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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 353**

**The Caledonian MacBrayne Limited  
(Kennacraig) Harbour Empowerment Order 2005**

**PART I**

**PRELIMINARY**

**Citation commencement and extent**

**1.—(1)** This Order may be cited as the Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005 and shall come into force on 15th June 2005.

(2) This Order extends to Scotland only.

**Interpretation**

**2.—(1)** In this Order—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847<sup>(1)</sup>;

“the Company” means Caledonian MacBrayne Limited, a Company incorporated in Scotland with registered number SC1845 and having its registered office at The Ferry Terminal, Gourrock, PA19 1QP;

“the deposited plan” means the plan signed on behalf of the Scottish Ministers and marked “Plan referred to in the Caledonian MacBrayne (Kennacraig) Harbour Empowerment Order 2005” of which copies are deposited at the offices of the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ and with the Company;

“general direction” means a direction given under article 24 below;

“the harbour” means the harbour of Kennacraig, the area of which is described in article 4 and Schedule 1 to this Order;

“the harbour map” means the map referred to in article 4 below;

“the harbour master” means any person appointed as such by the Company, and includes that person’s deputies and assistants and any other person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour premises” means the quays, piers, landing places and all other works, land and buildings for the time being vested in, or occupied or administered by the Company as part of the harbour undertaking;

“harbour undertaking” means the harbour undertaking of the Company, authorised by this Order;

“jet craft” means any watercraft (not normally used in navigation and not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either—

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(1) 1847 c. 27.

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using his or their body weight for the purpose; or
- (c) by a combination of the methods referred to respectively in sub-paragraphs (a) and (b) above;

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

“sail board” means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon;

“special direction” means a direction given under article 26 below;

“tidal work” means so much of any authorised work as is on, under or over tidal waters or tidal lands below the level of high-water; and

“vessel” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water, a seaplane in or on the water, a hovercraft and a hydrofoil.

(2) All areas, dimensions, directions, distances, lengths, points, situations and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each area, dimension, direction, distance, lengths, point, situation or other measurement.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid Reference points.

(4) 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.

### **Incorporation of the 1847 Act**

**3.—**(1) The 1847 Act except sections 5 to 19, 22 to 26, 28, 47, 49, 50, 60, 66, 67, 79 to 91 and 93 to 103, so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with and forms part of this Order.

(2) For the purposes of the 1847 Act, as so incorporated—

- (a) the expression “the special Act” means this Order,
- (b) the expression “the undertakers” means the Company;
- (c) the expression “the harbour, dock or pier” means the harbour;
- (d) the meaning of the word “vessel” as defined in article 2 above shall be substituted for the meaning assigned to that word by section 3 of the 1847 Act;
- (e) section 63 shall be read and have effect as if for the words from “penalty” to the end of the section there were substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (f) section 69 shall be read and have effect as if for the words from “forfeit” to the end of the section there were substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale”; and
- (g) section 73 shall be read and have effect as if for “level 1” there were substituted “level 2”.