



# Harbours Act 1964

## 1964 CHAPTER 40

### *Miscellaneous and General*

#### **57 Interpretation.**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

.....<sup>F1</sup>  
“the Boards” means . . . <sup>F2</sup> the British Railways Board and the British Waterways Board [<sup>F3</sup>and includes . . . <sup>F4</sup> the Scottish Transport Group and any subsidiary within the meaning of the <sup>M1</sup>Transport Act 1968 of any of those Boards or of that . . . <sup>F4</sup> Group;]<sup>F5</sup> “bridleway”, in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in Part III of the Countryside (Scotland) Act 1967;]

“charges” includes fares, rates, tolls and dues of every description;

“the Consolidated Fund” means the Consolidated Fund of the United Kingdom;  
.....<sup>F1</sup>

“district board” has the same meaning as in the Salmon and Freshwater Fisheries (Protection) <sup>M2</sup>(Scotland) Act 1951;

“dock” means a dock used by sea-going ships;

[<sup>F6</sup>“environmental assessment” means an assessment in accordance with Council Directive No.85/337/EEC;]

“first local advertisement” means, in relation to the publication of a notice as respects a harbour or group of harbours, the first publication of the notice in a local newspaper circulating in the locality where the harbour or group is situate;

“fish” includes molluscs and crustaceans;

“fishery harbour” has the same meaning as in section 21 of the <sup>M3</sup>Sea Fish Industry Act 1951;]<sup>F7</sup> “footpath”, in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in the Roads (Scotland) Act 1984;]

“functions” includes powers and duties;

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“Gazette and local advertisement” means, in relation to an application, proposed order, order or scheme relating to a harbour or group of harbours, publication in the Gazette and, in each of two successive weeks, in one or more local newspapers circulating in the locality where the harbour or group is situate;

“the Gazette” means—

- (a) in relation to publication of a notice as respects a harbour or group of harbours in England or Wales, the London Gazette; and
- (b) in relation to the publication of a notice as respects a harbour or group of harbours in Scotland, the Edinburgh Gazette;

“goods” includes fish, livestock and animals of all descriptions;

“harbour”, except where used with reference to a local lighthouse authority, means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes a dock, a wharf, and in Scotland a . . . <sup>F8</sup>boatslip being a marine work, and, where used with reference to such an authority, has the [<sup>F9</sup> same meaning as in the Merchant Shipping Act 1995]

“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour;

“harbour empowerment order” has the meaning assigned to it by section 16(4) of this Act;

“harbour land” means land adjacent to a harbour and occupied wholly or mainly for the purposes of activities there carried on;

“harbour operations” means,—

- (a) the marking or lighting of a harbour or any part thereof;
- (b) the berthing or dry docking of a ship;
- (c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;
- (d) the movement of goods or passengers within the limits within which the person engaged in improving, maintaining or managing a harbour has jurisdiction or on harbour land;
- (e) in relation to a harbour (which expression for the purposes of this paragraph does not include a wharf)—
  - (i) the towing, or moving of a ship which is in or is about to enter or has recently left the harbour;
  - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches thereto;
  - (iii) the lighterage or handling of goods in the harbour; and
- (f) in relation to a wharf,—
  - (i) the towing or moving of a ship to or from the wharf;
  - (ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship;

“harbour revision order” has the meaning assigned to it by section 14(1) of this Act;

“harbour reorganisation scheme” has the meaning assigned to it by section 18(1) of this Act;

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“improvement committee” has the meaning assigned to it by section 3(1) of the <sup>M4</sup>Land Drainage (Scotland) Act 1958;

“land” includes land covered by water;

<sup>F10</sup>  
...

“lighthouse” has the [<sup>F9</sup>same meaning as in the Merchant Shipping Act 1995]

“local lighthouse authority” means any person having by law or usage authority over local lighthouses, buoys or beacons;

“marine work” [<sup>F11</sup>means a harbour or boatslip in Scotland (other than a harbour or boatslip which is vested in any of the bodies specified in Schedule 3 to the <sup>M5</sup>Harbours, Piers and Ferries (Scotland) Act 1937 or which is vested in any of the Boards other than the Scottish Transport Group or a subsidiary within the meaning of [<sup>F12</sup>section 736 of the Companies Act 1985] of that Group)];

- (a) which, in the opinion of the Secretary of State and the Minister, is principally used or required for the fishing industry, or
- (b) which, being situated in one of the following [<sup>F11</sup>areas, namely, the Highland Region, the islands areas of Orkney, Shetland and the Western Isles or the Argyll district other than the former burgh of Rothesay and the former district of Bute] is, in the opinion of the Secretary of State and the Minister, principally used or required for the fishing or agricultural industries or the maintenance of communications between any place in those [<sup>F11</sup>areas] counties and any other place in Scotland;

“the Minister” means [<sup>F13</sup>the Secretary of State for Transport];

“owner”, in relation to any land, other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years, and in relation to any land in Scotland—

- (a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;
- (b) if the land is held on a long lease, means the lessee under that lease; and
- (c) includes any other person who under the Lands Clauses Acts would be entitled to sell and convey or assign the land or the interest of lessee under such a long lease, as the case may be, to the promoters of an undertaking;

and “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the <sup>M6</sup>Registration of Leases (Scotland) Act 1857;

