
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made following an application by Stena Line Ports (Loch Ryan) Limited (“the Company”), empowers the Company to construct, maintain and operate in Loch Ryan and on adjacent land at Old House Point in Dumfries and Galloway, a port and port related facilities to be known as Loch Ryan Port.

Part 1 makes preliminary provision including provision as to interpretation (article 2), and the incorporation, with modifications, of provisions in the Harbours, Docks, and Piers Clauses Act 1847 (article 3).

Part 2 makes provision as to works.

Article 4 authorises the Company to construct works. The main works to be carried out to construct the port are at paragraphs (1) and (2). Paragraph (3) makes provision for future works.

Article 5 provides for the limits of deviation for the works and article 6 authorises subsidiary works required in connection with the works under article 4 or the port.

Article 7 authorises the Company to dredge the harbour and the approaches to it. Article 8 creates an offence of obstructing the works. Articles 9 to 14 make provision for the control and regulation of tidal works. Article 15 makes provision as to the time limit for completing the works under article 4(1) and (2).

Article 16 provides for land within the port limits (some of which will have been reclaimed from the foreshore and seabed below high water) to be deemed to be operational land for the purposes of the Town and Country Planning (Scotland) Act 1997 and to lie within the area of Dumfries and Galloway Council if it otherwise would not do so.

Part 3 makes provision as to port regulation.

Article 17 identifies the limits of the port. Article 18 enables the Company to control moorings and article 19 empowers the Company to make byelaws subject to those being confirmed by the Scottish Ministers under article 20.

Article 21 empowers the Company to issue general directions to vessels which require to be published under article 22. Article 23 enables the harbour master to issue special directions to vessels. Article 24 provides that the responsibilities of the master of a vessel are not affected by the giving of any directions and articles 25 and 26 provide for the enforcement of directions.

Article 27 authorises the Company to levy charges and to provide exemptions from or compound charges.

Part 4 makes miscellaneous and general provision. Article 28 makes provision as to leases at the port and article 29 provides the Company with a defence of due diligence against the commission of offences under the Order.

Articles 30 to 32 make saving provision, including making clear that in carrying out any works or operations pursuant to this Order the Company must obtain any other consent required for those works or operations under the terms of any other enactment.

Article 33 makes provision as to compliance by the Company with commitments given in the Environmental Statement accompanying its application for the Order.

Copies of the Environmental Statement for the project and the Addendum Report, the deposited plans, sections and elevations and any consent by the Scottish Ministers under article 15 allowing

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

an extension to the period for the completion of the works may be inspected, free of charge, at the offices of the Scottish Ministers at Victoria Quay, Edinburgh, EH6 6QQ between 09.00 and 16.30 (Monday to Friday, excluding public holidays).

The deposited plans, sections and elevations and, for a period of one month after notice of any extension is published in a local newspaper, any consent by the Scottish Ministers under article 15 allowing an extension to the period for the completion of the works may also be inspected, free of charge, at the offices of the Company at the Port between 09.00 and 16.00 (Monday to Friday, excluding public holidays).