
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 6

The Caledonian Maritime Assets
(Brodick) Harbour Revision Order 2015

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 and comes into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

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

“1920 Act” means the Brodick Lamlash Lochranza and Whiting Bay Piers Order Confirmation Act 1920(2);

“1938 Act” means the Island of Arran Piers Order Confirmation Act 1938(3);

“1964 Act” means the Harbours Act 1964(4);

“1965 Act” means the Clyde Port Authority Order Confirmation Act 1965(5) as amended by the Clyde Port Authority Order Confirmation Act 1969(6);

“CMAL” means Caledonian Maritime Assets Limited a company incorporated in Scotland with registered number SC1845;

“deposited plans” means the plans, sections and elevations which are bound together and signed in duplicate with reference to this Order and marked “Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 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 CMAL; and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans, sections and elevations;

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

“general direction” means a direction given by the harbour master under Section 52 of the 1847 Act;

(1) 1847 c.27
(2) 10 & 11 Geo. 5 c. clviii.
(3) 1 & 2 Geo. 6. c. lxxv.
(4) 1964 c.40.
(5) 1965 c. xlv.
(6) 1969 c. xxxi.

“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(7);

“harbour” means Brodick Harbour as comprised within the harbour limits;

“harbour limits” means the limits of the harbour as defined in article 4 (limits of harbour) of this Order;

“harbour map” means the map referred to in article 4 of this Order, and forming Schedule 2 to this Order;

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

“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;

“mooring” includes buoys and other apparatus provided for the mooring of vessels;

“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 by the harbour master under article 35;

“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) 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.

Incorporation of the Harbours, Docks, and Piers Clauses Act 1847

3.—(1) Sections 1 to 4, 27, 29, 33 to 35, 37 to 39, 42, 51 to 53, 55, 56 and 61 to 65 of the 1847 Act are incorporated with this Order subject to the modifications stated in paragraphs (2) to (4).

(2) Section 53 (penalty on shipmasters not complying with directions of the harbour master) shall have effect subject to the substitution of “level 4” for “level 1”.

(3) Section 62 (penalty for wilful cutting of moorings) shall have effect subject to the substitution of “level 3” for “level 1”.

(4) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission) 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”.

(5) 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.

(6) 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 CMAL and the expression “the harbour, dock or pier” means the harbour; 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 article 2 (interpretation).