



# Harbours, Piers and Ferries (Scotland) Act 1937

1937 CHAPTER 28 1 Edw 8 and 1 Geo 6

## PART III

### MAINTENANCE OF MARINE WORKS

#### 11 Byelaws

- (1) The purposes for which byelaws may be made under section eighty-three of the <sup>M1</sup>Harbours, Docks, and Piers Clauses Act 1847, as applied to a marine work by section ten of this Act, shall extend to the prevention of obstruction or injury to the marine work, so however that no estate, interest or right of a profitable or beneficial nature in, over, or affecting the marine work shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any such byelaw without compensation being made or provided for the same by the authority making the byelaw, and such compensation shall in case of difference be determined by an arbiter appointed, in default of agreement between the parties, by the [<sup>F1</sup>Secretary of State for Scotland].
- (2) The byelaws which may from time to time be made in the exercise of the power conferred by section eighty-three of the <sup>M2</sup>Harbours, Docks, and Piers Clauses Act 1847, as applied by section ten of this Act, may provide for imposing a penalty not exceeding [<sup>F2</sup>£50] for any breach of failure to observe any such byelaw.
- (3) No byelaws made under the aforesaid section as so applied shall come into operation until they have been confirmed by the [<sup>F1</sup>Secretary of State for Scotland]:  
Provided that, in the case of any such byelaws which the [<sup>F1</sup>Secretary of State for Scotland] in consultation with the Board of Trade shall deem to concern primarily the interests of navigation, the Board of Trade shall be substituted for the [<sup>F1</sup>Secretary of State for Scotland], and the confirmation of any such byelaws by the [<sup>F1</sup>Secretary of State for Scotland] or the Board of Trade shall be sufficient evidence of compliance with the provisions of this subsection.

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**Changes to legislation:** There are currently no known outstanding effects for the Harbours,  
Piers and Ferries (Scotland) Act 1937, Section 11. (See end of Document for details)

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#### Textual Amendments

- F1** Words substituted by virtue of S.I. 1970/1537, **art. 6 Sch. 2 para. 2**  
**F2** Words substituted by **Criminal Justice Act 1967 (c. 80)**, s. 92, **Sch. 3 Pt. II**

#### Modifications etc. (not altering text)

- C1** S. 11 restricted (21.9.2019) by **The Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019 (S.S.I. 2019/296)**, arts. 1(1), **25(4)(b)** (with arts. 48, 49)  
**C2** S. 11(1)(2)(3) modified (1.8.1995) by S.I. 1995/2007 arts. 4(1)(a)-(c), 5

#### Marginal Citations

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

**Changes to legislation:**

There are currently no known outstanding effects for the Harbours, Piers and Ferries (Scotland) Act 1937, Section 11.