
STATUTORY INSTRUMENTS

1998 No. 1221 (S. 64)

HARBOURS, DOCKS, PIERS AND FERRIES

Scrabster (Forward Supply Base) Harbour Revision Order 1998

Made - - - - *11th May 1998*

Coming into force - - *1st June 1998*

Whereas the Trustees of the Scrabster Harbour Trust have applied in writing for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas it appears to the Secretary of State for Scotland in pursuance of paragraph A2 of Schedule 3 to the said Act(2), that the application is made in relation to a project which falls within Annex II to Council Directive 85/337/EEC(3) on the assessment of the effects of certain public and private projects on the environment and whose characteristics require that it should be made subject to an environmental assessment;

And whereas the Secretary of State has directed the applicant to supply him with the information referred to in Annex III to the Directive in accordance with that paragraph;

And whereas the Secretary of State has considered the information supplied under that paragraph;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 14 of the said Act (being the appropriate Minister under section 14(7) of that Act for the purpose of making this order) and of all other powers enabling him in that behalf and being satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Scrabster (Forward Supply Base) Harbour Revision Order 1998 and shall come into force on 1st June 1998.

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- (1) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14, and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraphs 1 and 10.
- (2) Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and (12) and by the Transport and Works Act 1992, Schedule 3, paragraph 10. Paragraph A2 was inserted by the Harbour Works (Assessment of Environmental Effects) (Amendment) Regulations 1996 (S.I.1996/1946).
- (3) OJ No.L175, 5.7.85, p.40.

(2) The Scrabster Harbour Acts and Orders 1841 to 1993 and this Order may be cited together as the Scrabster Harbour Acts and Orders 1841 to 1998.

Interpretation

2.—(1) In this Order—

“Act of 1841⁽⁴⁾” means the Act passed in the fourth and fifth years of the reign of Her Late Majesty Queen Victoria intituled “An Act for making and maintaining a Harbour at Scrabster Roads in the Bay of Thurso and County of Caithness, and Road thereto”;

“area of works” means the area within the limits of deviation or any part of that area;

“deposited plan and sections” means the plan and sections prepared in duplicate and signed on behalf of the Secretary of State and marked “Plan and sections referred to in the Scrabster (Forward Supply Base) Harbour Revision Order 1998” of which one is deposited at the offices of the Secretary of State for Scotland and the other at the harbour office of the Trust;

“enactment” means any Act, whether general, local or personal and any order (including this Order) or other instrument made thereunder and any provision in any such Act, order or instrument;

“harbour” means the harbour of Scrabster as authorised by the Act of 1841, the Scrabster Harbour Order 1897⁽⁵⁾ and the Scrabster Harbour Order 1989⁽⁶⁾ together with the lands, buildings, works, plant, property and conveniences connected therewith or any part thereof as the case may be;

“harbour undertaking” means the undertaking of the Trustees in connection with the harbour;

“level of high water” means the level of mean high-water springs;

“level of low water” means the level of mean low-water springs;

“limits of deviation” means the limits of deviation shown on the deposited plan and sections;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“Trust” means Scrabster Harbour Trust;

“Trustees” means the Trustees for the time being of the Trust;

“works” means the works authorised by article 3 (power to carry out works) of this Order or, as the case may require, any part thereof.

(2) All areas, directions, distances, lengths and widths as stated in any description of works, powers or lands other than article 4 (Power to deviate) of this Order shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width and any reference in a description of works to a point shall be a reference to that point on the deposited plan.

(3) Any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order.

⁽⁴⁾ 1841 c. 1.

⁽⁵⁾ 1897 c.lxxx.

⁽⁶⁾ 1989 c.v.

PART II

WORKS

Power to carry out works

3.—(1) Subject to the provisions of this Order, the Trust may, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections, carry out and maintain the following works in the parish of Thurso, county of Caithness, Highland, and on the foreshore and bed of the sea adjacent thereto together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No 1: A quay of solid construction commencing at a point above the level of high water 85 metres east of the existing Terminal Quay and 52 metres south of the existing shoreline at ND 310415 970472 and extending east-northeast for a distance of 400 metres terminating at a point ND 310777 970636, and the construction over part thereof of necessary buildings with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 2: An extension of the existing Terminal Quay as a solid structure commencing at a point on the foreshore above the level of high water 42 metres east of the existing Terminal Quay at ND 310355 970508 and extending south-southeast for a distance of 325 metres terminating at a point at ND 310482 970207, and the construction over part thereof of necessary buildings with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 3: A breakwater quay commencing at a point 29 metres south of the centre line of Work No 1 and 50 metres west of the termination point of the said Work No 1 at a point at ND 310741 970591 extending 153 metres south-southeast and then a further 116 metres south-southwest to terminate at a point at ND 310794 970348, of solid construction bedded on filling placed on the seabed.

