
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 196

The Tobermory Harbour Empowerment Order 2017

PART 2

EXISTING WORKS PROVISIONS

Power to maintain, etc. the existing works

4. The Company may maintain, use and operate the existing works and may, within the harbour limits, reconstruct, extend, enlarge, replace, re-lay or otherwise alter the existing works, and may maintain, use and operate the existing works as reconstructed, extended, enlarged, replaced, re-laid or otherwise altered.

Power to dredge

5.—(1) The Company may, for the purposes of maintaining the works and of affording access to the harbour by vessels from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels as lie within the harbour limits and within the approaches and the channels leading to those limits and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the 1995 Act(*interpretation*)), from time to time dredged by it.

(2) The Company shall not lay down or deposit such materials in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Scottish Ministers.

Existing works to be deemed part of undertaking

6. The existing works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, directions, rules and regulations of the Company for the time being in force relating to the harbour shall apply to the existing works and may be enforced by the Company accordingly.

Operational land and land within area of Argyll and Bute Council

7. The land situated within the harbour limits shown shaded blue, yellow and orange on the harbour map shall—

- (a) be deemed to be operational land within the meaning and for the purposes of the Town and Country Planning (Scotland) Act 1997(1); and
- (b) to the extent, if any, that it lies outwith the area of Argyll & Bute Council, be deemed to be part of that area.

(1) 1997 c.8; “operational land” is defined in section 215, to which there are amendments not relevant to this Order, which section is subject to section 216.

Status: This is the original version (as it was originally made).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