

2012 No. 302

HARBOURS, DOCKS, PIERS AND FERRIES

The Inverness Harbour Revision (Constitution) Order 2012

Made - - - - *7th November 2012*

Coming into force - - *8th November 2012*

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and all other powers enabling Ministers to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(b).

In accordance with section 14(2) of that Act—

- (a) this Order is made following a written application to Ministers by the Trustees of the Harbour of Inverness (“the applicant”) being the authority engaged in improving, maintaining or managing the harbour; and
- (b) Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance, or management of the harbour in an efficient and economical manner.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

Notice has been published by the applicant in accordance with the requirements of paragraph 10 of Schedule 3(c) of that Act.

The provisions of paragraph 17 of that Schedule(d) have been satisfied. No objections to the application have been made.

(a) 1964 c.40; section 14 was relevantly amended by the Transport Act 1981 (c.56), Schedule 6, paragraphs 2, 3, 4(1) and 14 and Schedule 12 and the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 1. See sections 14(7) and 57(1) of the Harbours Act 1964 for the definitions of “the appropriate Minister” and “the Minister”. The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 9.

(c) Paragraph 10 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(b) and (c).

(d) Paragraph 17 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(g).

In accordance with paragraph 19(2) of that Schedule(a), Ministers have decided to make this Order in the form of the draft submitted to them.

Citation and Commencement

1.—(1) This Order may be cited as the Inverness Harbour Revision (Constitution) Order 2012 and shall come into force on the after the day on which it is made.

(2) The Inverness Harbour Acts and Orders 1808 to 2005 and this Order may be cited together as the Inverness Harbour Acts and Orders 1808 to 2012 (hereinafter referred to as “The Harbour Acts and Orders”).

Interpretation

2. In this Order unless the context otherwise requires, the following expressions shall have the following meanings hereby assigned to them respectively:—

“Order of 1911” means the Inverness Harbour Order 1911;

“Order of 2002” means the Inverness Harbour Revision (Constitution) Order 2002;

“Trust” means the Inverness Harbour Trust (otherwise the Trustees of the Harbour of Inverness);

“Trustees” means the Trustees of the Harbour of Inverness.

Incorporation of section 60 of Commissioners Clauses Act 1847

3. After article 2 (Interpretation) of the Order of 2002 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.”.

Constitution of Trust

4.—(1) The Order of 2002 is amended in accordance with paragraphs (2) to (5).

(2) For Article 3(1) (Constitution of Trust) substitute—

“the Trust shall consist of a minimum of eight members all of whom shall be appointed by the Trustees. These shall be:—

- (a) at least seven trustees appointed by the Trustees of the Harbour of Inverness; and
- (b) the Chief Executive of the Trust as long as he remains in the employment of the Trust; and
- (c) such further trustees appointed by the Trustees of the Harbour of Inverness from time to time.”.

(3) Article 4 (Rights of Highland Council regarding Appointments) shall be deleted.

(4) In Article 11 (Incidental provisions relating to the Trust) substitute “2” for “3” where it occurs in the first line.

(a) Paragraph 19(2) of Schedule 3 was substituted by S.I. 1999/3445.

(5) In Schedule 2 (INCIDENTAL PROVISIONS RELATING TO THE TRUST) for paragraph 9(2) (Meetings of Trustees) substitute—

“The Trust shall meet at least 6 times during each year in accordance with an agreed Schedule of Meetings which shall endeavour to evenly space these meetings throughout the year.”.

JOHN NICHOLLS

A member of the staff of the Scottish Ministers

St Andrew's House,
Edinburgh

7th November 2012

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