



# Clyde Port Authority Order Confirmation Act 1969

CHAPTER xxxi

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2. Short title.

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ELIZABETH II



1969 CHAPTER xxxi

to confirm a Provisional Order under the Private  
tion Procedure (Scotland) Act 1936, relating to  
de Port Authority. [25th July 1969]

WHEREAS the Provisional Order set forth in the schedule  
hereunto annexed has after inquiry held before Com-  
missioners been made by the Secretary of State under  
ions of the Private Legislation Procedure (Scotland)  
and it is requisite that the said order should be  
Parliament: 1936 c. 52.

therefore enacted by the Queen's most Excellent Majesty,  
in the advice and consent of the Lords Spiritual and  
and Commons, in this present Parliament assembled,  
authority of the same, as follows:—

Provisional Order contained in the schedule hereunto  
hereby confirmed. Confirmation  
of Order in  
schedule.

may be cited as the Clyde Port Authority Order Short title.  
Act 1969.

## SCHEDULE

## CLYDE PORT AUTHORITY

*Provisional Order to confer further powers on the Clyde Port Authority and to amend and repeal provisions of the Clyde Port Authority Order 1965; and for other purposes.*

1965 c. xlv.

Whereas by the Clyde Port Authority Order 1965 the Clyde Port Authority was incorporated for the purpose of maintaining and improving the port of Clyde within the limits defined in that Order and for the other purposes set forth in that Order:

And whereas it is expedient that the area in which the Authority exercise jurisdiction should be extended as by this Order:

And whereas it is expedient that the other provisions of this Order be enacted:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected by the Order confirmed by Parliament under the provisions of the Legislative Procedure (Scotland) Act, 1936:

Now therefore, in pursuance of the powers contained in the Act, the Secretary of State orders as follows:—

Short and collective titles.

1.—(1) This Order may be cited as the Clyde Port Authority Order 1969.

(2) The Order of 1965, the Clyde Port Authority Order 1968 and this Order may be cited together as the Clyde Port Authority Orders 1965 to 1969.

Commencement of Order.

2. This Order shall come into operation on the date of the Act confirming it, which date is hereinafter referred to as the commencement of this Order.

Interpretation.

3.—(1) In this Order, unless the context otherwise requires—  
“charges” means fares, rates, tolls and dues of every kind and includes charges for services;

“goods” includes fish, livestock and animals of all kinds.

"harbour operations" means—

(a) the loading or unloading of goods in or from a trading vessel;

(b) the warehousing, sorting, weighing, movement, lighterage or handling of goods which are to be loaded in, have been unloaded from, a trading vessel within or immediately adjacent to the port;

(c) the embarking or disembarking of passengers in or from a trading vessel;

(d) the towing or moving of a trading vessel;

(e) the berthing of a trading vessel;

"Minister" means the Minister of Transport;

"the Order of 1965" means the Clyde Port Authority Order 1965;

"the Port Authority" means the Clyde Port Authority;

"the port" means the port within the limits defined in section 14 (Jurisdiction of Port Authority) of the Order of 1965;

1965 c. xlv.

"remises" includes a dock, pier, wharf, quay or other harbour work;

"trading vessel" means a sea going vessel engaged in trading but does not include a vessel owned and operated by the South of Scotland Electricity Board solely for the purposes of their undertaking.

References in this Order to any enactment shall be construed as references to that enactment as amended by any other enactment in this Order.

Section 14 (Jurisdiction of Port Authority) of the Order of 1965 is repealed and the following section substituted therefor:—

Re-enactment of section 14 of Clyde Port Authority Order 1965.

14.— (1) In this section—

'the landward limit' means the west side of Albert Bridge in the city of Glasgow;

'the seaward limits' means—

(a) to the east of the Isle of Arran a line drawn due east and west across the river or firth of Clyde from the coast of Ayrshire to Corrygills Point on the east coast of the Isle of Arran; and

(b) in Kilbrannan Sound a line drawn due east and west across the river or firth of Clyde from the north-west coast of the Isle of Arran to the coast of Kintyre being an extension of a line drawn due east and west from the southernmost point of the island of Little Cumbrae to the north-west coast of the Isle of Arran.

(2) The Port Authority and the harbourmaster shall exercise jurisdiction within that part of the river and firth of Clyde between the landward limit and the seaward limits

1864 c. ccviii.

(other than the area within the jurisdiction of the Ardrossan Harbour Company Limited, as defined in section 22 of Harbour defined) of the Ardrossan Harbour Consolidation Act 1864) and within all sea lochs and channels within that part and their jurisdiction shall extend up to the level of high water springs."

Licence for  
harbour  
operations.

5.—(1) The Port Authority may upon such terms and conditions as they think fit, which shall include terms and conditions as to variation or revocation of the licence, grant to any person to undertake harbour operations at or from premises within or immediately adjacent to, the port and to levy charges therefor.