Work No 4: A breakwater quay of solid construction commencing from a point 23 metres north of the south end of the existing berthing jetty at ND 310452 970185 and extending 198 metres east-northeast then a further 120 metres north-northeast to terminate at a point ND 310655 970347 together with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 5: Dredging of an area of seabed commencing from the east side of Work No 2 at a point ND 310463 970341 and extending 115 metres east-northeast to terminate at a point ND 310575 970384.

Work No 6: An extension of the existing Harbour Quay as a solid structure commencing at the east face of the existing Outer Quay at a point ND 310089 970361 and extending 120 metres east-northeast to terminate at the west face of the existing Ola Quay at a point ND 310202 970405, with a reclamation of the seabed by infilling, levelling and surfacing.

3.—(2) The Trust may, within the limits of deviation, maintain, renew, reconstruct and alter temporarily or permanently the works.

Power to deviate

4. Subject to the provisions of this Order, in carrying out the works the Trust may deviate laterally from the lines or situations thereof as shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

Subsidiary works

5.—(1) Subject to the provisions of this Order, the Trust may within the limits of deviation from time to time erect, construct, maintain and operate, whether temporarily or permanently, all such subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

(2) The works shall be deemed for all purposes to be within the parish of Thurso, County of Caithness, Highland.

Power to dredge

6.—(1) Subject to the provisions of this Order, the Trust may from time to time deepen, dredge, scour, cleanse, alter and improve the harbour for the purpose of affording uninterrupted means of access to the harbour or any part of it or the accommodation of vessels thereat.

(2) The Trust may use, appropriate or dispose of any material (other than any wreck within the meaning of Part IX of the Merchant Shipping Act 1995(7)) from time to time dredged by them from the harbour.

(3) Subject to the provisions of this Order no materials so dredged shall be deposited below the level of mean high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

Obstructing works

7. Any person who intentionally obstructs any person acting under the authority of the Trust in setting out the lines of or in constructing the authorised works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Works to be deemed part of harbour undertaking

8. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Trust for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Trust accordingly.

Tidal works not to be executed without approval of Secretary of State

9.—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun or while work is still in progress.

(2) If a tidal work is demolished, constructed, renewed, reconstructed or altered in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Secretary of State may by notice in writing require the Trust at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if on the expiration of 30 days from the date when the notice is served upon the Trust it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the Secretary of State urgently necessary to do so, he may himself remove the tidal work or part of it and restore the site to its former condition,

(7) 1995 c. 21.

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Trust.

Survey of tidal works

10. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of a site upon which it is proposed to construct the work and any expenditure incurred by him in such a survey and examination should be recoverable from the Trust.

Provision against danger to navigation

11.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Trust shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with the provisions of this article, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed

12.—(1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State may by notice in writing require the Trust at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work or any portion thereof, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Trust it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Trust.

Lights on tidal works during construction

13.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Trust shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Permanent lights on works

14.—(1) After the completion of a tidal work the Trust shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Period for completion of works

15. If the works are not completed within 10 years from the coming into force of this Order, the powers by this Order granted to the Trust for constructing the works shall cease except as to so much thereof as is then substantially commenced.

PART III

MISCELLANEOUS

Harbour limits

16. The limits within which the Trust shall exercise jurisdiction as a harbour authority and within which the power of the harbour authority and the power of the harbour master may be exercised shall be the area described in Schedule 1 to this Order.

Increase of borrowing powers

17. As from the commencement of this Order, section 41 of the Scrabster Harbour Order 1897(8) shall be read and have effect as if for the words “five million pounds” wherever the same shall appear there were substituted the words “one hundred million pounds”.

Power to repay debts

18. Subject to the provisions of any agreement between the Trust and the lender, the Trust may repay any sum lent to it prior to the due date for payment, whether or not demand has been made by the lender, provided that such repayment has been approved at a duly constituted meeting of the Trustees by not less than three-quarters of the Trustees present and voting at such meeting.

Amendments to Act of 1841

19. The provisions of the Act of 1841 specified in Schedule 2 to this Order shall have effect subject to the amendments set out in the said Schedule.

