
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 54

The Wick Harbour Revision Order 2017

PART 2

THE WORKS

Miscellaneous

Power to grant exclusive rights

16.—(1) In addition to powers under section 35 of the Wick and Pulteney Harbours Act 1899, the Authority may make arrangements to lease or otherwise grant the exclusive, partial or preferential use of, or occupation of, or any right or interest in or over any part of the undertaking shown within the limits of deviation on the deposited plan for such period, and at such rents and other considerations and on such terms and conditions as they think fit.

(2) Any arrangements made under paragraph (1) are, and in their terms must be expressly declared to be, entirely without prejudice to the functions and statutory duties of the Authority as harbour authority for the undertaking.

(3) Nothing in this section authorises the Authority to sell or otherwise permanently dispose of any part of the undertaking that is required for the purposes of the harbour.

Crown rights

17.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Authority or any other person to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate, without the consent in writing of the government department having the management of that land; or
- (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.

(3) In this article, “government department” includes any part of, or any member of the staff of, the Scottish Administration (which shall have the same meaning as in section 126(6) of the Scotland Act 1998(1)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
