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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## SCHEDULE

### LERWICK HARBOUR

Provisional Order to extend the limits of the port and harbour of Lerwick, and for connected purposes.

Whereas by the Lerwick Harbour Improvements Act 1877 the Trustees of the port and harbour of Lerwick (hereinafter referred to as “the Trustees”) were constituted for the purposes of the management, maintenance and regulation of the port and harbour of Lerwick:

And whereas it is expedient that the limits of the port and harbour of Lerwick should be extended as provided in this Order:

And whereas it is expedient that the Trustees should have powers with respect to the management, regulation and control of development within the harbour limits as extended by this Order:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

#### *Short title and citation*

- 1 (1) This Order may be cited as the Lerwick Harbour Order 1994.
- (2) This Order and the Lerwick Harbour Acts and Orders 1877 to 1993 may be cited together as the Lerwick Harbour Acts and Orders 1877 to 1994.

#### *Interpretation*

- 2 In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—
  - “added areas” means the areas by this Order added to the existing area and described in Part I of the Schedule to this Order;
  - “commencement of this Order” means the date of the passing of the Act confirming this Order;
  - “existing area” means the area of the limits of the harbour as described in Part II of the Schedule to the Order of 1975 as extended by the Lerwick Harbour Revision Order 1989;
  - “harbour” means the port and harbour of Lerwick as defined by the Harbour Acts;
  - “Harbour Acts” means the Lerwick Harbour Acts and Orders 1877 to 1994;
  - “level of high water” means the level of mean high-water springs;
  - “level of low water” means the level of mean low-water springs;
  - “Order of 1975” means the Lerwick Harbour (Miscellaneous Provisions) Order 1975;
  - “Trustees” means the Trustees of the harbour for the time being acting under the Harbour Acts.

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### *Alteration of limits of harbour of Lerwick*

- 3
- (1) As from the commencement of this Order the limits of the harbour and of the area within which the Trustees have authority to exercise powers by virtue of any jurisdiction or function conferred or imposed on or transferred to them by the Lerwick Harbour Acts and Orders 1877 to 1993 or by any other enactment shall be extended to include the added areas and thereafter the harbour shall comprise the area described in Part II of the said Schedule in lieu of the existing area.
  - (2) Subject as hereinafter provided, all enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Trustees including provisions for the protection of any person and all byelaws and regulations made by the Trustees which relate to or are in force in the existing area shall relate to and have effect in the harbour and in all lands and heritable properties from time to time in the ownership or occupation of the Trustees.
  - (3) Without prejudice to the generality of subsections (1) and (2) above, nothing in this Order shall affect the operation within the existing area of such of the provisions of the Harbours, Docks, and Piers Clauses Act 1847 as immediately before the coming into operation of this Order were operative within that area and the said provisions shall extend and apply to the added areas.
  - (4) A map showing the limits of the harbour as described in Part II of the Schedule to this Order of which four copies have been signed by Gavin Douglas, Q.C., Senior Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936, shall within one month after the commencement of this Order be deposited as follows, that is to say, one copy at the offices of the Secretary of State in Edinburgh, one copy at the office of the Chief Executive of the Shetland Islands Council, one copy with the Department of Transport and one copy with the Sheriff Clerk of the Sheriff Court District of Lerwick.
  - (5) In the event of any discrepancy between the description in words of the limits of the harbour as described in Part II of the Schedule to this Order and the limits delineated on the map referred to in subsection (4) above, the description in words shall prevail.
  - (6) Section 6 of and the Schedule to the Order of 1975 and the Lerwick Harbour Revision Order 1989 are hereby repealed.

### *Crown rights*

- 4
- (1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the Trustees or any licensee of the Trustees to take, use, enter upon or in any manner interfere with any land or interest in land, or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—
    - (a) belonging to Her Majesty in right of her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
    - (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.
  - (2) A consent under subsection (1) above may be given unconditionally or subject to terms and conditions.