

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, made following an application by Tobermory Harbour Association (“the Company”), empowers the Company to maintain the harbour at Tobermory (the limits of which are defined in the Order) and to regulate its use.

Part 1 makes preliminary provision, including provision as to interpretation (article 2) and the incorporation with modifications of provisions in the Harbours, Docks and Piers Clauses Act 1847 (article 3).

Part 2 gives the Company the power to maintain, use and operate the piers, pontoons and slipways existing in the harbour as at the date of this Order and to dredge the harbour and the approaches to it.

Part 3 makes provision for regulation of the harbour.

The Company is authorised to provide moorings within the harbour and to recover charges for vessels using them (article 9). It may also provide vehicle parking facilities within the harbour (article 11).

By virtue of article 14 the Company is empowered to make byelaws for the efficient management and regulation of the harbour. The procedure for confirmation of proposed byelaws is set out in article 15.

Under article 16, the Company may give general directions to vessels, which must be published in accordance with article 17, and the harbour master may issue a special direction to any vessel (article 18). Failure without reasonable excuse to comply with a general or special direction is an offence (article 20).

Article 23 empowers any duly authorised officer of the Company, in certain circumstances and for certain purposes, to enter and inspect a vessel in the harbour. Article 24 makes provision regarding vessels adrift in the harbour, while Article 25 provides that the Company may remove obstructions (other than vessels, vehicles or wreck) from the harbour. Articles 26 and 27 give the Company the power to remove vehicles and goods left in the harbour in certain circumstances.

Articles 28 to 35 make provision about charges that may be levied by the Company for services and facilities provided in relation to the harbour.

Part 4 makes miscellaneous and general provision.