
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Rosyth International Container
Terminal (Harbour Revision) Order 2013**

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Rosyth International Container Terminal (Harbour Revision) Order 2013 and comes into force on the day after the day on which it is made.

(2) The Port Babcock Rosyth Harbour Empowerment Order 2009⁽¹⁾ and this Order shall be read together and may be cited together as the Port Babcock Rosyth Orders 2009 to 2013.

Interpretation

2.—(1) In this Order—

“1964 Act” means the Harbours Act 1964;

“1969 Act” means the Forth Ports Authority Confirmation Order Act 1969⁽²⁾;

“1997 Act” means The Town and Country Planning (Scotland) Act 1997⁽³⁾;

“1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽⁴⁾;

“2009 Order” means the Port Babcock Rosyth Harbour Empowerment Order 2009;

“berthing pocket” means the area shown hatched at sheet no VI rev A of the deposited plans;

“capital dredging” means dredging carried out for the purposes of article 8(1)(a);

“CEMP” means the Construction and Environmental Management Plan approved by the Scottish Ministers pursuant to paragraph (1) of article 17, as (subject to the terms of article 17) may be modified from time to time with the approval of the Scottish Ministers;

“the Company” means Port Babcock Rosyth Limited a company incorporated in Scotland with registered number SC173116;

“construct” includes execution and placing and, in its application to works which include or comprise any operation, means the carrying out of that operation, and “construction” and “constructed” shall be construed accordingly;

“Contractor’s Jetty” means the structure shown coloured green on sheet no. IV of the deposited plans;

(1) S.S.I. 2009/27.

(2) 1969 c.xxxiv.

(3) 1997 c.8.

(4) S.I. 1992/223.

“deposited plans” means the plans, sections and elevations which are bound together and signed in duplicate by the Scottish Ministers with reference to this Order and marked “Rosyth International Container Terminal (Harbour Revision) Order 2013 plans, sections and elevations” and which are deposited at the offices of the Scottish Ministers at Victoria Quay, Edinburgh EH6 6QQ, and at the registered office of the Company; and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans, sections and elevations;

“draft CEMP” means the draft version of the CEMP signed by the Scottish Ministers with reference to this Order, copies of which are held at the offices of the Scottish Ministers at Victoria Quay, Edinburgh, EH6 6QQ and at the registered office of the Company;

“dredging limits” means the limits of deviation for the operations authorised by article 8 shown outlined by a short broken blue line on sheet no. VI rev A of the deposited plans;

“enactment” includes an Act of the Scottish Parliament and an instrument made under such an Act;

“existing void” means the area shown hatched on sheet no IV of the deposited plans;

“Forth Ports “ means the statutory harbour authority for the Forth;

“the Forth” shall have the meaning ascribed to that term in the 1969 Act, as amended by article 4(5) of this Order;

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

“maintain” includes inspect, repair, adjust and replace and “maintaining” and “maintenance” shall be construed accordingly;

“port” means Port Babcock Rosyth as comprised within the port limits;

“port limits” means the limits of the port as defined in article 4;

“port map” means the map referred to in article 4, and forming sheet no.I(1) rev D of the deposited plans;

“port premises” means such works, berthing pockets, land and premises as are situated within the port limits at any time belonging to, vested in or occupied by the Company and used, intended to be used or set aside for the purposes of, or in connection with, the commercial management and operation of the authorised works or of the port undertaking;

“port undertaking” means the port related business activities of the Company;

“tidal work” means so much of any of the works as is on, under or over tidal waters or tidal lands below the level of high water, but excluding any operations authorised by article 8 and excluding the projection over waters by booms, cranes and similar plant and machinery operating within the port;

“works” means the works authorised by this Order, or as the case may require, any part of any of those works; and

“works site” means the part of the port shown outlined by a broken red line on sheet no. II rev A of the deposited plans.

(2) All areas, points, situations and other measurements stated in any plan or description of the works or lands shall be construed as if the words “or thereby” were inserted after each such area, point, situation and other measurement.

(3) 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.

(4) References in the Port Babcock Rosyth Orders 2009 to 2013 to the port undertaking shall be construed for all purposes as including references to any works carried out and any lands reclaimed by or on behalf of the Company or any of its subsidiaries under or by virtue of this Order.

(5) Any vessel shall be a ship for the purposes of the application of the 1964 Act to the port undertaking.

Incorporation of 2009 Order

3. The provisions of the 2009 Order, so far as applicable to the purposes of and not inconsistent with the provisions of this Order, are hereby incorporated with this Order and apply to the works as authorised by this Order.