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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 447**

**The Fraserburgh Harbour Revision Order 2011**

**PART 3**

**TEMPORARY CLOSURE OF HARBOUR**

**Temporary closure of area of works**

**18.**—(1) For the purpose of carrying out the works the Commissioners may irrespective of anything in any enactment—

- (a) temporarily close the area of works to vessels by means of one or more coffer dams at such places within the harbour as the Commissioners shall think appropriate;
- (b) dry out the area of works by pumping or otherwise and carry out all such measures and construct or install all such valves, sluices, gates, pipes, channels, aqueducts, pumps and similar works of a temporary nature as may be necessary to convey water entering the area of works into tidal waters.

(2) Irrespective of anything contained in this Order, the area of works shall not be closed to vessels for a period continuous or discontinuous longer than two years.

**Removal of vessels from area of works**

**19.**—(1) Before exercising the power conferred on them by article 18 (temporary closure of area of works) of this order temporarily to close the area of works to vessels the Commissioners shall—

- (a) publish a notice of the intention to temporarily close part of the harbour in Lloyd's List and once in each of two successive weeks in a local newspaper circulating in Fraserburgh, with an interval between the dates of publication of not less than six clear days;
- (b) display a copy of the notice in a visible position in the harbour; and
- (c) notify the Scottish Ministers in writing of the Commissioners' intention temporarily to close part of the harbour.

(2) Each of the notices shall—

- (a) state that the Commissioners intend temporarily to close the area of works to vessels; and
- (b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications, by which all vessels must be removed from the area of works.

(3) If the master of any vessel within the area of works does not remove the vessel before the date specified in paragraph 2(b), the harbour master may cause that vessel to be removed from the area of works and moored or laid in any other place where it may without injury be moored or laid and any expenditure incurred by the Commissioners in removing that vessel shall be recoverable from the master of that vessel.

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

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(4) The powers conferred on the harbour master and the Commissioners by this article is in addition to and without prejudice to the powers relating to the removal of vessels conferred upon them by sections 64 and 65 of the Harbours, Docks and Piers Clauses Act 1847(1).

**Vessels entering the area of works after date of closure**

**20.** If any vessel enters the area of works after the date specified in paragraph (2)(b) of article 19 (removal of vessels from area of works) of this Order, during the period of temporary closure the harbour master may direct the master of the vessel immediately to remove the vessel from the area of works, and if the master of that vessel does not immediately comply with such directions the provisions of paragraphs (3) and (4) of article 19 shall apply to and in respect of that vessel as if the vessel had been within the area of works before the date specified in paragraph (2) (b) of article 19.