“plant or equipment” includes vessels;

“port”, where used with reference to a local lighthouse authority, includes place;

“provisional order” means an order confirmed by an Act, by the Board of Agriculture and Fisheries, the Minister of Agriculture and Fisheries or the Minister of Agriculture, Fisheries and Food in pursuance of section 2(3)(2) of the <sup>M7</sup>Fishery Harbours Act 1915 or by the Secretary of State in pursuance of section 5(5)(ii) of the <sup>M8</sup>Harbours, Piers and Ferries (Scotland) Act 1937;

“river purification authority” has the meaning assigned to it by section 17 of the <sup>M9</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951;

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“river works duties” means duties imposed by an Act to do things of the kinds authorised to be done in exercise of river works powers;

“river works powers” means powers conferred by [<sup>F14</sup>section 17 of the <sup>M10</sup>Land Drainage Act 1976] or corresponding provisions of a local Act [<sup>F15</sup>or under section 67 or by section 69 of the <sup>M11</sup>Water Resources Act 1963] or by an improvement order under section 1 of the <sup>M12</sup>Land Drainage (Scotland) Act 1958 or by section 13 as read with section 41 of the <sup>M13</sup>Salmon Fisheries (Scotland) Act 1868 or by the Rivers (Prevention of Pollution) (Scotland) Act 1951 or by any local enactment relating to Scotland which confers powers corresponding to the powers conferred by an improvement order or which contains provisions corresponding to the provisions of the said Acts of 1868 and 1951;

“ship”, where used as a noun, includes every description of vessel used in navigation, seaplanes on the surface of the water and [<sup>F16</sup>hovercraft within the meaning of the <sup>M14</sup>Hovercraft Act 1968];

“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—

- (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;
- (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and
- (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

“statutory duties” means, in relation to a harbour authority, duties vested in them under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order, other than river works duties;

“statutory powers” means, in relation to a harbour authority, powers vested in them under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order, other than river works powers;

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in a document made or issued under, this Act or any Act (whether of a general or of a special nature) other than this Act;

“wharf” means any wharf, quay, pier, jetty or other place at which sea-going ships can ship or unship goods or embark or disembark passengers.

- (2) References in this Act to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties shall be construed as references to a harbour which is being improved, maintained or managed by such an authority in the exercise of statutory powers, in the performance of statutory duties or in the exercise and performance of statutory powers and statutory duties, and cognate references shall be similarly construed.
- (3) Any reference in this Act to a buoy or beacon shall be construed as including a reference to any other mark or sign of the sea.

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- (4) Any reference in this Act (elsewhere than in the foregoing provisions of this section or in section 39) to ship, passenger and goods dues shall be construed as including a reference to charges payable by persons using a ferry which is a marine work.
- (5) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any other Act.

#### Textual Amendments

- F1** Definitions repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. II**
- F2** Words repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. I**
- F3** Words added by Transport Act 1968 (c. 73, SIF 126), **Sch. 16 para. 8(1)(d)(i)**
- F4** Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. III**
- F5** Definition in s. 57(1) inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), **Sch. 3 para. 7(2)**; S.I. 1992/1347, art. 2, **Sch.** (subject as mentioned in art. 3)
- F6** Definition inserted (E.W.) by S.I. 1988/1336, **reg. 2**  
Definition in s. 57(1) inserted (S.) (15.7.1992) by S.I. 1992/1421, **reg. 2**
- F7** Definition in s. 57(1) inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), **Sch. 3 para. 7(3)**; S.I. 1992/1347, art. 2, **Sch.** (subject as mentioned in art. 3)
- F8** Words repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 29**
- F9** Words in definitions of “harbour” and “lighthouse” in s. 57(1) substituted (1.1.1996) by 1995 c. 21, s.314(2), 316(2), **Sch.13 para.33** (with s. 312(1))
- F10** Definition in s. 57(1) repealed (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 68(1), **Sch. 4 Pt. II**; S.I. 1992/1347, art. 2, **Sch.** (subject as mentioned in art. 3)
- F11** Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 19 para. 16**
- F12** Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 5**
- F13** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(4)**
- F14** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**
- F15** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F16** Words substituted by Hovercraft Act 1968 (c. 59, SIF 111), **Sch. para. 5**

#### Modifications etc. (not altering text)

- C1** S. 57 extended by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii, SIF 200), s. 3(1)
- C2** References to Minister and Secretary of State in definition of “marine work” to have effect as references to Secretary of State for the time being concerned with harbours generally and Secretary of State for Scotland: S.I. 1970/1681, **Sch. 3 para. 11(1)**

#### Marginal Citations

- M1** 1968 c. 73 (126).
- M2** 1951 c. 26 (52:2).
- M3** 1951 c. 30 (58).
- M4** 1958 c. 24 (73:2).
- M5** 1937 c. 28 (58).
- M6** 1857 c. 26 (75:2).
- M7** 1915 c. 48 (58).
- M8** 1937 c. 28 (58).
- M9** 1951 c. 66 (46:4).
- M10** 1976 c. 70 (73:1)
- M11** 1963 c. 38 (130).
- M12** 1958 c. 24 (73:2).

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**M13** [1868 c. 123 \(52:2\)](#).

**M14** [1968 c. 59 \(111\)](#).

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