
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 118

The Eyemouth Harbour Revision Order 2021

PART 2

Constitution of Trustees

Incorporation of sections of the Commissioners Clauses Act 1847 and of the Harbours, Docks, and Piers Clauses Act 1847

3.—(1) Sections 2, 3 and 60 of the Commissioners Clauses Act 1847 (so far as applicable and not inconsistent with the Eyemouth Harbour Orders 1882 to 2021) shall be incorporated with this Order subject to the modifications stated in paragraph (3).

(2) Sections 1 to 4, 33 to 35, 37 to 39, 42 to 46, 51, 55 to 58 and 63 to 65 of the 1847 Act (so far as applicable and not inconsistent with the Eyemouth Harbour Orders 1882 to 2021) shall be incorporated with this Order, subject to the modifications stated in paragraphs (3), (4) and (5). Notwithstanding section 10 of the Harbours Piers and Ferries (Scotland) Act 1937 the other provisions of the 1847 Act shall not apply to the harbour undertaking.

(3) In construing the provisions of the Commissioners Clauses Act 1847 and the 1847 Act as incorporated with this Order—

- (a) “the special Act” means the 1882 Order, the 1920 Order, the 1961 Order and this Order,
- (b) “the undertakers” or “the commissioners” means the Trustees, and
- (c) “vessel” has the meaning given by article 2.

(4) Section 63 of the Harbours, Docks, and Piers Clauses Act 1847 (penalty on vessels lying near the entrance of harbour or dock without permission) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(5) Section 65 of the Harbours, Docks, and Piers Clauses Act 1847 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.