Power to acquire and dispose of businesses or shares

20.—(1) The Trust may, subject as hereinafter provided in this Article—

(a) acquire by agreement—

- (i) any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or so much of any business or undertaking as consists of the carrying out of such operations; or
- (ii) any business or undertaking which is wholly or mainly engaged in or which it is proposed should become wholly or mainly engaged in providing services or facilities which the Trust itself is authorised to provide;

(8) 1897 c.lxxx.

- (b) subscribe for or acquire any shares, stock, debentures, debenture stock or any other security of a like nature of a body corporate which is wholly or mainly engaged, or which it is proposed should become wholly or mainly engaged in the provision, maintenance or operation of a harbour or in providing services or facilities which the Trust itself is authorised to provide;
- (c) form and promote, or join with any other person in forming and promoting, a company for carrying on any function of the Trust;
- (d) dispose of or discontinue the whole or any part of their undertaking acquired under this article and held for the purposes of the harbour undertaking; and
- (e) create security over any shares or other securities subscribed for or acquired under this article or dispose of any such shares or securities.

(2) Except in cases which relate to the acquisition or the disposal or the creation of security over assets, or the payment of money representing less than 10% of the net assets of the Trust at the end of the previous accounting year as certified by the Auditors of the Trust the Trust shall not exercise any powers under this paragraph without the approval of the Trustees signified by a resolution to that effect.

(3) No Trustee shall be directly or indirectly concerned in any company referred to in paragraph (1)(c) above or be surety for any such company—

Provided that no Trustee shall be regarded as interested in any such company solely by reason of:—

- (a) the Trust being so interested; or
- (b) being a Director of any such company, if he holds office as such Director as representative of the Trust and on terms approved by the Trust; or
- (c) being directly or indirectly concerned in any contract with any such company or being surety for any contractor with any such company provided that, prior to being so concerned or becoming such surety, he shall have disclosed to the Trust in writing the nature and extent of his interest.

(4) Nothing in this article shall authorise a company formed under paragraph (1)(c) above to exercise any of the powers of the Trustees under—

- (a) the Harbours Act 1964; and
- (b) section XCIX (Power to make Bye Laws) of the Act of 1841.

Crown rights

21.—(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 Trust or any licensee of the Trust to take, use, enter upon or in any manner interfere with any land or interest in land (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description—

- (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 paragraph (1) above may be given unconditionally or subject to terms and conditions.

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St Andrew's House,
Edinburgh
11th May 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Article 16

LIMITS OF HARBOUR

All waters below the level of high water forming part of Thurso Bay commencing at a point at Latitude 58° 37' 40N and Longitude 003° 31' 96W (ND 110 716), thence in a northerly direction for 1,100 metres to a point at Latitude 58° 38' 00N and Longitude 003° 31' 96W (ND 110 727), thence turning in an easterly direction for a distance of 2,600 metres to a point at Latitude 58° 38' 00N and Longitude 003° 29' 20W (ND 136 727), thence turning in a southerly direction for a distance of 2,020 metres to a point at Latitude 58° 36' 86N and Longitude 003° 29' 20W (ND 136 707), thence turning in a south-westerly direction for a distance of 2,850 metres terminating at a point at Latitude 58° 36' 03N and Longitude 003° 31' 78W (ND 111 691) and shall include any water channels, quays, piers, jetties and other works, lands, buildings, wharves and erections which are for the time being vested in or occupied or administered by the Trustees.

SCHEDULE 2

Article 19

AMENDMENTS TO ACT OF 1841

1. For Section II (Vacancies how to be supplied) there shall be substituted the following Section:

“Vacancy of Trustees

II. If the number of persons (other than the sheriff of the county of Caithness or his substitute, the chief magistrate of Thurso or the owners of the lands and estates of Scrabster, Thurso East, Sandside, Holburnhead or Pennyland respectively, or any person holding the office of Trustee by virtue of being a credit or of the Trustees in the sum of £100 or upwards) holding the office of Trustee shall be less than twelve at any time then the persons entitled as hereinafter mentioned may elect a fit and proper person or fit and proper persons to supply such vacancy or vacancies, as the case may be, in accordance with the provisions of Section IV of this Act and the person or persons so elected shall have and enjoy the same powers and privileges of a Trustee as any Trustee:

Provided that if any such vacancy shall remain unsupplied the remaining Trustees shall have full power to do and perform all matters necessary for the execution of this Act”.