(2) An application for a licence under this section shall be in writing to the Port Authority and shall be accompanied by a plan of the premises and of the harbour operations proposed to be undertaken, and, where it is proposed to construct, alter or extend works to which section 24 (Licensing of works) of the Order of 1965 does not apply, by plans, sections and particulars of the proposed works.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Port Authority do not grant a licence in accordance with the application, the application shall be deemed to have refused the application.

(4) The Port Authority shall not make a charge for a licence granted under this section.

Appeal to  
Minister.

6.—(1) Any applicant for a licence under section 5 (Licence for harbour operations) of this Order who is aggrieved by

- (a) the refusal of the Port Authority to grant a licence; or
- (b) any term or condition upon which the Port Authority has granted a licence;

and any holder of such a licence who is aggrieved by the refusal or variation of his licence by the Port Authority or by the refusal of the Port Authority to vary any term or condition of his licence, may, within twenty-eight days from the date on which the Port Authority notify the applicant or holder of their decision, or the date on which the Port Authority are, under subsection (3) of the said section 5, deemed to have refused the application, appeal to the Minister whose decision shall be binding upon the parties.

(2) A person who appeals to the Minister under this section shall give to the Port Authority notice of his appeal accompanied by a copy of his statement of appeal and the Port Authority shall, within twenty-eight days from the receipt of such notice be entitled to furnish the Minister with their observations on the appeal.

(3) On an appeal under this section the Minister may

- (a) confirm, vary or revoke the decision appealed against and may make any consequential amendment necessary to give effect to his decision and other terms and conditions of the licence; and
- (b) direct the Port Authority or the appellant, as the case may be, to give effect to his decision on the appeal and the Port Authority or the appellant so directed shall comply therewith.

(1) No person shall, after the commencement of this Order, make harbour operations at or from premises within, or immediately adjacent to, the port and levy charges therefor unless he is licensed so by the Port Authority: Restriction on  
harbour  
operations.

Provided that this subsection shall not apply—

(a) to harbour operations undertaken by the person immediately before the commencement of this Order so long as the extent, scope and nature of the harbour operations are not substantially altered;

(b) to harbour operations which the British Railways Board or any subsidiary of that board were authorised to undertake immediately before the commencement of this Order;

(c) to harbour operations carried out by the person authorised at, with or from a project authorised by the Minister under section 9 of the Harbours Act 1964 except in so far as the extent, scope and nature of the proposed harbour operations is stated in the application to the Minister for authorisation or as separately notified to the Minister in connection therewith are substantially altered. 1964 c. 40.

Any dispute or difference arising between the person under harbour operations to which proviso (c) to subsection (1) of this section applies and the Port Authority as to whether or not the scope and nature of harbour operations being undertaken, or intended to be undertaken, constitute or would constitute a substantial variation from those so stated or separately notified to the Minister referred to the Minister on the application of either party, the decision of the Minister shall be binding upon the parties.

At any time later than the date when an application is made to the Port Authority under this subsection the applicant shall send a copy of the application to the said person or to the Port Authority, as the case may be.

Any person who offends against the provisions of this section or contravenes or fails to comply with any term or condition upon which a licence under section 5 (Licence for harbour operations) of this Act is granted shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a fine not exceeding ten pounds on each day on which, after conviction, the offence continues.

In this section

"the company" means Imperial Chemical Industries Limited;

"outfall" means any outfall constructed or to be constructed by the company in Irvine Bay for the discharge of surface water or effluent and which is the subject of a consent for the time being in force under section 34 of the Coast Protection Act 1949. For protection  
of Imperial  
Chemical  
Industries  
Limited.  
  
1949 c. 74.

In the exercise of the powers conferred by section 16 (Power to vary the Order) of the Harbours Act 1965 the Port Authority shall not interfere with or injuriously affect the outfall.

(b) Before operations for deepening, dredging, scouring the bed and foreshore of the port or blasting any rock are carried under the powers of the said section 16 within 150 yards of the where blasting operations are involved, or, in any other case, 50 yards of the outfall the Port Authority shall give in writing to the company not less than twenty-eight days' notice of their intention to do so.

(3) Except in a case which is, in their opinion, a case of emergency the Port Authority shall before raising, removing or destroying a vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of the outfall give to the company as long notice as is practicable of their intention to do so.

(4) Nothing in section 28 (Restriction on construction of works and dredging) of the Order of 1965 shall require the company to obtain a works licence from the Port Authority in respect of the reconstruction, alteration, renewal or extension of the outfall.

(5) Nothing in the Clyde Port Authority Orders 1965 to 1968 or any byelaws made thereunder shall prejudice or affect any powers, jurisdiction or authorities conferred on or vested in or by the Irvine Harbour Company by the Irvine Harbour Act 1920.

1949 c. 74

For protection  
of Irvine  
Harbour  
Company.

9. Nothing in the Clyde Port Authority Orders 1965 to 1968 or any byelaws made thereunder shall prejudice or affect any powers, jurisdiction or authorities conferred on or vested in or by the Irvine Harbour Company by the Irvine Harbour Act 1920.

