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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 76**

**The Stornoway Port Authority Harbour Revision Order 2019**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1.—(1) This Order may be cited as the Stornoway Port Authority Harbour Revision Order 2019 and comes into force on the day after the day on which it is made.

(2) The Stornoway Harbour Order Confirmation Act 1976, the Stornoway Harbour Revision (Constitution) Order 2003, the Stornoway Harbour Revision (Constitution) Order 2008 and this Order may be cited together as the Stornoway Harbour Act and Orders 1976 to 2019.

**Interpretation**

2.—(1) In this Order—

“the 1976 Act” means the Stornoway Harbour Order Confirmation Act 1976(1),

“the 2003 Order” means the Stornoway Harbour Revision (Constitution) Order 2003(2),

“the 2008 Order” means the Stornoway Harbour Revision (Constitution) Order 2008(3),

“the Authority” means Stornoway Port Authority,

“Commissioners of Northern Lighthouses” means the general lighthouse authority for Scotland, a body corporate constituted by section 193 and schedule 8 of the Merchant Shipping Act,

“deposited plans” means the plans, sections and elevations, referred to in article 12 which are bound together, signed and dated with reference to this Order and marked “The Stornoway Port Authority Harbour Revision Order 2019 Plans, Sections and Elevations” copies of which have been deposited at the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the principal office of the Authority, Amity House, Esplanade Quay, Stornoway, HS1 2XS,

“general direction” means a direction given under article 22,

“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(4)),

“harbour” means the harbour of Stornoway as defined by the Act and Orders as comprised within the harbour limits and shall include the works authorised by this Order,

“harbour limits” means the limits of the harbour as defined in section 8 of the 1976 Act,

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(1) 1976 C.xxi.

(2) S.S.I. 2003/435.

(3) S.S.I. 2008/422.

(4) 1998 c.46.

“harbourmaster” means any person appointed as such by the Authority and includes that person’s deputies and assistants and any other person for the time being authorised by the Authority to act, either generally or for a specific purpose, in the capacity of harbourmaster,

“level of high water” means the level of mean high water springs,

“limits of deviation” means the limits delineated on sheets 3, 7 and 8.

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management thereof,

“member” means a member of the Authority holding office either under the 2008 Order or this Order as the case may require,

“the Merchant Shipping Act” means the Merchant Shipping Act 1995(5),

“the new constitution date” means 1 May 2019,

“special direction” means a direction given under article 24,

“UK Chamber of Shipping” means the trade association for the United Kingdom shipping industry, incorporated under that name as a company limited by guarantee,

“vessel” means a ship, boat, raft or craft of any description however propelled or moved, and includes a displacement craft, a non-displacement craft, a personal craft, a sea plane on the surface of the water, a hydrofoil vessel or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily),

“works” means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed under article 12 (power to construct works) or article 16 (subsidiary works).

(2) In this Order, all areas, directions, distances, lengths, widths and heights as stated in any description of works, powers or lands other than article 14 (power to deviate) shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length, width and height and any reference in a description of works to a point shall be a reference to that point on the deposited plans.

(3) Any reference in this Order to a work identified by a number is a reference to the work of that number authorised by this Order.

(4) Any reference in this Order to a numbered sheet is a reference to that numbered sheet in the deposited plans.