
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 40

Fraserburgh Harbour Revision Order 1999

PART III

TEMPORARY CLOSURE OF HARBOUR

Temporary closure of area of works

13.—(1) For the purpose of carry out the works the Commissioners may notwithstanding anything in any enactment—

- (a) temporarily close the area of works to vessels by means of one or more coffer dams at such places within the harbour as the Commissioners shall think fit;
- (b) dry out the area of works by pumping or otherwise and carry out all such measures and construct or install all such valves, sluices, gates, pipes, channels, aqueducts, pumps and similar works of a temporary nature as may be necessary to convey water entering the area of works into tidal waters.

(2) Notwithstanding anything contained in this Order, the area of works shall not be closed to vessels for a period continuous or discontinuous longer than one year.

Removal of vessels from area of works

14.—(1) Before exercising the power conferred on them by article 13 (temporary closure of area of works) of this Order temporarily to close the area of works to vessels the Commissioners shall—

- (a) publish a notice of their intention to do so in Lloyd's List and once in each of two successive weeks in a local newspaper published or circulating in Fraserburgh, with an interval between the dates of publication of not less than six clear days;
- (b) display notice thereof in a conspicuous position in the harbour; and
- (c) give notice thereof in writing to the Scottish Ministers.

(2) Each of the notices shall:—

- (a) state that the Commissioners intend temporarily to close the area of works to vessels; and
- (b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications, by which all vessels must be removed from the area of works.

(3) If the master of any vessel within the area of works does not remove the same before the date specified in accordance with paragraph 2(b) above, the harbourmaster may cause that vessel to be removed from the area of works and moored or laid in any other place where it may without injury be moored or laid.

(4) The Commissioners may recover as a debt from the owner of any vessel removed as aforesaid all expenses incurred by them in respect of its removal.

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(5) The powers conferred on the Commissioners and the harbourmaster by this article shall be in addition to and without prejudice to the powers as to the removal of vessels conferred upon them by sections 64 and 65 of the Harbours, Docks and Piers Clauses Act 1847⁽¹⁾.

As to vessels entering area of works after date of closure

15. If any vessel enters the area of works after the date specified in accordance with paragraph (2) (b) of article 14 (removal of vessels from area of works) of this Order, and during the period of temporary closure, the harbourmaster may direct the master of such vessel forthwith to remove the vessel from the area of works, and if the master of such vessel does not forthwith comply with such directions the provisions of paragraphs (3) to (5) inclusive of the said article 14 shall apply to and in respect of such vessel as if such vessel had been within the area of works before the said date.

⁽¹⁾ 1847 c. 27