



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VIII

FUNCTIONS

Miscellaneous functions

154 Piers and Harbours

- (1) All rights which are presently vested in local authorities in relation to harbours, piers, boatslips and jetties, all functions relating thereto, and all liabilities to which those authorities are subject in that connection, are hereby transferred to the regional or islands council within whose area the harbour, pier, boatslip or jetty is situated, and the enactments specified in Schedule 19 to this Act shall have effect subject to the amendments set out in that Schedule.
- (2) Where a harbour is situated partly within the area of one regional council and partly within the area of another regional council, all such rights, functions and liabilities as aforesaid shall be transferred to those councils jointly.
- (3) A regional or islands council or any two or more such councils acting in combination may acquire by agreement, or, if so authorised by the Secretary of State, may acquire compulsorily—
 - (a) land for the purpose of constructing, re-constructing, extending or improving a marine work;
 - (b) any harbour whose acquisition is considered by the council to be desirable in the interests of their area and
 - (i) whose maintenance is to be discontinued by its owner, or
 - (ii) which is considered by the council to be in a poor state of repair,and sections 70(2) to (5) and 71(3) and (4) of this Act shall apply respectively to acquisition by agreement or compulsorily under this subsection as they apply for the purposes of those sections.

Status: This is the original version (as it was originally enacted).

- (4) If a local authority so elects and notifies the Secretary of State accordingly, Part III of the Harbours, Piers and Ferries (Scotland) Act 1937 shall apply to any harbour transferred to or acquired by them under this section which is not a marine work as if it were a marine work.
- (5) A local authority may make loans to a harbour authority for a harbour wholly or partly situated within their area, on such terms as may be agreed between the local authority and the harbour authority, for the purpose of enabling the harbour authority to do anything which they have power to do.
- (6) Where provisions of the Harbours, Docks and Piers Clauses Act 1847 have been incorporated with any enactment, the amendments made by this Act in that Act shall be so incorporated.
- (7) In this section "harbour authority" and "marine work" have the same meanings as in section 57(1) of the Harbours Act 1964 and so has "harbour" except that it does not include a ferry within the meaning of section 153(5) of this Act.