

1987 No. 1016 (S. 80)

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Scottish Transport Group (Scalasaig Pier) Harbour  
Revision Order 1987**

<i>Made</i>	- - - -	<i>19th March 1987</i>
<i>Laid before Parliament</i>		<i>1st April 1987</i>
<i>Coming into force</i>		<i>18th May 1987</i>

The Secretary of State, in exercise of the powers conferred by section 14 of the Harbours Act 1964(a), and of all other powers enabling him in that behalf, and on the application of the Scottish Transport Group, and being satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economic manner, hereby makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Scottish Transport Group (Scalasaig Pier) Harbour Revision Order 1987 and this Order and the Argyll County Council (Scalasaig Pier, etc.) Order 1961(b) may be cited together as the Scalasaig Pier Orders 1961 and 1987.

(2) This Order shall come into force on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

**Interpretation**

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

“the Group” means the Scottish Transport Group constituted under the Transport Act 1968(d);

“the Order of 1961” means the Argyll County Council (Scalasaig Pier, etc.) Order 1961;

“the pier undertaking” has the same meaning as in section 2(1) of the Order of 1961;

“the Regional Council” means Strathclyde Regional Council.

(2) The Order of 1961 shall be incorporated with and form part of this Order.

**Transfer of pier undertaking**

3.—(1) On the coming into force of this Order there shall be transferred to and vested in the Group (subject to the other provisions of this Order) all the powers of the Regional Council in relation to the pier undertaking vested in them pursuant to the Order of 1961 and the Harbours Act 1964 and all corporeal property and all heritable incorporeal property vested in the Regional Council and held by them solely for the purposes of the pier undertaking and the burdens and any leases or sub-leases attaching to or affecting the said property.

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(a) 1964 c.40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4.

(b) See 1961 c.iv (10 Eliz. 2).

(c) 1945 c.18 (9 & 10 Geo. 6); 1965 c.43.

(d) 1968 c.73.

(2) To enable the Group to complete a title to any property transferred to and vested in them by virtue of this article by notice of title or otherwise, this Order shall have effect as if it were a general disposition or assignation, as the case may be, of such property granted by the Regional Council in favour of the Group on the coming into force of this Order.

#### **Contracts to be binding**

4. All purchases, sales, conveyances, deeds, contracts and agreements entered into or made by the Regional Council and in force at the commencement of this Order shall be as binding and of as full force and effect in every respect against or in favour of the Group as they have heretofore been against or in favour of the Regional Council and may be enforced as fully and effectively as if, instead of the Regional Council, the Group had been a party thereto.

#### **Proceedings not to abate**

5. All legal and other proceedings begun before the commencement of this Order and relating to any property or liabilities transferred to the Group under this Order may be carried on with the substitution of the Group as a party to the proceedings in lieu of the authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

#### **Byelaws**

6. In addition to the byelaws which may be made by the Group under section 83 of the Harbours, Docks, and Piers Clauses Act 1847<sup>(a)</sup> and otherwise, the Group may, in relation to the pier undertaking, from time to time make such byelaws as they think fit with reference to all or any of the following matters:—

- (a) for regulating the types of vehicles which may enter or be at the pier undertaking and the use, placing, loading or unloading, and driving of such vehicles, and giving powers to officers or servants of the Group in relation to such regulation;
- (b) the management, control and regulation of the pier undertaking and of goods, wares and merchandise using or passing over the pier undertaking;
- (c) safety precautions to be observed by persons using or being at the pier undertaking.

#### **Confirmation of byelaws**

7.—(1) The provisions of subsections (4), (5), (6), (7), (8), (10) and (12) of section 202 and section 203 of the Local Government (Scotland) Act 1973<sup>(b)</sup> shall apply to any byelaws made by the Group under the Harbours, Docks, and Piers Clauses Act 1847 or this Order as if the Group were a local authority, and in the application of the provisions of the said Act of 1973 the Secretary of State shall be the confirming authority and all byelaws and regulations which are in force at the pier undertaking at the date of this Order coming into force shall be deemed to be byelaws and regulations of the Group and shall continue in force until altered.