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2. For Section III (Creditors entitled to vote in election of Trustees) there shall be substituted the following section—

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“Persons entitled to elect Trustees

III. Any person who shall be the lawful holder for the time being of:—

- (a) an Assignment issued by the Trustees under Section XLI of this Act in respect of not less than £100 or Assignments issued under Section XLI of this Act, in respect, in aggregate, of not less than £100; or
- (b) any loan stock having a nominal value of not less than £100 issued by the Trustees pursuant to any other enactment and designated by the Trustees upon issue as loan stock to which this Section III refers,

shall be entitled to vote in the Election of Trustees in accordance with the provision of Section IV of this Act”.

3. For Section IV (Creditors to be summoned to Meetings for electing Trustees) there shall be substituted the following section:—

“Election of new trustees where there is a vacancy

IV. If any vacancy shall occur in the office of Trustee as hereinbefore mentioned any three of the remaining Trustees or three of those persons entitled to vote under Section III of this Act may give notice of such vacancy to the Clerk to the Trustees who shall within 14 days of being notified of the vacancy by means of an advertisement in a paper circulating in Caithness give notice of such vacancy and summon a meeting of those persons entitled to vote under Section III of this Act to be held for the purpose of electing a new Trustee not sooner than 28 days and not later than 42 days after publication of the advertisement. Nominations for the office of Trustee shall be in writing, signed by at least two persons entitled to vote and shall be lodged with the Clerk to the Trustees within 14 days after publication of the advertisement. The Clerk to the Trustees shall by means of an advertisement in a paper circulating in Caithness give notice of the nominations at least 7 days before the meeting. A new Trustee shall be elected by a majority

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of the votes of those persons entitled to vote under Section III of this Act who shall be present at such meeting or of the proxies of those persons entitled to vote under Section III of this Act who shall not attend personally.

The quorum for any meeting summoned under this Section shall be five persons entitled to vote at such meeting or their proxies. A person entitled to vote at any meeting summoned under this Section may only appoint a proxy by delivering to the Clerk to the Trustees, not later than 48 hours prior to the time of the meeting, a form of proxy in any common or usual form identifying the person appointed as proxy and signed by the person entitled to vote. The delivery of a form of proxy shall not prevent the person entitled to vote from attending the meeting and voting in person. A person appointed as a proxy in relation to any meeting need not be a person entitled to vote at such meeting but if a person entitled to vote at the meeting is appointed proxy for any other person entitled to vote at the meeting, he shall have an additional vote for each person whom he represents as proxy. The persons entitled to vote at any meeting summoned under this Section who are present in person or by proxy shall elect one of their number to be Preses of the meeting and in the case of an equality of votes, the Preses shall have a casting vote besides his vote as a member of the meeting. At any meeting summoned under this Section, a separate Resolution shall be put to the meeting for the election as a Trustee of each person validly nominated for election and each person entitled to vote who is present at the meeting in person or by proxy shall have a single vote which may be cast for or against each such Resolution. If, after Resolutions have been put to the meeting for the election of each person who has been validly nominated for election, more nominees would have been elected as Trustees than there are vacancies, those elected as Trustees shall be the persons in whose favour the most votes have been cast (after deducting in each case the number of votes cast against such person). Provided that, if it is necessary, in order to fill a vacancy, to choose between nominees in whose favour an equal number of

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votes have been cast (after deducting in each case the number of votes cast against such person), the choice between such nominees shall be made by lot, in a manner determined by the Preses”.

4. For Section VI (Clerk to call meetings at the request of any three of the Trustees) there shall be substituted the following section:—

“Clerk to call meetings at the request of any three of the Trustees

VI. If any three or more of the Trustees request the Clerk to the Trustees in writing to call a meeting of the Trustees and specify the purpose for which the meeting is called the Clerk to the Trustees shall, within 14 days of being so requested, by means of an advertisement specifying the purpose of the meeting in a paper circulating in Caithness summon a meeting of the Trustees to be held not sooner than 28 days and not later than 42 days after publication of the advertisement. The Trustees at such meeting shall only consider these matters specified in the advertisement”.

5. For Section VIII (Trustees may appoint Committees) there shall be substituted the following section:—

“Election of Management Committee

VIII. The Trustees shall have power to elect a Management Committee comprising not less than 3 nor more than 16 Trustees. The Management Committee shall subject as hereinafter provided be elected at the Annual General Meeting of the Trustees. Not less than 42 days before the Annual General Meeting the Clerk to the Trustees shall notify the Trustees of the election of the Management Committee by means of an advertisement in a paper circulating in Caithness. Any nominations for the Management Committee shall be in writing, signed by at least two Trustees, and shall be lodged with the Clerk to the Trustees within 14 days after publication of the advertisement. No Trustee shall be eligible for election to the Management Committee if he shall have attained the age of 70. The Clerk to the Trustees shall notify the Trustees of the nominations by means of

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an advertisement in a paper circulating in Caithness at least 7 days before the Annual General Meeting. Provided that the Management Committee may by resolution appoint any Trustee who has not yet attained the age of 70 to be a member of the Management Committee, either to fill a vacancy or as an additional member of the Management Committee provided that such appointment does not cause the number of members of the Management Committee to exceed 16.

