
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 491

**The Peterhead Port Authority Harbour
(Constitution) Revision Order 2005**

PART 2

TRANSFER OF PETERHEAD BAY AUTHORITY'S FUNCTIONS, ETC.

Trustees to be harbour authority for Peterhead Bay Harbour

- 12.** On and from the end of the transfer date—
- (a) all the trade (including the assets and liabilities) of the Bay Authority shall be transferred to, and become an integral part of the consequently enlarged trade of, the Trustees;
 - (b) the Trustees shall become the harbour authority for Peterhead Bay Harbour within the meaning of the Harbours Act 1964; and
 - (c) the harbours of Peterhead and the Peterhead Bay Harbour shall be known collectively as the “Port of Peterhead”.

Bay Authority to cease to be separate body corporate

13. At the beginning of the constitution date the Bay Authority shall cease to be a separate body corporate and shall have the same corporate identity and common seal as the Authority.

Duties and powers of Authority in respect of Peterhead Bay Harbour

14.—(1) On and from the end of the transfer date the Authority shall have in respect of Peterhead Bay Harbour all the duties and powers imposed or conferred on the Bay Authority by any provision of the Peterhead Bay Authority Orders 1983 and 2002 in force immediately before that end.

(2) In consequence of paragraph (1) above, on and from the end of the transfer date any statutory provision of local application or document whatsoever (other than a document referred to in article 16 of this Order) shall, so far as it relates to Peterhead Bay Harbour, have effect (except where the context otherwise requires and subject to any necessary modifications) as if, for any reference however worded and whether express or implied—

- (a) to the Bay Authority, there were substituted a reference to the Authority; and
- (b) to any officer or employee of the Bay Authority, there were substituted a reference to the officer or employee of the Authority who corresponds as nearly as may be to the first mentioned officer or employee.

Byelaws etc.

15. On and from the end of the transfer date any byelaw, regulation, licence or consent made, issued or granted by the Bay Authority in relation to Peterhead Bay Harbour and in force immediately

before that end shall, notwithstanding the making of this Order, continue in force and be deemed to have been made, issued or granted by the Authority.

Saving of agreements etc.

16. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands affecting the undertaking of the Bay Authority and in force immediately before the end of the transfer date shall (in so far as they relate to that undertaking) on and from that end be as binding and of as full force and effect as respects anything occurring or falling to be done on and after the end of the transfer date and may be enforced as fully and effectively against or in favour of the Authority as if the Authority had been a party thereto or bound thereby or entitled to the benefit thereof in their own right.

Continuance of proceedings

17. Nothing in this Order shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the constitution date by or in favour of or against the Bay Authority, in relation to the undertaking of the Bay Authority and any such action, arbitration or proceeding or cause of action, arbitration or proceeding (other than an action, arbitration or proceeding which is or may be an issue between the Bay Authority and the Trustees) may be maintained, prosecuted or continued by or in favour of or against the Authority and may be amended in such manner as may be necessary for that purpose.