
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 308

The Whitehills Harbour and Marina (Constitution) Order 2013

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Whitehills Harbour and Marina (Constitution) Order 2013 and comes into force on the day after the day on which it was made.

(2) The Whitehills Harbour Order 1895 and this Order may be together cited as the Whitehills Harbour Orders 1895 to 2013.

Interpretation

2. In this Order—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(1);

“the 1895 Order” means the Whitehills Harbour Order 1895 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1895, Session 2;

“application date” means the third Tuesday in November;

“appointing body” has the meaning given by article 6(1);

“appointment date” means the third Tuesday in December;

“the Commissioners” means the Whitehills Harbour Commissioners holding office under the 1895 Order or this Order as the case may require;

“convenor” means the convenor of Commissioners elected according to paragraph 1 of Schedule 2;

“the harbour” means the harbour of Whitehills under the management and control of the Commissioners and as defined in section 19 of the 1895 Order;

“the new constitution date” means the appointment date in the year 2013.

Incorporation of the 1847 Act

3.—(1) Sections 1 to 4, 34, 35, 37 to 39, 42, 51, 54, 55 and 63 to 65 of the 1847 Act are incorporated with this Order subject to the modifications stated in paragraphs (2) to (4).

(2) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission)(2) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(1) [1847 c.27](#)

(2) There are amendments to section 63 not relevant to this Order.

Status: This is the original version (as it was originally made).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

(3) Section 65 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.

(4) In construing the provisions of the 1847 Act as incorporated with this Order—

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means the Commissioners and the expression “the harbour, dock, or pier” shall mean the harbour; and
- (b) for the definition of the word “vessel” in section 3 (interpretations in this and the special Act) there shall be substituted the definition of that word in paragraph (1) of article 2 (interpretation).