STATUTORY INSTRUMENTS

1984 No. 206

HARBOURS, DOCKS, PIERS AND FERRIES

The Inverness Harbour Revision Order 1983

Made - - - -	*28th November* 1983
Laid before Parliament	*21st December* 1983
Coming into Operation	*27th February* 1984

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964 (**a**) and now vested in him (**b**) and of all other powers enabling him in that behalf, and on the application of the Trustees of the Harbour of Inverness, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Inverness Harbour Revision Order 1983 and the Inverness Harbour Acts 1808 to 1976 and this Order may be cited together as the Inverness Harbour Acts and Order 1808 to 1983 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 (**c**).

Interpretation

2. In this Order:—

"Order of 1911" means the Inverness Harbour Order 1911 (**d**);

"regional council" means the Highland Regional Council;

"Trustees" means the Trustees of the Harbour of Inverness.

Amendments of Order of 1911

3. Section 5 (Harbour Trustees Incorporated) of the Order of 1911 shall have effect as if for the words "the chairman and vice chairman for the time being of the Transport Engineering and Basic Services Committee of the regional council and five persons" there shall be substituted the words "and seven persons".

4. Section 6 (Trustees how chosen) of the Order of 1911 shall have effect subject as follows:—

(a) subsection (2) shall cease to have effect; and

(b) for subsection (3) there shall be substituted the following—

"(3) *(a)* Seven persons (hereinafter called "council representatives") appointed by the regional council from among persons who are members of the regional council of whom five shall represent electoral divisions in the Inverness District.

(**a**) 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.
(**b**) S.I. 1981/238. (**c**) 1945 c.18 (9 & 10 Geo. 6); 1965 c.43.
(**d**) 1911 c.cxxi section 5 was amended by paragraph 2 of the Schedule to the Inverness Harbour Revision Order 1976 (c.iv).

[DET2183]

(b) Appointments of council representatives shall be made by the regional council at the first meeting of the council held after the coming into operation of the Inverness Harbour Revision Order 1983. The council representatives shall retire from office on the expiration of their terms of office as members of the council; and as soon as may be thereafter the council shall appoint council representatives as aforesaid to fill up the places of the retiring council representatives.

(c) Provided always that a council representative retiring at the expiration of his term of office as a member of the regional council shall be eligible for re-appointment as a council representative if he is again elected a member of that council:

Provided also that if a council representative ceases from any cause to be a member of the regional council he shall thereupon cease to be one of the council representatives and the casual vacancy thereby created shall be filled up by the regional council in the manner described in section 24(1) of this Order (**a**).

(d) The chairman and vice-chairman of the Transport Engineering and Basic Services Committee of the regional council and the five council representatives in office at the coming into operation of the Inverness Harbour Revision Order 1983 shall remain in office as trustees until the first meeting of the regional council held after the coming into operation of that Order".

Borrowing

5. The Trustees may in addition to the sums already borrowed or authorised to be borrowed by them from time to time borrow upon the security of their assets for the time being and upon the revenues of the Trust, by any method they see fit—

(a) such sums of money as they think necessary provided that the total amount of money so borrowed and outstanding shall not at any one time exceed two million pounds;

(b) with the sanction of the Secretary of State such further sum or sums as they may require.

Application of provisions of Order of 1911

6. The following provisions of the Order of 1911 shall extend and apply to the exercise of the powers of this Order as if the same were with all necessary modifications expressly re-enacted in this Order, namely:—

section 91 (Sinking fund);

section 96 (Corporation may guarantee loan);

section 97 (Corporation may guarantee instalments etc. on security of guarantee rate);

section 98 (Payment by corporation under the guarantee to be made on requisition by the Trustees);

section 99 (Harbour guarantee rate);

section 100 (Assessment and levying of rate);

section 101 (Payments by corporation to be a debt owing by Trustees);

(a) Section 24(1) of the Order of 1911 was amended by Article 9 of the Inverness Harbour Order 1976 (c.iii and iv).

Provided that—

(i) in the application of the said sections 96, 97, 98, 99, 100 and 101 for references to "the corporation" there shall be substituted references to "the Highland Regional Council";

(ii) in the application of the said section 96 in place of the words "Act of 1899" there shall be inserted the words "section 154 of the Local Government (Scotland) Act 1973"(a); and

(iii) in the application of the said section 100—

(a) in place of the word "Burgh" where first occurring there shall be substituted the words "Inverness District";

(b) the words "and that either separately from or along with and in the same manner as the other assessments leviable by the Corporation are imposed and levied by them within the Burgh" shall be omitted; and

(c) in place of the words "Burgh Police (Scotland) Acts 1892 to 1903" and the words "Burgh Police Acts" there shall be inserted the words "Burgh Police (Scotland) Acts 1892 to 1911 and any Act or Acts amending the same and the Local Government (Scotland) Act 1973"(a).

Ranking of moneys borrowed

7. All moneys borrowed under Article 5 of this Order shall rank in point of security as to interest and capital after moneys borrowed under the Inverness Harbour Acts 1808 to 1976 before and remaining outstanding at the date of the coming into operation of this Order but, subject as aforesaid, shall rank pari passu one with another without any priority on account of the date of issue or on any other account.

Costs of Order

8. The costs, charges and expenses of and incidental to the preparing and obtaining of this Order, and otherwise in relation thereto (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament for any costs incurred in opposing this Order), shall be paid by the Trustees.

Nicholas Ridley,
Secretary of State for Transport.

28th November 1983.

(a) 1973 c.65.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends section 5 (Harbour Trustees Incorporated) of the Inverness Harbour Order 1911 as amended by paragraph 2 of the Schedule to the Inverness Harbour Order 1976 by enabling the regional council to appoint seven persons as Trustees of the Harbour of Inverness in place of the chairman and vice-chairman of the Transport Engineering and Basic Services Committee of the regional council and five persons.

The Order also authorises the Trustees to borrow such sums of money as they think necessary not at any time exceeding two million pounds and with the consent of the Secretary of State such further sums as they may require.

The Order being subject to Special Parliamentary Procedure, the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 determine the date upon which it comes into operation.

The applicants for this Order are the Trustees of the Harbour of Inverness.

Printed in the UK for HMSO.

850/G 406/3716 WO D26 C9 1/84

ISBN 0 11 046206 8