBOUR AREA

Commencing at a point (latitude 57° 42.564' N, longitude 3° 26.392' W) on the level of high water 280 metres westwards from the landward end of the western quay at Hopeman Harbour;

thence in a straight line in a northerly direction for a distance of 460 metres to a point (latitude 57° 42.812' N, longitude 3° 26.404' W);

thence in a straight line in an easterly direction for a distance of 601 metres to a point (latitude 57° 42.817' N, longitude 3° 25.799' W);

thence in a straight line in a southerly direction for a distance of 314 metres to a point (latitude 57° 42.648' N, longitude 3° 25.787' W) on the level of high water 200 metres east of the landward end of the eastern quay at Hopeman Harbour;

thence by the level of high water to the point of commencement.

JOHNHAVEN HARBOUR AREA

Commencing at a point (latitude 56° 47.686' N, longitude 2° 19.856' W) on the level of high water adjacent to Fore Street 160 metres east of the landward end of the eastern pier at the harbour at Johnshaven;

thence in a straight line in a southerly direction for a distance of 373 metres to a point (latitude 56° 47.485' N, longitude 2° 19.856' W);

thence in a straight line in a westerly direction for a distance of 286 metres to a point (latitude 56° 47.485' N, longitude 2° 20.137' W);

thence in a straight line in a northerly direction for a distance of 171 metres to a point (latitude 56° 47.577' N, longitude 2° 20.137' W) on the level of high water adjacent to the landward end of the western pier at the harbour at Johnshaven;

thence by the level of high water to the point of commencement.

MACDUFF HARBOUR AREA

SCH. 1
—cont.

Commencing at a point (latitude 57° 40.157' N, longitude 2° 30.126' W) on the level of high water adjacent to Union Road 200 metres westwards of the landward end of the west pier at Macduff Harbour;

thence in a straight line in a westerly direction for a distance of 546 metres to a point (latitude 57° 40.150' N, longitude 2° 30.675' W);

thence in a straight line in a northerly direction for a distance of 1,548 metres to a point (latitude 57° 40.984' N, longitude 2° 30.687' W);

thence in a straight line in an easterly direction for a distance of 1,183 metres to a point (latitude 57° 40.992' N, longitude 2° 29.497' W);

thence in a straight line in a southerly direction for a distance of 1166 metres to a point (latitude 57° 40.364' N, longitude 2° 29.487' W) on the level of high water known as The Floors;

thence on the level of high water to the point of commencement.

PORTKNOCKIE HARBOUR AREA

Commencing at a point (latitude 57° 42.243' N, longitude 2° 51.871' W) on the level of high water at Portknockie Hythe 250 metres east of the promontory called Long Man;

thence in a straight line in a northerly direction for a distance of 306 metres to a point (latitude 57° 42.408' N, longitude 2° 51.871' W);

thence in a straight line in an easterly direction for a distance of 198 metres to a point (latitude 57° 42.408' N, longitude 2° 51.672' W);

thence in a straight line in a southerly direction for a distance of 111 metres to a point (latitude 57° 42.348' N, longitude 2° 51.672' W) on the level of high water on the western side of Port Hill;

thence on the level of high water to the point of commencement.

PORTSOY HARBOUR AREA

Commencing at a point (latitude 57° 41.140' N, longitude 2° 41.487' W) on the level of high water lying between Doonie Point and The Breeks;

thence in a straight line in a northerly direction for a distance of 212 metres to a point (latitude 57° 41.254' N, longitude 2° 41.487' W);

thence in a straight line in an easterly direction for a distance of 373 metres to a point (latitude 57° 41.254' N, longitude 2° 41.112' W);

c. x Grampian Regional Council (Harbours)
Order Confirmation Act 1987

SCH. 1
—cont.

thence in a straight line in a southerly direction for a distance of 54 metres to a point (latitude $57^{\circ} 41.225'$ N, longitude $2^{\circ} 41.112'$ W) on the level of high water on the western side of Links Bay;

thence on the level of high water to the point of commencement.

