
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 203

**The Highland Council (Muck)
Harbour Empowerment Order 1999**

**PART I
PRELIMINARY**

Citation and commencement

1. This Order may be cited as the Highland Council (Muck) Harbour Empowerment Order 1999 and shall come into force on 23rd December 1999.

Interpretation

“Act of 1991” means the Highland Regional Council (Harbours) Order Confirmation Act 1991(1);

“Act of 1997” means the Town and Country Planning (Scotland) Act 1997(2);

“annexed map” means the map annexed to this Order;

“building” includes structure or any other erection;

“construct” includes make, build, erect, install, provide, execute, place, alter, maintain and renew and “construction” shall be construed accordingly;

“the Council” means the Highland Council;

“deposited book of reference”, “deposited plans” and “deposited sections” mean respectively the book of reference, plans and sections which have been deposited in connection with this Order, two copies of which have been deposited at the Scottish Executive and one copy of which has been deposited at the offices of the Council;

“enactment” means any enactment, whether public general or local, and includes an enactment in this Order and any order, byelaw, rule, regulation, scheme and other instrument having effect by virtue of an enactment;

“government department” includes any part of or any member of staff of the Scottish Administration which shall have the meaning defined in section 126(6) of the Scotland Act 1998(3);

“harbour” means the harbour of Muck as authorised by this Order;

“harbour undertaking” means the harbour undertaking of the Council at Muck authorised by this Order;

“land” includes land covered by water, any interest in land and any servitude or right in or over land;

(1) 1991 c.xii.
(2) 1997 c. 8.
(3) 1998 c. 46.

“the Land Compensation Act” means the Land Compensation (Scotland) Act 1963⁽⁴⁾;
 “the limits of deviation” means the limits so shown on the deposited plans;
 “the limits of land to be acquired or used” means the limits marked “limit of land to be acquired or used” on the deposited plans;
 “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;
 “road” has the meaning given to it by section 151 of the Roads (Scotland) Act 1984⁽⁵⁾;
 “sheriff” means any sheriff for the Fort William Sheriff Court district;
 “sheriff clerk” means any sheriff clerk within Fort William Sheriff Court district;
 “tribunal” means the Land Tribunal for Scotland; and
 “works” means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to article 5 (power to carry out works) and any work carried out pursuant to the incorporation of the Highland Regional Council (Harbours) Order⁽⁶⁾ in this Order.

In this Order, except where the context otherwise requires—

(2) All areas, directions, distances, lengths and widths as stated in any description of works, powers or lands other than article 6 (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.

Incorporation of Highland Regional Council (Harbours) Order

3.—(1) The Highland Regional Council (Harbours) Order (except sections 59, 62, 63 and 64) as confirmed by the Act of 1991, so far as applicable for the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with and forms part of this Order subject to the modifications stated in paragraphs (2) to (4) below.

(2) In construing, for the purposes of this Order, the provisions of the Highland Regional Council (Harbours) Order as incorporated with this Order—

- (a) the expression “the Council” means the Highland Council;
- (b) the expression “harbour limits plans” means the plans showing the limits of harbour jurisdiction at Muck, two copies of which have been deposited at the Scottish Executive and one copy of which has been deposited at the offices of the Council; and
- (c) the expression “the undertaking” means the harbour undertaking of the Council at Muck authorised by this Order.

(3) Section 3(4) of the Highland Regional Council (Harbours) Order shall have effect as if for the reference to section 634 of the Merchant Shipping Act 1894⁽⁷⁾ there were substituted a reference to section 193 of the Merchant Shipping Act 1995⁽⁸⁾.

(4) Schedule 1 of the Highland Regional Council (Harbours) Order shall have effect as if there were added the following provision—

(4) 1963 c. 51.

(5) 1984 c. 54.

(6) Confirmed by section 1 of the Act of 1991 and as set out in the Schedule thereto.

(7) 1894 c. 60.

(8) 1995 c. 21.

“Muck

All waters below the level of high water forming Port Mor commencing at a point NM 142201 778535, thence in a south easterly direction for a distance of 650 metres to a point NM 142644 778062, thence in a north easterly direction for a distance of 490 metres to a point NM 143058 778320, thence in a north westerly direction for a distance of 756 metres to a point NM 142670 778968, on the level of high water.”.

Incorporation of Lands Clauses Act

4.—(1) The Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845)⁽⁹⁾, so far as they are applicable for the purposes of, and are not varied by or inconsistent with, the provisions of this Order, are incorporated with this Order.

(2) In construing, for the purposes of this Order, the provisions of the Lands Clauses Acts as incorporated with this Order—

- (a) this Order shall be deemed to be the special Act;
- (b) the Council shall be deemed to be the promoters of the undertaking or the company;
and
- (c) the works shall be deemed to be the works of the undertaking.

(9) 1845 c. 19.