



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VIII

FUNCTIONS

Miscellaneous functions

154 Piers and Harbours.

- (1) ^{F1} . . . , all rights which are presently vested in [^{F2}regional, islands or district councils] in relation to harbours, piers, boatslips and jetties, all functions relating thereto, and all liabilities to which [^{F3}regional, islands or district councils] are subject in that connection, are hereby transferred to the ^{F4} . . . council within whose area the harbour, pier, boatslip or jetty is situated, and the enactments specified in Schedule 19 to this Act shall have effect subject to the amendments set out in that Schedule.
- (2) Where a harbour is situated partly within the area of one ^{F5} . . . council and partly within the area of another ^{F5} . . . council, all such rights, functions and liabilities as aforesaid shall be transferred to those councils jointly.
- (3) A ^{F6} . . . council or any two or more ^{F7} . . . councils acting in combination may acquire by agreement, or, if so authorised by the Secretary of State, may acquire compulsorily—
 - (a) land for the purpose of constructing, re-constructing, extending or improving a marine work;
 - (b) any harbour whose acquisition is considered by the council to be desirable in the interests of their area and
 - (i) whose maintenance is to be discontinued by its owner, or
 - (ii) which is considered by the council to be in a poor state of repair,and sections 70(2) to (5) and 71(3) and (4) of this Act shall apply respectively to acquisition by agreement or compulsorily under this subsection as they apply for the purposes of those sections.

^{F8}(3A)

Changes to legislation: Local Government (Scotland) Act 1973, Section 154 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F8}(3B)

(4) If a local authority so elects and notifies the Secretary of State accordingly, Part III of the ^{M1}Harbours, Piers and Ferries (Scotland) Act 1937 shall apply to any harbour transferred to or acquired by them under this section which is not a marine work as if it were a marine work.

(5) A local authority may make loans to a harbour authority for a harbour wholly or partly situated within their area, on such terms as may be agreed between the local authority and the harbour authority, for the purpose of enabling the harbour authority to do anything which they have power to do.

(6) Where provisions of the ^{M2}Harbours, Docks and Piers Clauses Act 1847 have been incorporated with any enactment, the amendments made by this Act in that Act shall be so incorporated.

(7) In this section [^{F9}—]

[^{F9}“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and]

“harbour authority” and “marine work” have the same meanings as in section 57(1) of the ^{M3}Harbours Act 1964 and so has “harbour” except that it does not include a ferry within the meaning of section 153(5) of this Act

Textual Amendments

- F1** Words in s. 154(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(a)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F2** Words in s. 154(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F3** Words in s. 154(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(a)(iii)**; S.I. 1996/323, **art. 4(1)(c)**
- F4** Words in s. 154(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(a)(iv), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F5** Words in s. 154(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F6** Words in s. 154(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(c)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F7** Words in s. 154(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(c)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F8** S. 154(3A)(3B) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(d), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F9** Definition of "council" in s. 154(7) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(e)**; S.I. 1996/323, **art. 4(1)(c)**

Modifications etc. (not altering text)

- C1** S. 154 certain functions transferred (18.11.1990) by S.I. 1991/43, **art. 3(1)**.
S. 154 certain functions transferred (25.2.1991) by S.I. 1991/1082, **art. 3(1)**.
S. 154 certain functions transferred (8.2.1993) by S.I. 1993/321, **art. 3(1)**

Marginal Citations

- M1** 1937 c. 28.
M2 1847 c. 27.

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M3 1964 c. 40.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)