
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 447

The Fraserburgh Harbour Revision Order 2011

PART 4

REVISION OF CONSTITUTION

Incorporation of section 60 of Commissioners Clauses Act 1847

21. After article 2 (Interpretation) of the 2001 Order there shall be inserted—

“Incorporation of section 60 of Commissioners Clauses Act 1847

2A. Section 60 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in construing this section as incorporated with this Order the expression “the special Act” means this Order.”.

Body corporate

22. In article 3 (Constitution of Commissioners) of the 2001 Order there shall be inserted after paragraph (3)—

“(4) The Commissioners shall continue to be a body corporate under the name or style of “the Fraserburgh Harbour Commissioners”.

(5) All deeds and instruments to be made and granted by the Commissioners shall be valid and effectual if subscribed by any two of their number and sealed with their common seal.”.

Application procedure

23. In article 4(1) (Application procedure) of the 2001 Order for the words “an application form”, there shall be substituted the words “a single application form only”.

Interviews and selection

24. In article 5(2) (Interview and selection) of the 2001 Order for the words “one week”, there shall be substituted the words “two weeks”.

Registers

25.—(1) For sub-paragraph (c) of article 6(1) (Registers) of the 2001 Order there shall be substituted the following—

“(c) a list of registered electors, being those persons whose names appear in the register of electors for the electoral districts of Fraserburgh and District, Central Buchan, Troup, and Peterhead North and Rattray held by the Electoral Registration Officer and last published in the year preceding the application date.”.

(2) For sub-paragraph (3) of article 6 (Registers) of the 2001 Order there shall be substituted the following—

“(3) Where rates are paid by, or a ship or share in a ship is part owned by, a company or partnership (which term includes a limited liability partnership) with a place of business in the parish, consisting of two or more members or partners, such company or partnership may, before the expiration of the first week of November immediately preceding the election, nominate in writing to the Commissioners a member or partner who, upon being so nominated, shall be qualified to be an elector and to nominate persons to be elected as a Commissioner, in the same manner as if such payment had been made by, or such ship or share in a ship had been owned by, that person as an individual; provided that the amount of rates paid by such company or partnership, meets the qualification in sub-paragraph (1) (b)(ii).”.

(3) In article 6 (Registers) of the 2001 Order there shall be inserted after paragraph (3)—

“(4) A person who has been nominated by more than one company or partnership under article 6(3) may have as many votes as that person has nominations in the category for which that person has been nominated; provided that such person shall be subject to the provisions of section 24 of the Fraserburgh Harbour Order Confirmation Act 1985.”.

Termination of office

26.—(1) In sub-paragraph (d) of article 12(1) (Termination of office) of the 2001 Order, the words “, unsuitable (in the opinion of the Commissioners)” shall be inserted after the word “unwilling” and before “or”.

(2) For Schedule 2 (Declaration of Interests) of the 2001 Order there shall be substituted a new Declaration of Interests, as specified in Schedule 1 to this Order.

(3) For paragraph 20 of Schedule 2 (Incidental provisions relating to Commissioners) of the 2001 Order there shall be substituted the following—

“**20.** Subject to the Provisions of this Schedule, the procedure, business, conduct towards each other and activities of the Commissioners and of any committee of the Commissioners shall be regulated in such manner as the Commissioners may from time to time determine and see fit.”.

Indemnity insurance

27. In article 13 (Indemnity insurance) of the 2001 Order for the word “shall” there shall be substituted the word “may”.