
STATUTORY INSTRUMENTS

1991 No.43 (S. 5)

HARBOURS, DOCKS, PIERS AND FERRIES

**The Caledonian MacBrayne Limited
(Arinagour Pier) Harbour Revision Order 1990**

Made - - - - - *25th July 1990*
Laid before Parliament *26th July 1990*
Coming into force - - - *18th November 1990*

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(1), and of all other powers enabling him in that behalf, on the application of Caledonian MacBrayne Limited, 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 economical manner, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Caledonian MacBrayne Limited (Arinagour Pier) Harbour Revision Order 1990 and this Order and the Argyll County Council (Arinagour and Craignure Piers, etc.) Order 1961(2) may be cited together as the Arinagour Pier Orders 1961 and 1990.

(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(3)

Interpretation

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

“the Company” means Caledonian MacBrayne Limited;

“the Order of 1961” means the Argyll County Council (Arinagour and Craignure Piers, etc.) Order 1961;

“the Arinagour 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 so far as it relates to the Arinagour pier undertaking shall be incorporated with and form part of this Order.

(1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and 14.
(2) See the Argyll County Council (Arinagour and Craignure Piers, etc.) Order Confirmation Act 1961 c.xix.
(3) 1945 c. 18 (9 & 10 Geo. 6); 1965 c. 43.

Transfer of pier undertaking

3.—(1) On the coming into force of this Order there shall be transferred to and vested in the Company (subject to the other provisions of this Order) all the powers of the Regional Council in relation to the Arinagour pier undertaking vested in them pursuant to the Order of 1961, the Harbours Act 1964 and section 154 of the Local Government (Scotland) Act 1973⁽⁴⁾ together with all property heritable and moveable and all rights pertaining thereto vested in the Regional Council and held by them solely for the purposes of the Arinagour pier undertaking.

(2) To enable the Company 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 Company 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 so far as they relate to the Arinagour pier undertaking be as binding and of as full force and effect in every respect against or in favour of the Company 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 Company 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 Company under this Order may be carried on with the substitution of the Company 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.

Power to make agreements

6. Nothing in this Order shall affect the right of the Regional Council and the Company to enter into an agreement for the purpose of regulating the responsibility as between themselves for any liabilities or obligations transferred to the Company by article 4 or 5 of this Order.

Byelaws

7. In addition to the byelaws which may be made by the Company under section 83 of the Harbours, Docks, and Piers Clauses Act 1847⁽⁵⁾ and otherwise, the Company may, in relation to the Arinagour 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 on any land or premises owned or occupied in connection with the Arinagour pier undertaking and the use, placing, loading or unloading, and driving of such vehicles, and giving powers to officers or servants of the Company in relation to such regulation;
- (b) the management, control and regulation of the said land or premises and of goods, wares and merchandise using or passing over the Arinagour pier undertaking;
- (c) safety precautions to be observed by persons using or being on the said land or premises.

(4) 1973 c. 65.

(5) 1847 c. 27

Confirmation of byelaws

8.—(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 shall apply to any byelaws made by the Company under the Harbours, Docks, and Piers Clauses Act 1847 or this Order as if the Company were a local authority, and in the application of the provisions of the said Act of 1973 the Secretary of State shall be the undertaking at the date of this Order coming into force shall be deemed to be byelaws and regulations of the Company 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 Company 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 Company and by other persons who have been informed of it.

Amendments and repeals

9.—(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.

(2) In the Order of 1961 for the words “County Council” wherever the same shall appear there shall be substituted the words “the Company”, 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

10. 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 Company.

St. Andrew’s House,
Edinburgh
25th July 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 9(1)

AMENDMENTS TO ORDER OF 1961

(1) Section	(2) Amendment
3	In subsection (4), after “1937”, insert “(except section 11(2) and (3))”
8	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 level 3 on the standard scale”.
17(2)	Leave out from “shall be liable” to the end of the subsection and insert “liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine”.
18(2)	Leave out from “shall be liable” to the end of the subsection and insert “liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine”.
19(2)	Leave out from “shall be liable” to the end of the subsection and insert “liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine”.

SCHEDULE 2

Article 9(3)

PROVISIONS OF ORDER OF 1961 REPEALED

(1) Provision	(2) Extent of repeal
Section 2 (Interpretation)	The definitions of “County Council” and “Minister”.
Section 3 (Incorporation of Acts)	Subsections (1) and (2).
Section 9 (Powers to cease in certain events)	The whole section
Section 13 (Powers to grant servitudes)	The whole section
Section 20 (Power to borrow money for purposes of works, etc).	The whole section
Section 21 (Further borrowing powers)	The whole section
Section 22 (Application of moneys borrowed)	The whole section

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(1) Provision	(2) Extent of repeal
Section 23 (Saving for control on borrowing)	The whole section
Section 27 (Cost of Order)	The whole section

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfer to and vests in Caledonian MacBrayne Limited the Arinagour Pier undertaking on the Island of Coll 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 Arinagour by virtue of section 154 of the Local Government (Scotland) Act 1973 which 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 Company and for all legal or other proceedings in relation to that undertaking to be carried on with the substitution of the Company 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 Company 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 Caledonian MacBrayne Limited, The Ferry Terminal, Gourrock PA19 1QP.