
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 156

**The Lochboisdale and Gasay Port
(Harbour Empowerment) Order 2016**

PART 2

DUTIES AND POWERS OF THE COMPANY

General powers and duties in respect of Port

5.—(1) The Company may improve, maintain, regulate, manage, mark and light the Port and provide accommodation and port facilities.

(2) For those purposes, and without prejudice to the generality of paragraph (1), the Company may construct, alter, demolish and reconstruct structures and works in the Port.

(3) The Company shall, in consultation with the Inner Harbour Authority, implement an appropriate safety management system for the Port.

(4) The Company shall be responsible for and make good to the Inner Harbour Authority all financial losses which are reasonably incurred or suffered by the Inner Harbour Authority as a result of—

- (a) any building improvements carried out by the Company;
- (b) the construction, maintenance, alteration or operation of any Tidal Work within the port or the failure of any Tidal Work;
- (c) maintenance of the Company's harbour or Tidal Work or dealing with any related remedial works.

(5) The Company will take all reasonable steps to agree with the Inner Harbour Authority a general priority methodology for the passage of the lifeline ferry service vessel of South Uist when such Vessel is accessing the facility of the Inner Harbour Authority during the operation of the lifeline ferry service. The Company reserves the right to amend the priority methodology on the grounds of safety without reference to the Inner Harbour Authority or in exceptional circumstances to be determined by the Company at its sole discretion.

(6) The Company shall not prevent or unreasonably restrict access to the Inner Harbour.

(7) This article is without prejudice to any powers of the Company under or by virtue of any other enactment (including any other provision of this Order).