
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 421

The Dunbar Harbour Revision (Transfer) Order 2004

PART II

ESTABLISHMENT OF TRUST

Constitution of Trust

3.—(1) On and after the transfer date, there shall be established a Dunbar Harbour Trust consisting of twelve trustees for the purposes of—

- (a) operating the harbour for the benefit of all its stakeholders including both port users and the local community;
- (b) maintaining and improving the harbour facilities;
- (c) attracting new uses of the harbour and new business to the harbour;
- (d) advancing public education concerning the harbour; and
- (e) providing facilities in the interest of social welfare for recreation and leisure-time occupation.

(2) Four trustees shall be appointed each year.

(3) All trustees shall hold office for a term of three years, and no trustee shall serve for more than four terms.

Powers of Trust

4.—(1) The Trust may enter into contracts or agreements with any other person and may employ such officers and staff as they consider necessary or desirable.

(2) The Trust may provide, maintain and operate—

- (a) port and harbour services and facilities;
- (b) services and facilities for warehousing;
- (c) services and facilities for consignment or storage of goods on routes which include the harbour premises, and all services ancillary thereto.

(3) The Trust may construct, maintain, alter, renew or extend any works in the harbour and may dredge the harbour, or may on such terms and conditions as they think fit authorise any person to do so.

(4) The Trust may acquire by agreement any land required for their purposes, and may dispose of land belonging to them in such manner and upon such conditions as they think fit.

(5) The Trust may construct, purchase, contract for or hire, maintain, use, let, sell or dispose of—

- (a) vessels, including tugs for the use and accommodation of vessels;
- (b) machinery;
- (c) vehicles; and

(d) equipment.

(6) The Trust may demand, take and recover such reasonable charges for services and facilities provided by them as they may from time to time determine.

(7) The Trust may demand, take and recover in respect of any floating plant or equipment that is not a ship as defined by section 57(1) of the Harbours Act 1964 (c. 40), entering or leaving the harbour such charge as they think fit and the provisions of sections 30, 31, 32 and 40 of the said Act shall with any necessary modifications apply to the charges which may be demanded under this paragraph as they apply to ship, passenger and goods dues.

(8) The Trust may make byelaws.

(9) Without prejudice to the responsibility of the master of any vessel, the Trust may issue directions, whether general or specific, in respect of all vessels or a specified class of vessels within the harbour or any part thereof, and may amend or revoke the same, for the purpose of—

- (a) ensuring the safety of vessels in the harbour;
- (b) preventing injury to persons or property in the harbour; or
- (c) securing the efficient management and regulation of the harbour.

(10) The making, amendment or revocation of such directions shall as soon as practicable be published once in Lloyd's List or some other newspaper specialising in shipping news, and the making, amendment or revocation of general directions shall be subject to consultation with the General Council of British Shipping.

(11) The Trust may borrow upon the security of their assets for the time being and of the revenues of the Trust, by any methods they see fit such sums of money as they think necessary not exceeding in the aggregate ten million pounds.

Duties of Trust

5. The Trust shall at all times—

- (a) hold, maintain and manage the harbour;
- (b) ensure access to and departure from the harbour where reasonably practicable; and
- (c) preserve existing public rights of way within the harbour where reasonably practicable.

Transfer of harbour

6. Subject to the provisions of this Order the harbour presently held and maintained by the council is transferred to the Trust as from the transfer date.

Transfer of powers, rights and liabilities

7.—(1) All powers, rights and liabilities in relation to the harbour or part of the harbour enjoyed by or falling upon the council are transferred to and shall vest in the Trust as from the transfer date.

(2) Without prejudice to the scope of paragraph (1), all powers contained in the Act for the Amendment and Continuation of the Burgh Customs, and Water, Shore, and Harbour Rates of the Burgh of Dunbar, and for other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour thereof (11 & 12 Vict. cxxii) and the Pier and Harbour Orders Confirmation Act 1886 (50 Vict. ix) are vested in the Trust as from the transfer date.

Harbour authority

8. The Trust shall be the harbour authority for the Harbour within the meaning of the Harbours Act 1964 (c. 40) and shall have all the functions and duties of a harbour authority under that Act.