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STATUTORY INSTRUMENTS

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**1993 No. 1201 (S.176)**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Scrabster Harbour Revision Order 1993**

*Made* - - - - 27th April 1993

*Coming into force* - - 6th May 1993

The Secretary of State, in exercise of the powers conferred by section 14 of the Harbours Act 1964((1)), (being the appropriate Minister under section 14(7) of that Act for the purpose of making this Order) and of all other powers enabling him in that behalf, and on the application of the Trustees of the Harbour of Scrabster, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Scrabster Harbour Revision Order 1993 and this Order and the Scrabster Harbour Acts and Orders 1841 to 1989 may be cited together as the Scrabster Harbour Acts and Orders 1841 to 1993 and shall come into force on 6th May 1993.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“Act of 1841”((2)) means the Act passed in the fourth and fifth years of the reign of Her Late Majesty Queen Victoria intituled “An Act for making and maintaining a Harbour at Scrabster Roads in the Bay of Thurso and County of Caithness, and Road thereto”;

“harbour” means the harbour of Scrabster as authorised by the Act of 1841, the Scrabster Harbour Order 1897((3)) and the Scrabster Harbour Order 1989((4)) together with the lands, buildings, works, plant, property and conveniences connected therewith or any part thereof as the case may be;

“Order of 1972” means the Scrabster Harbour (Vehicle Ferry Terminal &c.) Order 1972 scheduled to and confirmed by the Scrabster Harbour (Vehicle Ferry Terminal &c.) Order Confirmation Act 1972((5));

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(1) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and by the Transport and Works Act 1992 (c. 42) section 63 and Schedule 3.

(2) 1841 c. 1.

(3) 1897 c. lxxx.

(4) 1989 c. v.

(5) 1972 c. liii.

“Order of 1975” means the Scrabster Harbour Order 1975 scheduled to and confirmed by the Scrabster Harbour Order Confirmation Act 1975((6));

“Trustees” means the Trustees of Scrabster Harbour Trust being the Trustees of the Harbour of Scrabster being renamed as provided in article 3 of this Order.

### **Change of name**

**3.**—(1) The name of the Trustees of the Harbour of Scrabster is hereby changed to Scrabster Harbour Trust.

(2) The change of name effected by paragraph (1) of this article shall not affect the rights or obligations of any person or render defective any legal proceedings; and any reference in—

(a) any enactment, or

(b) any agreement, deed, lease, licence or other instrument in force immediately before the commencement of this Order,

to the Trustees of the Harbour of Scrabster, or a trustee of that Harbour shall be read as a reference to Scrabster Harbour Trust.

### **Power to grant security**

**4.** As from the coming into force of this Order, section 41 of the Scrabster Harbour Order 1987 as amended by section 8 of the Scrabster Harbour Revision Order 1970((7)), section 16 of the Order of 1972, section 12 of the Scrabster Harbour Order 1975 and section 9 of the Scrabster Harbour Order 1989 shall be read and have effect as if the words “or any harbour property whether owned or leased by the Trustees” were inserted after the word “thereof” and before the word “or”.

### **Validation of Execution of Deeds**

**5.** Any deed which the Trustees have executed prior to the date of the coming into force of this Order using a common seal in the name of “The Scrabster Harbour Trust” shall be deemed to have been validly executed as if such common seal had been in the name of the Trustees.

### **Amendment of section 9 of the Order of 1975**

**6.** As from the coming into force of this Order, section 9 of the Order of 1975 shall be read and have effect as if for the words “if it is sealed with the common seal and signed by three Trustees or two Trustees and the clerk to the Trustees” there were substituted the words “if it is signed by two Trustees or one Trustee and the clerk to the Trustees” and as if the words “and need not be sealed” were omitted from subsection (2) of the said section.

St. Andrew’s House,  
Edinburgh  
27th April 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

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(6) 1975 c. vii.  
(7) S.I.1970/1094.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order—

- (a) changes the name of the Trustees of the Harbour of Scrabster to “Scrabster Harbour Trust”;
- (b) empowers the Trustees to grant a standard security over their heritable property whether owned or leased;
- (c) validates the execution of deeds by the Trustees; and
- (d) amends section 9 (Execution of deeds by Trustees and authentication of documents) of the Order of 1975.

The applicants for this Order are the Trustees of Scrabster Harbour whose offices are situated at The Harbour, Scrabster, by Thurso.