
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 233

**The Comhairle nan Eilean Siar
(Ardveinish) Harbour Revision Order 2000**

**PART I
PRELIMINARY**

Citation and commencement

1.—(1) This Order may be cited as the Comhairle nan Eilean Siar (Ardveinish) Harbour Revision Order 2000 and shall come into force on 14th July 2000.

(2) The Ardveinish Harbour Orders 1980(1), the Western Isles Island Council (Ardveinish) Harbour Revision Order 1992(2) and this Order may be cited together as the Ardveinish Harbour Orders 1980 to 2000.

Interpretation

2.—(1) In this Order—

“the 1980 Order” means the Ardveinish Harbour Order 1980;

“the 1995 Order” means the Western Isles Islands Council (Various Harbours Jurisdiction and Byelaws) Harbour Revision Order 1995(3);

“the authorised works” means the works authorised by this Order, or as the case may require any part thereof, and includes any work constructed pursuant to article 7 below;

“the Comhairle” means Comhairle nan Eilean Siar;

“the deposited plan” and “the deposited sections” means the plan and sections signed on behalf of the Scottish Ministers and marked “Plan and sections referred to in the Comhairle nan Eilean Siar (Ardveinish) Harbour Revision Order 2000” of which copies are deposited with the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ and with the Comhairle at Sandwick Road, Stornoway, Isle of Lewis HS1 2BW;

“general direction” means a direction given under article 27 below;

“the harbour” means the harbour of Ardveinish, the area of which is described in article 3 of, and Schedule 1 to, this Order;

“the harbour map” means the map referred to in article 3 below;

“the harbour master” means any person appointed as such by the Comhairle, and includes his deputies and assistants and any other person for the time being authorised by the Comhairle to act, either generally or for a specific purpose in the capacity of harbourmaster;

(1) 1980 c.i, amended by S.I.1992/1975(L).

(2) S.I. 1992/1975(L).

(3) S.I. 1995/2007.

“the 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 Comhairle as part of the harbour undertaking;

“the harbour undertaking” means the harbour undertaking of the Comhairle at Ardveinish authorised by the Ardveinish Harbour Orders 1980 to 2000;

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

“the limits of deviation” means the limits of deviation for the authorised works shown on the deposited plan;

“special direction” means a direction given under article 29 below;

“tidal work” means so much of any authorised work as is on, under or over tidal waters or tidal lands below the level of high water; and

“vessel” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water, a seaplane on or in the water, a hovercraft and a hydrofoil.

(2) All areas, dimensions, directions, distances, lengths, points, situations and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each area, dimension, direction, distance, length, point, situation or other measurement.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid Reference points.

(4) Any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order.

Harbour jurisdiction

3.—(1) The area within which the Comhairle shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Harbours Act 1964, and within which the powers of the harbour master may be exercised, shall be the area described in Schedule 1 to this Order and shown edged in red on the harbour map together with so much of the harbour premises as is not situated within that area.

(2) In the event of any discrepancy between the boundaries of the harbour as described in paragraph (1), and in Schedule 1 to this Order, and the boundaries shown on the harbour map, the harbour map shall prevail.

(3) All enactments conferring rights, powers, privileges or immunities or imposing duties, obligations or liabilities upon the Comhairle or the harbourmaster, and all byelaws, regulations and directions made by the Comhairle which immediately before the date of the coming into force of this Order related to or had effect within the harbour, as it existed immediately before that date, shall relate to or have effect throughout the harbour as described in paragraph (1), and in Schedule 1 to this Order.

(4) In section 2 of the 1980 Order, for the definition of “the harbour”, there shall be substituted—
““the harbour” means the area described in article 3(1) of, and in Schedule 1 to, the Comhairle nan Eilean Siar (Ardveinish) Harbour Revision Order 2000.”

(5) Section 16 (Limits of the harbour) of, and the Schedule to, the 1980 Order are hereby repealed.