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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 410**

**The Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002**

**PART I**

**PRELIMINARY**

**Incorporation of Harbours, Docks, and Piers Clauses Act 1847**

**3.—(1)** The following provisions of the 1847 Act are hereby incorporated with, and form part of, this Order—

sections 1, 2, 3, 4, 20, 21, 23, 27, 29, 31 to 36, 43, 52 to 66, 68 to 71, 73, 77, 78, 92 and 94.

(2) The said provisions as so incorporated shall have effect as follows:—

- (a) “the special Act” means this Order;
- (b) “the Promoters of the undertaking” and “the undertakers” mean the Comhairle,
- (c) “the harbour, dock or pier” means the harbour areas;
- (d) “vessel” has the meaning given by article 2 above;
- (e) section 52 shall extend to empower the harbour master to give directions prohibiting the mooring within a harbour area of any vessel\_
  - (i) using any works for the time being vested in the Comhairle, or coming to or departing from those works;
  - (ii) which is obstructing any such works, or the approach thereto; or
  - (iii) which threatens the safety of navigation in a harbour area;
- (f) notice given by the harbour master to the master of a vessel under section 53 need not be in writing but may be given orally, or in any other reasonable manner;
- (g) in section 63, for the words from “penalty” to the end of the section there shall be substituted the words “on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (h) in section 69, for the words “forfeit” to the end of the section there shall be substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (i) in section 73, for the words “five pounds” there shall be substituted the words “level 2 on the standard scale”;
- (j) in section 84, for the words “five pounds” there shall be substituted the words “level 2 on the standard scale”.

(3) Notwithstanding any direction given before the date of the coming into force of this Order by the Secretary of State under section 10(1) of the Harbours, Piers and Ferries (Scotland) Act 1937(1),

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**Status:** This is the original version (as it was originally made).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

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the provisions of the 1847 Act, other than those referred to in paragraph (1) above, shall not apply to any harbour area.