ELIZABETH II



1981 CHAPTER xxix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Ullapool Pier. [31st July 1981]

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 Ullapool Pier Order Confirmation Act 1981. Short title.

SCHEDULE

ULLAPOOL PIER

Provisional Order to extend the limits of jurisdiction of the Ullapool Pier Trustees.

Whereas the Ullapool Pier Trustees (hereinafter in this Order referred to as "the Trustees") were constituted by the Ullapool
1911 c. clxxxvi. Pier Order 1911 for the maintenance and regulation of piers and works at Ullapool in the parish of Lochbroom in the district of Ross and Cromarty in the Highland Region and for other purposes in that Order set forth:

S.I. 1965/1387. 1973 c. xv. And whereas by the Ullapool Pier Order 1965 and the Ullapool Pier Order 1973 further powers were conferred on the Trustees for the improvement and better regulation of their undertaking:

And whereas it is expedient that the limits of jurisdiction of the Trustees, as well as their powers to levy charges therein, should respectively be extended and that the other provisions in this Order should be enacted:

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

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

Short title and citations.

1.—(1) This Order may be cited as the Ullapool Pier Order 1981.

(2) This Order and the Ullapool Pier Orders 1911 to 1973 may be cited together as the Ullapool Pier Orders 1911 to 1981.

Interpretation.

2. In this Order "the Trustees" means the Ullapool Pier Trustees incorporated by the Ullapool Pier Order 1911 scheduled to and confirmed by the Pier and Harbour Order Confirmation (No. 4) Act 1911.

Harbour and rating limits.

3. The following section shall be substituted for section 21 (Harbour and rating limits) of the Ullapool Pier Order 1965:—

"Harbour and rating limits.

21.—(1) The limits within which the Trustees shall have authority and within which the powers of the harbour-master may be exercised and the limits within which the power to levy rates may be exercised shall be the existing pier, the works and the sea area to the level of mean high-water springs (comprising Loch Broom and the seaward approaches thereto easterly of Carn Skerries) lying south-east of an imaginary line drawn from Cailleach Head (latitude 57° 55′ 54″ N, longitude 5° 24′ 12″ W) to the south-eastern extremity of Meall nan

Caorach (latitude 57° 57′ 21″ N, longitude 5° 21′ 33″ W) and thence to Garbh Allt burn (latitude 57° 58′ 16″ N, longitude 5° 14′ 39″ W).

(2) Nothing in subsection (1) above shall empower the Trustees in the area which is both outwith the 1965 limits of jurisdiction and within the 1981 limits of jurisdiction, to levy ship, passenger or goods dues (as defined in section 57 of the Harbours Act 1964) in respect of any vessel being— 1964 c. 40.

(*a*) a pleasure craft, whether on hire or not, which is owned by a person ordinarily resident in the parish of Lochbroom; or

(*b*) any other craft not exceeding a length overall of 18·5 metres which is not engaged in that area in the trans-shipping of fish.

In this subsection " the 1965 limits of jurisdiction " means the limits under this section immediately before the coming into operation of the Ullapool Pier Order 1981; and " the 1981 limits of jurisdiction " means the limits under this section immediately after the coming into operation of that Order. "

Byelaws.

4. The byelaws made by the Trustees on 16th March 1978 and confirmed by the Secretary of State on 18th July 1978, which immediately before the coming into operation of this Order applied with respect to the limits within which the Trustees then had authority shall until revoked apply with any necessary modifications and, except so far as they relate only to any specified part of those limits, with respect to the limits prescribed by section 21 (Harbour and rating limits) of the Ullapool Pier Order 1965 as re-enacted by section 3 (Harbour and rating limits) of this Order: S.I. 1965/1387.

Provided that, after the coming into operation of this Order, byelaws 7, 8, 15, 17 and 34 of the said byelaws shall continue to apply only with respect to the limits prescribed by section 21 of the said Act of 1965 as originally enacted.

Extension of power to make charges.

5. In addition to the power to levy ship, passenger and goods dues pursuant to section 26 of the Harbours Act 1964, the Trustees may demand, take and recover in respect of any dracone or floating dock, crane, rig or plant (not being a ship as defined in section 57 of that Act) entering or leaving the limits prescribed by section 21 (Harbour and rating limits) of the Ullapool Pier Order 1965 such reasonable charge as they think fit; and sections 30, 31, 32 and 34 of that Act shall with any necessary modification apply to any such charge as they apply to ship, passenger and goods dues.

Costs of Order.

6. All costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in relation thereto shall be paid by the Trustees.

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