For protection  
of South of  
Scotland  
Electricity  
Board.

10. For the protection of the South of Scotland Electricity Board (hereinafter in this section referred to as the board) the following provisions shall, unless otherwise agreed in writing between the Port Authority and the board, apply and have effect.

(1) Section 28 (Restriction on construction of works and dredging) of the Order of 1965 shall not apply to the carrying out by the board in an emergency within or adjacent to the outfall of any works not authorised by section 24 (Licence to dredge) or section 25 (Licence to dredge) of the Order of 1965 or section 28, necessary for the protection of the efficient operation of, any work of the board or any directions necessary for the protection of navigation at any time to time given by the Port Authority to the board.

(2) In the exercise of the powers conferred by a works licence or a dredging licence the holder of the licence shall not, without the consent of the board, interfere with or adversely affect the efficient operation of any such work.

After the commencement of this Order, in the provisions of the **Amendment**  
**Docks and Piers Clauses Act 1847**, as incorporated in the **of certain**  
**Harbours Acts 1864 to 1909**— **incorporated**  
**provisions.**

the expression "vessel" shall mean every description of vessel, **1847 c. 27.**  
however propelled or moved, and shall include a hovercraft  
and any thing (whether in or under water) constructed or used  
to carry persons or goods by water, and a seaplane on or in  
the water;

the expression "hovercraft" shall mean a hovercraft as  
defined in the Hovercraft Act 1968. **1968 c. 59.**

On the commencement of this Order the enactments referred to **Amendments.**  
the first, second and third columns of Schedule 1 to this Order  
be amended to the extent specified in the fourth column thereof.

On the commencement of this Order the enactments referred to **Repeals.**  
the first, second and third columns of Schedule 2 to this Order  
be repealed to the extent specified in the fourth column thereof.

All costs, charges and expenses of and incidental to the preparing **Costs of**  
obtaining or confirming of this Order or otherwise in relation **Order.**  
shall be paid by the Port Authority out of the revenues of their  
making



SCHEDULES

SCHEDULE 1

AMENDMENTS

Section 12.

Order (1)	Section, article or schedule (2)	Marginal note or head note (3)	Amendment (4)
1886 c. xxxiv.	Ardrossan Harbour (Sale and Transfer) Act, 1886	2	After the words "and the words "other sections 88 to 92 and 111, both inclusive Act)" shall be inserted.
		19	After the words "and the words "as inserted with this Act" shall be inserted.
1965 c. xlv.	Clyde Port Authority Order 1965	28	In proviso (a) of sub- section (1) for the word "seaward" the word "westward" shall be substituted.
		41	The following shall be inserted after sub- section (3): "(4) In this section "their officers and includes officers and servants of a subsidiary defined in section 1 of the Companies Act of 1948 of the Port Authority."
1948 c. 38.		65	<p>(a) In subsection (1) the words "the meeting of the Port Authority to be held in March" shall be deleted and the words "the meeting of accounts of the Port Authority" shall be substituted.</p> <p>(b) In subsection (5) the words "on or before 31st March" shall be deleted and the words "as soon as possible after the end of each financial year" shall be substituted.</p> <p>(c) At the end of the subsection shall be inserted: "(7) In this section the words "accounts of any" (as defined in section 1 of the Companies Act 1948) of the Port Authority."</p>

Aut

Enact

(1)

(5)

(7)

UNITED KINGDOM

Central

SCH. 1  
—cont.

Order	Section, article or schedule	Marginal note or head note	Amendments
(1)	(2)	(3)	(4)
Clyde Port Authority Order 1965—cont.	Schedule 1	Provisions applying to Port Authority	In paragraph 11 for the words " of the Port Authority such fee and to the members such " the words " and members of the Port Authority such fees " shall be substituted. 1965 c. xlv.
	Schedule 2	Rules relating to Super-annuation Scheme	<p>(a) In Rule 1—</p> <p>(i) in the definition of " Authority " the words " or a subsidiary thereof " shall be inserted;</p> <p>(ii) after the definition of " Scheme " the following definition shall be inserted:— " subsidiary " has the meaning given to that expression by section 154 of the Companies Act, 1948. 1948 c. 38.</p> <p>(b) In Rule 20 after the word " pass " the words " if required " shall be inserted.</p> <p>(c) In Rule 21 for the figures " 8 (2) " the figures " 8 (3) " shall be substituted.</p>

SCHEDULE 2  
REPEALS

Section 13.

Instrument	Section	Marginal note	Extent of repeal
(1)	(2)	(3)	(4)
London Harbour and River Act 1886	17	Qualification of directors	The whole section. 1886 c. xxxiv.
Clyde Port Act 1965	100	Offences how to be prosecuted	The whole section.
	113	Provisions as to policing, lighting and cleansing	The letter " (a) " and paragraph (b).

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