ROSEHEARTY HARBOUR AREA

Commencing at a point (latitude $57^{\circ} 42.046'$ N, longitude $2^{\circ} 07.045'$ W) on the level of high water at Hungry Hoy;

thence in a straight line in a northerly direction for a distance of 182 metres to a point (latitude $57^{\circ} 42.144'$ N, longitude $2^{\circ} 07.045'$ W);

thence in a straight line in an easterly direction for a distance of 306 metres to a point (latitude $57^{\circ} 42.144'$ N, longitude $2^{\circ} 06.737'$ W);

thence in a straight line in a southerly direction for a distance of 334 metres to a point (latitude $57^{\circ} 41.964'$ N, longitude $2^{\circ} 06.737'$ W) on the level of high water 120 metres north-east of the junction of Shore Street with Union Street;

thence on the level of high water to the point of commencement.

STONEHAVEN HARBOUR AREA

Commencing at a point (latitude $56^{\circ} 57.647'$ N, longitude $2^{\circ} 11.946'$ W) on the level of high water at the western end of the breakwater next to Bellman's Head;

thence in a straight line in a northerly direction for a distance of 145 metres to a point (latitude $56^{\circ} 57.725'$ N, longitude $2^{\circ} 11.946'$ W);

thence in a straight line in an easterly direction for a distance of 530 metres to a point (latitude $56^{\circ} 57.725'$ N, longitude $2^{\circ} 11.423'$ W);

thence in a straight line in a southerly direction for a distance of 364 metres to a point (latitude $56^{\circ} 57.529'$ N, longitude $2^{\circ} 11.423'$ W);

thence in a straight line in a westerly direction for a distance of 155 metres to a point (latitude $56^{\circ} 57.529'$ N, longitude $2^{\circ} 11.576'$ W) on the level of high water at Downie Point;

thence on the level of high water to the point of commencement.

SCHEDULE 2

Section 65.

ENACTMENTS REPEALED

Chapter or number (1)	Title or short title (2)	Extent of repeal (3)
3 & 4 Vict. c. cxiv. (1840).	An Act for regulating the Municipal Government and Expenses of the Royal Burgh of Banff, North Britain; for establishing an effective Police within the same; and also for maintaining, improving, and regulating the Harbour of the said Royal Burgh.	The whole Act.
4 & 5 Vict. c. xlix. (1841).	An Act for maintaining Gourdon Harbour in the County of Kincardine.	The whole Act.
10 & 11 Vict. c. cxxvii.	Macduff Harbour Improvement Act 1847.	The whole Act.
21 & 22 Vict. c. xxxix.	Burghead Harbour Act 1858.	The whole Act.
26 & 27 Vict. c. 104.	Pier and Harbour Orders Confirmation Act 1863.	The Roseheartly Harbour Order 1863.
29 & 30 Vict. c. 58.	Pier and Harbour Orders Confirmation Act 1866.	The Hopeman Harbour Order 1866.
34 & 35 Vict. c. xcvi.	Pier and Harbour Orders Confirmation Act 1871 (No. 2).	The Johnshaven Harbour Order 1871.
37 & 38 Vict. c. clxxxv.	Pier and Harbour Orders Confirmation Act 1874.	The Buckie (Cluny) Harbour Order 1874.
38 & 39 Vict. c. cxvii.	Pier and Harbour Orders Confirmation Act 1875 (No. 3).	The Macduff Harbour Order 1875 and the Roseheartly Harbour Order 1875.
44 & 45 Vict. c. civ.	Pier and Harbour Order Confirmation Act 1881.	The Burghead Harbour Order 1881.
45 & 46 Vict. c. xxxix.	Portsoy Harbour Act 1882.	The whole Act.
45 & 46 Vict. c. clxviii.	Pier and Harbour Orders Confirmation (No. 1) Act 1882.	The Johnshaven Harbour Order 1882.

c. x Grampian Regional Council (Harbours)
Order Confirmation Act 1987

SCH. 2
—cont.

