

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 171**

**The Highland Council (Inverie)  
Harbour Empowerment Order 2004**

**PART I  
PRELIMINARY**

**Citation and commencement**

**1.** This Order may be cited as the Highland Council (Inverie) Harbour Empowerment Order 2004 and shall come into force on 2nd April 2004.

**Interpretation**

**2.—(1)** In this Order, except where the context otherwise requires—

“Act of 1991” means the Highland Regional Council (Harbours) Order Confirmation Act 1991<sup>(1)</sup>;

“Act of 1997” means the Town and Country Planning (Scotland) Act 1997<sup>(2)</sup>;

“annexed map” means the map annexed to this Order;

“building” includes a structure or any other erection;

“construct” includes make, build, erect, install, provide, execute, place, alter, maintain and renew and “construction” shall be construed accordingly;

“the Council” means the Highland Council;

“deposited plans” and “deposited sections” mean respectively the plans and sections which have been deposited in connection with this Order, two copies of which have been deposited with the Scottish Ministers at the Scottish Executive, one copy of which has been deposited at the offices of the Council;

“enactment” means any enactment, whether public general or local, and includes an enactment in this Order and any order, byelaw, rule, regulation, scheme and other instrument having effect by virtue of an enactment;

“government department” includes any part of or any member of staff of the Scottish Administration which shall have the meaning defined in section 126(6) of the Scotland Act 1998<sup>(3)</sup>;

“harbour” means the harbour at Inverie as described at Article 3(4);

“harbour undertaking” means harbour undertaking of the Council authorised by this Order;

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

---

<sup>(1)</sup> 1991 c. xii.

<sup>(2)</sup> 1997 c. 8.

<sup>(3)</sup> 1998 c. 46.

“the Land Compensation Act” means the Land Compensation (Scotland) Act 1963(4);

“the limits of deviation” means the limits so shown on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“road” has the meaning given to it by section 151 of the Roads (Scotland) Act 1984(5);

“sheriff” means sheriff principal of the sheriffdom of Grampian, Highland and Islands and includes any sheriff of the Fort William sheriff court district;

“sheriff clerk” means sheriff clerk of the sheriffdom of Fort William district;

“tribunal” means Lands Tribunal for Scotland; and

“works” means works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to Article 5 (Power to carry out works) and any work carried out pursuant to Article 7 (Subsidiary Works).

(2) All areas, directions, distances, lengths and widths as stated in any description of works, powers or lands other than Article 6 (Power to deviate) of this Order shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width and any reference in a description of works to a point shall be a reference to that point on the deposited plans.

(3) 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.

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

### **Incorporation of the Highland Regional Council (Harbours) Order**

3.—(1) The Highland Regional Council (Harbours) Order (except sections 59, 62, 63 and 64) as confirmed by the Act of 1991, so far as applicable for the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with and forms part of this Order subject to the modifications stated in paragraphs (2) and (3) below.

(2) In construing, for the purposes of this Order, the provisions of the Highland Regional Council (Harbours) Order as incorporated with this Order—

- (a) the expression “the Council” means the Highland Council;
- (b) the expression “harbour limits plans” means the location plan showing the limits of harbour jurisdiction at Inverie, two copies of which have been deposited with the Scottish Ministers at the Scottish Executive and one copy of which has been deposited at the offices of the Council; and
- (c) the expression “the undertaking” means the harbour undertaking of the Council at Inverie authorised by this Order.

(3) Section 3(4) of the Highland Regional Council (Harbours) Order shall have effect as if for the reference to section 634 of the Merchant Shipping Act 1894(6) there were substituted a reference to section 193 of the Merchant Shipping Act 1995(7).

(4) Schedule 1 of the Highland Regional Council (Harbours) Order shall have effect as if there were added the following provision—

---

(4) 1963 c. 51.  
(5) 1984 c. 54.  
(6) 1894 c. 60.  
(7) 1995 c. 21.

### “Inverie

All waters below the level of high water forming Inverie Bay commencing at a point NG 176318 800318; thence in a south-westerly direction for a distance of 310 metres to a point NG 176100 800100; thence in a south-easterly direction for a distance of 566 metres to a point NG 176500 799700; thence in a north-easterly direction for a distance of 322 metres to a point NG 176728 799928; on the level of high water.”

### **Incorporation of the Lands and Railways Clauses Acts**

4.—(1) The Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845)<sup>(8)</sup>, so far as they are applicable for the purposes of, and are not varied by or inconsistent with, the provisions of this Order, are incorporated with this Order.

(2) In construing, for the purposes of this Order, the provisions of the Lands Clauses Acts as incorporated with this Order—

- (a) this Order shall be deemed to be the special Act;
- (b) the Council shall be deemed to be the promoters of the undertaking or the company; and
- (c) the works shall be deemed to be the works or the undertaking.

(3) Section 70 of the Railway Clauses Consolidation (Scotland) Act 1845<sup>(9)</sup> is incorporated with this Order.

---

<sup>(8)</sup> 1845 c. 19.

<sup>(9)</sup> 1845 c. 33.