
STATUTORY INSTRUMENTS

1995 No. 740 (S.66)

HARBOURS, DOCKS, PIERS AND FERRIES

The Stornoway Harbour Revision Order 1995

Made - - - - *13th March 1995*

Coming into force - - *14th March 1995*

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964⁽¹⁾ (being the appropriate Minister⁽²⁾ under section 14(7) of that Act for the purpose of making this Order) and of all other powers enabling him in that behalf, on the written application of the Stornoway Pier and Harbour Commission, and being satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Stornoway Harbour Revision Order 1995 and shall come into force on 14th March 1995.

Amendment of Stornoway Harbour Order 1976

2.—(1) Section 2(1) of the Stornoway Harbour Order 1976⁽³⁾ is amended by inserting in the definition of “the burgh” after the word “divisions” where it secondly occurs the words “or on and after 1st April 1996 any electoral wards”.

(2) Section 5 of the said Order is amended as follows:—

(a) in subsection (1)(b)—

(i) after the word “divisions” there shall be inserted “or wards”; and

(ii) the words “and so far as possible ratepayers in respect of property within the burgh;” shall be omitted;

(b) in subsection (1)(c)—

(i) after the word “persons” there shall be inserted “of voting age”; and

(ii) the words “, and being ratepayers in respect of property within” and the words “(as evidenced by the Valuation Roll for the time being),” shall be omitted;

(1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), Schedule 6, paragraphs 2, 3 and 4(1) and Schedule 12 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.

(2) The expression the “appropriate Minister” is defined in section 14(7).

(3) Confirmed by 1976 c.xxi.

- (c) in subsection (1)(e)—
 - (i) after the word “persons” there shall be inserted “of voting age”; and
 - (ii) the words “, and being ratepayers in respect of property within,” shall be omitted; and
- (d) after subsection (1) there shall be inserted the following subsection:—
 - “(1A) For the purposes of subsection (1) of this section a person shall be deemed to be resident within the burgh at the time of a nomination or election thereunder if he is registered on the register for the time being of local government electors for an electoral division or ward comprised within the burgh.”

St Andrew’s House,
Edinburgh
13th March 1995

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

The Abolition of Domestic Rates etc (Scotland) Act 1987 abolished domestic rates from 1st April 1989 and in consequence domestic properties were by section 2 deleted from the Valuation Roll. This limited the class of persons from whom members of the Commission could be nominated by the Stornoway Trust or elected under section 5 of the Stornoway Harbour Order 1976. The introduction of the council tax under the Local Government Finance Act 1992 did not restore domestic properties to the Valuation Roll and, accordingly, the position remains that only persons who are proprietors of business properties are now qualified to be nominated or elected. This Order provides that in place of the restriction to ratepayers the qualification is extended so that all those who are resident within the burgh shall be entitled to be so nominated or elected (as the case may be) provided that they are of voting age and registered on the register for the time being of local government electors for an electoral division (or on and after 1st April 1996 an electoral ward) comprised within the burgh.

The applicant for this Order is the Stornoway Pier and Harbour Commission.