At any meeting of the Trustees at which the election of Trustees to the Management Committee falls to be considered, a separate Resolution shall be put to the meeting for the election of each person validly nominated for election to the Management Committee and each Trustee who is present at the meeting shall have a single vote which may be cast for or against each such Resolution. If, after Resolutions have been put to the meeting for the election of each Trustee who has been validly nominated for election, more Trustees would have been elected to the Management Committee than there are vacancies, those Trustees elected to the Management Committee shall be the Trustees in whose favour the most votes have been cast (after deducting in each case the number of votes cast against such Trustee). Provided that if it is necessary, in order to fill a vacancy, to choose between Trustees in whose favour an equal number of votes have been cast (after deducting in each case the number of votes cast against such Trustee), the choice between such Trustees shall be made by lot, in a manner determined by the Preses of the meeting.

Subject to any requirement of this Act for any matter to be dealt with by a meeting of the Trustees and subject also to any restriction imposed in any Resolution of the Trustees appointing the Management Committee, the Management Committee shall be entitled in the name of the Trust to exercise all powers conferred on the Trust by this Act or otherwise. The members of the Management Committee shall retire at the end of the Annual General Meeting next following their election or appointment and shall be eligible for re-election provided that

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they have not attained the age of 70. The Management Committee may elect from its number a Chairman and a Vice-Chairman and may confer upon such Chairman and Vice-Chairman such powers as the Management Committee may determine. The Management committee may appoint Sub-Committees of such number of persons (whether or not members of the Management Committee) and having such powers and duties as the Management Committee may determine provided that a majority of the members of any such Sub-Committee shall be Trustees and the quorum for any meeting of any such Sub-Committee shall be at least two Trustees personally present.

Each meeting of the Management Committee shall be chaired by the Chairman (if any), whom failing the Vice-Chairman (if any) whom failing such member of the Management Committee as the Management Committee shall elect in relation to such meeting. The Chairman of the meeting shall have a casting vote in the event of an equality of votes, in addition to his vote as a member of the meeting”.

6. For Section VII (Trustees not to hold Offices of Emolument, nor be concerned in Contracts) as amended by the Scrabster Harbour Order 1975(9) there shall be substituted the following section:—

“Trustees not to be concerned in contracts

VII. No Trustee shall be directly or indirectly concerned in any contract under this Act nor be surety for any contractor under this Act and if any Trustee shall be convicted of contravening this section he shall forfeit and pay the sum of £100 to be paid to the Treasurer under this Act and be incapable of ever afterwards holding the office of Trustee under this Act:

Provided that the Trustees may pay to each Trustee such reasonable remuneration, allowances and expenses as the Trustees may determine and provided further that a Trustee shall not be guilty of contravening this enactment and shall not be disqualified from holding the office of Trustee under this section if he shall at the meeting at which the contract is a subject of consideration

(9) 1975 c.vii.

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have disclosed any pecuniary interest direct or indirect in any such contract and shall not have taken part in the consideration or discussion of or voted on any question with respect thereto”.

7. Section XII (Accounts to be audited annually) shall have effect as if the words “Eight Days” were omitted and replaced by the words “seven months” and if the words “to be held on the last Wednesday of May thereafter” were omitted.

8. Section XIV (An Auditor to be appointed) shall have effect as if the words “not exceeding the sum of Twenty Pounds for each Audit” were omitted.

9. Section XCIX (Power to make Bye Laws) as amended by the Scrabster Harbour Order 1975 shall have effect as if after the words “vehicles may be left” the words “for the regulation and control of all structures within the harbour, whether floating or attached to the seabed (including pipes, cables and buoys)” were added.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers the Trustees of Scrabster Harbour Trust to build a new harbour to the east of the existing Terminal Quay by extending the eastern side of Terminal Quay and constructing a breakwater quay, and to extend the existing quay in the Outer Basin.

The Order also gives the Trust ancillary powers in relation to the works. The harbour limits of the harbour are extended under the Order.

The Order also extends the borrowing powers of the Trust.

The Order also amends certain provisions of the Act of 1841 and empowers the Trust to acquire and dispose of businesses or shares.