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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 31**

**The Loch Ryan Port (Harbour Empowerment) Order 2009**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Loch Ryan Port (Harbour Empowerment) Order 2009 and comes into force on the day after the day on which it is approved by resolution of the Scottish Parliament.

**Interpretation**

2.—(1) In this Order—

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

“the Company” means Stena Line Ports (Loch Ryan) Limited a company incorporated in Scotland with registered number SC286272;

“deposited plans, sections and elevations” means the plans, sections and elevations which are bound together and signed in duplicate with reference to this Order and marked “Loch Ryan Port (Harbour Empowerment) Order 2009 plans, sections and elevations” and which are deposited at the offices of the Scottish Ministers at Victoria Quay, Edinburgh EH6 6QQ, and at the offices of the Company situated at the port; and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans, sections and elevations;

“general direction” means a direction given by the Company under article 21 (general directions to vessels);

“government department” includes any part of, or any member of the staff of, the Scottish Administration which shall have the same meaning as in section 126(6) of the Scotland Act 1998(2);

“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;

“land” includes land covered by water, any interest in land and any servitude or right in, to or over land;

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

“limits of deviation” means the limits of deviation shown on the deposited plans, sections and elevations;

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

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(1) 1847 c.27.

(2) 1998 c.46.

“port” means Loch Ryan Port as comprised within the port limits;

“port limits” means the limits of the port as defined in article 17 (limits of port);

“special direction” means a direction given by the harbour master under article 23 (special directions to vessels);

“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;

“vessel” means a ship, boat, or craft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and

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

(2) 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 Harbours, Docks, and Piers Clauses Act 1847**

**3.—**(1) Sections 1 to 4, 34, 35, 37 to 39, 42, 51, 54, 55 and 63 to 65 of the 1847 Act are incorporated with this Order subject to the modifications stated in paragraphs (2) to (4).

(2) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission)(3) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(3) Section 65 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.

(4) In construing the provisions of the 1847 Act as incorporated with this Order—

(a) the expression “the special Act” means this Order, the expression “the undertakers” means the Company and the expression “the harbour, dock, or pier” shall mean the port; and

(b) for the definition of the word “vessel” in section 3 (interpretations in this and the special Act) there shall be substituted the definition of that word in paragraph (1) of article 2 (interpretation).

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(3) There are amendments to section 63 not relevant to this Order.