

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 396**

**The Gardenstown Harbour Revision Order 2016**

**Incorporation of sections of the Commissioners Clauses Act 1847 and of the Harbours, Docks, and Piers Clauses Act 1847**

3.—(1) Sections 2, 3, 60 and 65 of the Commissioners Clauses Act 1847 (so far as applicable and not inconsistent with the Gardenstown Harbour Orders 1911 to 2016) shall be incorporated with this Order subject to the modifications stated in paragraph (3).

(2) Sections 1 to 4, 33 to 35, 37 to 39, 42, 51, 52, 54 to 58 and 63 to 65 of the Harbours, Docks, and Piers Clauses Act 1847 (so far as applicable and not inconsistent with the Gardenstown Harbour Orders 1911 to 2016) shall be incorporated with this Order, subject to the modifications stated in paragraphs (3), (4) and (5).

(3) In construing the provisions of the Commissioners Clauses Act 1847 and the Harbours, Docks, and Piers Clauses Act 1847 as incorporated with this Order, the expression “the special Act” means the 1911 Order and this Order and in the latter Act, the expression “the undertakers” means the Trustees.

(4) Section 63 of the Harbours, Docks, and Piers Clauses Act 1847 (penalty on vessels lying near the entrance of harbour or dock without permission) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(5) Section 65 of the Harbours, Docks, and Piers Clauses Act 1847 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.