ELIZABETH II



1984 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Orkney Islands Council. [13th March 1984]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed. Confirmation of Order in Schedule.

2. This Act may be cited as the Orkney Islands Council Order Confirmation Act 1984. Short title.

SCHEDULE

ORKNEY ISLANDS COUNCIL

Provisional Order (as modified) to empower the Orkney Islands Council to operate an omnibus undertaking and to make better provision for the administration of the Orkney harbour areas.

1973 c. 65. Whereas under the Local Government (Scotland) Act 1973 the Orkney Islands Council are the local authority vested with the functions of an islands council in respect of the Orkney Islands Area:

And whereas the provision and maintenance of an adequate omnibus service for the conveyance of persons by road within the said Area is essential to the well-being of the inhabitants of that Area and of public benefit:

And whereas it is apprehended that certain existing omnibus services might be discontinued by those undertakers who now operate them and it is expedient, and of public and local advantage, that the Council should be empowered themselves to provide such services should such services be discontinued, and to provide services where no present services exist:

And whereas for the better administration and regulation of the harbour areas under the jurisdiction of the Council it is expedient that the general byelaw-making powers of the Council be extended:

And whereas it is expedient that the maximum fines which may be imposed for certain offences specified respectively in the Orkney
1974 c. xxx. County Council Act 1974 and in the Orkney Islands Council Order
1978 c. iv. 1978 should be increased, and that the other provisions of this Order be passed into law:

And whereas the purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private
1936 c. 52. Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

1. This Order may be cited as the Orkney Islands Council Order 1983. Short title.

2. Subject to the following provisions of this section, and except where the context otherwise requires, expressions in this Order which are defined in the 1974 Act have the same respective meanings, and in this Order— Interpretation.

"the 1974 Act" means the Orkney County Council Act 1974; 1974 c. xxx.

"the Council" means the Orkney Islands Council.

3. The Council shall be authorised to operate and maintain an omnibus undertaking where no omnibus service exists, and Part V of the Road Traffic Act 1930 shall accordingly apply to any such undertaking. Omnibus undertaking. 1930 c. 43.

4.—(1) Section 3 (1) of the 1974 Act and Byelaw 2 (1) of the Orkney Harbour Areas Byelaws 1977 are amended by substituting for the definition of "dangerous goods" the following definition:— Dangerous goods.

" 'dangerous goods' means any goods defined as dangerous goods by regulations for the time being in force under section 21 of the Merchant Shipping Act 1979;". 1979 c. 39.

(2) Section 6 (Dangerous goods) of the Orkney Islands Council Order 1978 is hereby repealed. 1978 c. iv.

5. Section 46(1) of the 1974 Act is amended— General byelaws.

(*a*) in paragraph (*a*) thereof, by substituting for the words "ease and convenience" the words "ease, convenience and safety";

(*b*) in paragraph (*c*) thereof, by substituting for the words "at port premises" the words "in a harbour area";

(*c*) in paragraph (*d*) thereof, by substituting for the words "and vessels at port premises" the words "vessels and property in a harbour area";

(*d*) by adding at the end of the subsection the following paragraph:—

"(*g*) for regulating the types of vehicles which may enter or be in a harbour area and the use, placing, loading or unloading, driving and maintenance of such vehicles and giving powers to officers or servants of the Council in relation to such regulation.".

6. The enactments specified in column (1) of the Schedule to this Order, which provide maximum fines for the offences broadly described in column (2) of that Schedule, shall have effect respectively as if the new maximum fine that may be imposed on conviction of each offence were the amount specified in column (4) thereof instead of the old maximum fine specified in column (3) of the Schedule. Increase of maximum fines.

Exemption of certain vessels.

7. Section 65 (Exemption for certain vessels) of the 1974 Act is amended by substituting for the words "or to subject" the words "or cause pollution or other damage to the amenities of the area, nor shall it extend to subjecting".

SCHEDULE

Section 6.

INCREASE OF MAXIMUM FINES

Section of Act or Order (1)	Offence (2)	Present maximum fine (3)	New maximum fine (4)	
Orkney County Council Act 1974				1974 c. xxx.
39 (3) (i)	Bringing, etc., forbidden goods into harbour area, or failure to comply with terms or conditions in relation thereto	£100	£200	
47 (3)	Offences against dangerous goods byelaws	£100	£500	
Orkney Islands Council Order 1978				1978 c. iv.
4 (4)	Unauthorised use of tugs	£100	£200	

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£1·30 net

ISBN 0 10 510184 2