(2) Where the Secretary of State proposes to exercise the power of modification conferred on him by subsection (10) of the said section 202 and the modification appears to him to be substantial, he shall inform the Group and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Group and by other persons who have been informed of it.

#### **Amendments and repeals**

8.—(1) The provisions of the Order of 1961 referred to in column (1) of Schedule 1 to this Order shall have effect subject to the amendments specified in column (2) of that Schedule.

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(a) 1847 c.27.

(b) 1973 c.65.

(2) For the words "County Council" wherever the same shall appear in the Order of 1961 there shall be substituted the words "the Group" and wherever the word "Minister" shall appear the words "Secretary of State" shall be substituted therefor.

(3) The provisions of the Order of 1961 specified in column (1) of Schedule 2 to this Order are hereby repealed to the extent specified in column (2) of that Schedule.

**Costs of Order**

9. The costs, charges and expenses of and incidental to the preparing for and obtaining of this Order or otherwise in relation thereto (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament or any costs incurred in opposing this Order) shall be paid by the Group.

New St. Andrew's House, Edinburgh  
19th March 1987

*Michael Ancram*  
Parliamentary Under Secretary of State,  
Scottish Office

SCHEDULE 1

Article 8(1)

AMENDMENTS TO ORDER OF 1961

(1) <i>Section</i>	(2) <i>Amendment</i>
3	In subsection (4), after "1937", insert "(except section 11(2) and (3))".
9	Leave out "shall be liable, on summary conviction, to a fine not exceeding five pounds" and insert "liable on summary conviction to a fine not exceeding £50".
18	Leave out "shall be liable, on summary conviction, to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds" and insert "liable on summary conviction to a fine not exceeding £2,000 and on conviction on indictment to a fine".
19	Leave out "shall be liable, on summary conviction, to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds" and insert "liable on summary conviction to a fine not exceeding £2,000 and on conviction on indictment to a fine".
20	Leave out "shall be liable, on summary conviction, to a fine not exceeding ten pounds and to a daily fine not exceeding one pound" and insert "liable on summary conviction to a fine not exceeding £2,000 and on conviction on indictment to a fine".

SCHEDULE 2

Article 8(3)

PROVISIONS OF ORDER OF 1961 REPEALED

(1) <i>Provision</i>	(2) <i>Extent of repeal</i>
Section 2 (Interpretation).	The definitions of "County Council", "daily fine", "Minister" and "summary conviction".
Section 3 (Incorporation of Acts).	Subsections (1) and (2).
Section 10 (Powers to cease in certain events).	The whole section.
Section 13 (Power to grant servitudes, etc.).	The whole section.
Section 21 (Power to borrow money for purposes of works, etc.).	The whole section.
Section 22 (Further borrowing powers).	The whole section.
Section 23 (Application of moneys borrowed).	The whole section.
Section 24 (Saving for control on borrowing).	The whole section.
Section 28 (Costs of Order).	The whole section.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers to and vests in the Scottish Transport Group the Scalasaig Pier undertaking on Colonsay together with all rights, interests and privileges presently vested in or used by Strathclyde Regional Council in relation to that undertaking. Strathclyde Regional Council are the present undertakers at Scalasaig by virtue of section 154 of the Local Government (Scotland) Act 1973 which section transferred the pier undertaking from Argyll County Council to them. Provision is made for all conveyances, contracts, agreements or deeds entered into by Strathclyde Regional Council in relation to that undertaking to remain binding and in full force against or in favour of the Group and for all legal or other proceedings in relation to that undertaking to be carried on with the substitution of the Group as a party to the proceedings in lieu of Strathclyde Regional Council. This Order also provides that sections 202 and 203 of the Local Government (Scotland) Act 1973 shall apply to byelaws for the pier undertaking made by the Group and that byelaws and regulations in force when this Order comes into operation shall continue in force.

This Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Acts of 1945 and 1965 determine the date upon which it comes into force. The applicants for this Order are the Scottish Transport Group, Carron House, 114/116 George Street, Edinburgh EH2 4LX.