
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 17

The Highland Council (Raasay) Harbour Revision Order 2006

PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Highland Council (Raasay) Harbour Revision Order 2006 and shall come into force on 18th January 2006.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“Act of 1997” means the Town and Country Planning (Scotland) act 1997⁽¹⁾;

“annexed map” means the map annexed to this Order;

“building” includes structure or any other erection;

“construct” includes make, build, erect, install, provide, execute, place, alter, maintain and renew and “construction” shall be construed accordingly;

“the Council” means the Highland Council;

“deposited plans” and “deposited sections” mean respectively plans and sections which have been deposited in connection with this Order, two copies of which have been deposited with Scottish Ministers at the Scottish Executive and one copy of which has been deposited at the offices of the Council;

“enactment” means any enactment, whether public general or local, and includes an enactment in this Order and any order, byelaw, rule, regulation, scheme and other instrument having effect by virtue of an enactment;

“government department” includes any part of or any member of staff of the Scottish administration which shall have the meaning defined in section 126(6) of the Scotland Act 1998⁽²⁾;

“harbour” means the harbour at Raasay as described in article 32;

“harbour undertaking” means harbour undertaking of the Council authorised by this Order;

“land” includes land covered by water, any interest in land and any servitude or right in or over land;

“the Land Compensation Act” means the Land Compensation (Scotland) Act 1963⁽³⁾;

“the limits of deviation” means the limits so shown on the deposited plans;

(1) 1997 c. 8.
(2) 1998 c. 46.
(3) 1963 c. 51.

“the limits of land to be acquired or used” means the limits marked “limit of land to be acquired or used” on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“road” has the meaning given to it by section 151 of the Roads (Scotland) Act 1984⁽⁴⁾;

“sheriff” means any sheriff for the Portree Sheriff Court district;

“sheriff clerk” means any sheriff clerk within Portree Sheriff Court district;

“tribunal” means the Lands Tribunal for Scotland; and

“works” means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to article 4 (Power to carry out works) and any work carried out pursuant to article 6 (Subsidiary Works).

(2) All areas, directions, distances, lengths and widths as stated in any description of works, powers or lands other than article 5 (Power to deviate) of this Order shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width and any reference in a description of works to a point shall be a reference to that point on the deposited plan.

(3) Any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order.

Incorporation of Lands and Railways Clauses Acts

3.—(1) The Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845⁽⁵⁾), so far as they are applicable for the purpose of, and are not varied by or inconsistent with, the provisions of this Order, are incorporated with this Order.

(2) In construing, for the purposes of this Order, the provisions of the Lands Clauses Acts as incorporated with this Order—

(a) this Order shall be deemed to be the special Act;

(b) the Council shall be deemed to be the promoters of the undertaking or the company; and

(c) the works shall be deemed to be the works of the undertaking.

(3) Section 70 of the Railways Clauses Consolidation (Scotland) Act 1845⁽⁶⁾ is incorporated with this Order.

⁽⁴⁾ 1984 c. 54.

⁽⁵⁾ 1845 c. 9.

⁽⁶⁾ 1845 c. 33.