
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 182

**The Caledonian Maritime Assets Limited
(Largs) Harbour Revision Order 2008**

PART I

PRELIMINARY

Citation commencement and extent

1. This Order may be cited as the Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008 and shall come into force on 7th May 2008 .

Interpretation

2.—(1) In this Order—

“The 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847⁽¹⁾;

“the Company” means Caledonian Maritime Assets Limited, a company incorporated in Scotland with registered number SC1845 and having its registered office at Dalmore House, 310 St Vincent Street, Glasgow G2 5QR;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections signed on behalf of the Scottish Ministers and marked “Plans and sections referred to in the Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008” of which copies are deposited at the offices of the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ and with the Company;

“the harbour” means the harbour of Largs, the area of which is described in article 4 and in Schedule 2 to this Order;

“the harbour map” means the map referred to in article 4 below of which copies are deposited at the offices of the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ and with the Company;

“the harbour master” means any person appointed as such by the Company, and includes that person’s deputies and assistants and any other person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour premises” means that area of land delineated red on the plan comprising Schedule 1 to this Order;

“harbour works” has the meaning given in regulation 2(1) of the Marine Works (Environmental Impact Assessment) Regulations 2007⁽²⁾;

(1) 1847 c. 27.

(2) S.S.I. 2007/1518.

“jet craft” means any watercraft (not normally used in navigation and not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either:—

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using his or their body weight for the purpose; or
- (c) by a combination of the methods referred to respectively in sub paragraphs (a) and (b) above.

“the level of high water” means the level of mean high water springs;

“the limits of deviation” means the limits of deviation for the authorised works shown on the deposited plans;

“mooring” includes buoys and other apparatus provided for the mooring of vessels;

“sail board” means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon;

“special direction” means a direction given under article 37 below;

“tidal work” means so much of any authorised work as is on, under or over tidal waters or tidal lands below the level of high water; and

“vessel” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water, a seaplane in or on the water, a hovercraft, a hydrofoil and any amphibious vehicle.

(2) All areas, dimensions, directions, distances, lengths, points, situations and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each area, dimension, direction, distance, length, point, situation or other measurement.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid Reference points.

(4) 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 the 1847 Act

3.—(1) The 1847 Act except Sections 6 to 19, 22 to 26, 28, 33, 49, 50, 60, 66, 67, 79 to 91 and 94 to 103, so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with and forms part of this Order.

(2) For the purposes of the 1847 Act, as so incorporated—

- (a) the expression “the special Act” means this Order;
- (b) the expression “the undertakers” means the Company;
- (c) the expression “the harbour, dock or pier” means the harbour;
- (d) the meaning of the word “vessel” as defined in article 2 above shall be substituted for the meaning assigned to that word by section 3 of the 1847 Act;
- (e) section 63 shall be read and have effect as if for the words from “penalty” to the end of the section there were substituted the words “on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (f) section 69 shall be read and have effect as if for the words from “forfeit” to the end of the section there were substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (g) section 73 shall be read and have effect as if for “level 1” there were substituted “level 2”.

Harbour jurisdiction

4.—(1) The Company shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Harbours Act 1964 and the powers of the harbour master shall be exercisable within the area the boundaries of which are described in Schedule 2 to this Order and shown on the harbour map together with so much of the harbour premises as are not situated within that area.

(2) In the event of any discrepancy between the boundaries as described in Schedule 2 to this Order and the boundaries shown on the harbour map, the harbour map shall prevail.