Chapter or number (1)	Title or short title (2)	Extent of repeal (3)
51 & 52 Vict. c. cxix.	Pier and Harbour Orders Confirmation (No. 1) Act 1888.	The Hopeman Harbour Order 1888.
54 & 55 Vict. c. cxlix.	Pier and Harbour Orders Confirmation (No. 2) Act 1891.	The Stonehaven Harbour Order 1891.
59 Vict. Sess. 2. c. iv.	Pier and Harbour Orders Confirmation (No. 2) Act 1895, Session 2.	The Banff Harbour Order 1895.
59 & 60 Vict. c. xciv.	Pier and Harbour Orders Confirmation (No. 2) Act 1896.	The Stonehaven Harbour Order 1896.
61 & 62 Vict. c. cci.	Pier and Harbour Orders Confirmation (No. 2) Act 1898.	The Macduff Harbour Order 1898.
61 & 62 Vict. c. ccxvi.	Buckie (Cluny) Harbour Act 1898.	The whole Act.
1 Edw. 7 c. lii.	Pier and Harbour Orders Confirmation (No. 1) Act 1901.	The Macduff Harbour Order 1901.
2 Edw. 7 c. c.	Buckie Burgh Extension and Buckie (Craigenroan) Harbour Order Confirmation Act 1902.	The whole Act and the scheduled Order.
5 Edw. 7 c. cxxv.	Stonehaven Harbour Order Confirmation Act 1905.	The whole Act and the scheduled Order.
8 Edw. 7 c. cxiv.	Buckie Burgh and Buckie (Cluny) Harbour Order Confirmation Act 1908.	The whole Act and the scheduled Order.
9 Edw. 7 c. cxliv.	Buckie Burgh and Buckie (Cluny) Harbour Order Confirmation Act 1909.	The whole Act and the scheduled Order.
1 & 2 Geo. 5 c. clvii.	Pier and Harbour Orders Confirmation (No. 1) Act 1911.	The Banff Harbour Order 1911.
1 & 2 Geo. 5 c. clix.	Pier and Harbour Order Confirmation (No. 3) Act 1911.	The Cullen Harbour Order 1911.
1 & 2 Geo. 5 c. clxxviii.	Stonehaven Harbour Order Confirmation Act 1911.	The whole Act and the scheduled Order.
2 & 3 Geo. 5 c. clvi.	Pier and Harbour Orders Confirmation (No. 3) Act 1912.	The Macduff Harbour Order 1912.
3 & 4 Geo. 5 c. cxlvii.	Pier and Harbour Orders Confirmation (No. 2) Act 1913.	The Portknockie Harbour Order 1913.

Grampian Regional Council (Harbours)
Order Confirmation Act 1987

c. x

39

SCH. 2
—cont.

Chapter or number (1)	Title or short title (2)	Extent of repeal (3)
3 & 4 Geo. 5 c. cxlviii.	Pier and Harbour Orders Confirmation (No. 3) Act 1913.	The whole Act and the scheduled Orders.
9 & 10 Geo. 5 c. lxxi.	Pier and Harbour Orders Confirmation Act 1919.	The Findochty Harbour Order 1919.
12 & 13 Geo. 5 c. 1.	Pier and Harbour Orders Confirmation Act 1922.	The Portknockie Harbour Order 1922.
15 & 16 Geo. 5 c. lxxiii.	Pier and Harbour Orders Confirmation (No. 1) Act 1925.	The Findochty Harbour Order 1925.
22 & 23 Geo. 5 c. xciii.	Macduff Harbour Order Confirmation Act 1932.	The whole Act and the scheduled Order.
22 & 23 Geo. 5 c. xcvi.	Portsoy Harbour Order Confirmation Act 1932.	The whole Act and the scheduled Order.
23 & 24 Geo. 5 c. lii.	Burghead Burgh and Harbour Order Confirmation Act 1933.	The whole Act and the scheduled Order.
1964 c. v.	Macduff Harbour Order Confirmation Act 1964.	The whole Act and the scheduled Order.
S.I. 1968/2017.	Gourdon Harbour Order 1968.	The whole Order.

40

c. x

**Grampian Regional Council (Harbours)
Order Confirmation Act 1987**

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

ISBN 0 10 511087 6

HMSO publications are available from:

HMSO Publications Centre
(Mail and telephone orders only)
PO Box 276, London, SW8 5DT
Telephone orders (01) 622 3316
General enquiries (01) 211 5656

HMSO Bookshops
49 High Holborn, London, WC1V 6HB (01) 211 5656 (Counter service only)
258 Broad Street, Birmingham, B1 2HE (021) 643 3740
Southey House, 33 Wine Street, Bristol, BS1 2BQ (0272) 264306
9-21 Princess Street, Manchester, M60 8AS (061) 834 7201
80 Chichester Street, Belfast, BT1 4JY (0232) 238451
13a Castle Street, Edinburgh, EH2 3AR (031) 225 6333

HMSO's Accredited Agents
(see Yellow Pages)

And through good booksellers