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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 262**

**The Comhairle nan Eilean Siar (Aird Mhor,  
Barra) Harbour Empowerment Order 2001**

**PART I**

**PRELIMINARY**

**Citation, commencement and extent**

**1.—(1)** This Order may be cited as the Comhairle nan Eilean Siar (Aird Mhor, Barra) Harbour Empowerment Order 2001 and shall come into force on 10th July 2001.

(2) This Order extends to Scotland only.

**Interpretation**

**2.—(1)** In this Order—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847<sup>(1)</sup>;

“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 8 below;

“the Comhairle” means Comhairle nan Eilean Siar;

“the deposited plan” and “the deposited sections” mean respectively the plan and sections signed on behalf of the Scottish Ministers and marked “Plan and sections referred to in the Comhairle nan Eilean Siar (Aird Mhor, Barra) Harbour Empowerment Order 2001” of which copies are deposited at the offices of 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 24 below;

“the harbour” means the harbour of Aird Mhor, Barra, the area of which is described in article 4 of, and Schedule 1 to, this Order;

“the harbour map” means the map referred to in article 4 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 harbour master;

“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 Aird Mhor, Barra authorised by this Order;

“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 26 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.

### **Incorporation of the 1847 Act**

3.—(1) The 1847 Act, except sections 6 to 19, 22, 25, 28, 49, 50, 60, 66, 67, 79 to 82 and 97 to 103, so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with and forms part of this Order.

(2) For the purposes of the 1847 Act, as so incorporated—

(a) the expression “the special Act” means this Order;

(b) the expressions “the Promoters of the undertaking” and “the undertakers” mean the Comhairle;

(c) the expression “the harbour, dock or pier” means the harbour;

(d) the meaning of the word “vessel” as defined in article 2 above shall be substituted for the meaning assigned to that word by section 3 of the 1847 Act;

(e) section 63 shall be read and have effect as if for the words from “penalty” to the end of the section there were substituted the word “on summary conviction to a fine not exceeding level 2 on the standard scale.”;

(f) section 69 shall be read and have effect as if for the words from “forfeit” to the end of the section there were substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”;

(g) section 73 shall be read and have effect as if for “level 1” there were substituted “level 2.”.

### **Harbour jurisdiction**

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

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