
STATUTORY INSTRUMENTS

1991 No. 1082

The Caledonian MacBrayne Limited (Gott Bay Pier) Harbour Revision Order 1990

Part II

JURISDICTION AND POWERS

Transfer of pier undertaking

3.—(1) On the coming into force of this Order there shall be transferred to and vested in the Company (subject to the other provisions of this Order) all the powers of the Region Council in relation to the pier undertaking vested in them pursuant to the Orders of 1908 and 1959, the Harbours Act 1964 and section 154 of the Local Government (Scotland) Act 1973⁽¹⁾ together with all property heritable and moveable and all rights pertaining thereto vested in the Regional Council and held by them solely for the purposes of the pier undertaking.

(2) To enable the Company to complete a title to any property transferred to and vested in it by virtue of this article by notice of title or otherwise, this Order shall have effect if it were a general disposition or assignment, as the case may be, of such property granted by the Regional Council in favour of the Company on the coming into force of this Order.

Contracts to be binding

4. All purchases, sales, conveyances, deeds, contracts and agreements entered into made by the Regional Council and in force at the commencement of this Order shall so far as they relate to the pier undertaking be as binding and of as full force and effect in every respect against or in favour of the Company as they have heretofore been against or in favour of the Regional Council and may be enforced as fully and effectively as if, instead of the Regional Council, the Company had been a party thereto.

Proceedings not to abate

5. All legal and other proceedings begun before the commencement of this Order and relating to any property or liabilities transferred to the Company under this Order may be carried on with the substitution of the Company as a party to the proceedings in lieu of the authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

Power to make agreements

6. Nothing in this Order shall affect the right of the Regional Council and the Company to enter into an agreement for the purpose of regulating the responsibility as between themselves for any liabilities or obligations transferred to the Company by article 4 or 5 of this Order.

(1) S.I.1973 c. 65.

Limits of harbour

7. The Company shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Harbours Act 1964, and the powers of the harbourmaster shall be exercisable within—

- (a) the area lying below the level of high water and bounded by a line commencing at a point at NM 04194593 at the level of high water westwards of the existing pier and extending in an arc with a radius of 750 metres from the north eastern extremity of the pier head at a point at NM 04914570 and terminating southwards of the said pier at a point at NM 04734495 at the level of high water; and
- (b) the pier premises.

Byelaws

8. In addition to the byelaws which may be made by the Company under section 83 of the Harbours, Docks, and Piers Clauses Act 1847(2) and otherwise, the Company may, in relation to the pier undertaking, from time to time make such byelaws as it thinks fit with reference to all or any of the following matters:—

- (a) for regulating the types of vehicles which may enter or be on the pier premises and the use, placing, loading or unloading, and driving of such vehicles, and giving powers to officers or servants of the Company in relation to such regulation;
- (b) the management, control and regulation of the pier premises and of goods, wares and merchandise using or passing over the pier premises;
- (c) safety precautions to be observed by persons using or being on the said pier premises.

Confirmation of byelaws

9.—(1) The provisions of subsections (4) to (8), (10) and (12) of section 202 and section 203 of the Local Government (Scotland) Act 1973 shall apply to any byelaws made by the Company under the Harbours, Docks, and Piers Clauses Act 1847 or this Order as if the Company were a local authority, and in the application of the provisions of the said Act of 1973 the Secretary of State shall be the confirming authority and all byelaws and regulations which are in force at the pier undertaking at the date of this Order coming into force shall be deemed to be byelaws and regulations of the Company and shall continue in force until altered.

(2) Where the Secretary of State proposes to exercise the power of modification conferred on him by subsection (10) of the said section 202 and the modification appears to him to be substantial, he shall inform the Company and require it to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Company and by other persons who have been informed of it.