
STATUTORY INSTRUMENTS

1993 No. 1592

The Montrose Harbour Revision Order 1993

Citation and commencement

1.—(1) This Order may be cited as the Montrose Harbour Revision Order 1993 and shall come into force on 12th June 1993.

(2) This Order and the Montrose Harbour Acts and Orders 1837 to 1991 may be cited together as the Montrose Harbour Acts and Orders 1837 to 1993.

Interpretation

2. In this Order—

“Authority” means the Montrose Port Authority;

“harbour” has the same meaning as in article 2 of the Montrose Harbour Revision Order 1991(1);

“the harbour undertaking” means the undertaking of the Authority as from time to time authorised;

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

Disposal of land no longer required for harbour purposes

3. The Authority, in respect of land vested in them and held for the purposes of the harbour which is no longer required for those purposes, may—

(a) dispose of such land or interests in it in such manner, for such period, upon such conditions and for such consideration, as they think fit; and

(b) develop such land (alone or with others) with a view to disposing of that land as aforesaid and may acquire other land by agreement for the purpose of developing it together with the first-mentioned land.

Remuneration and expenses of members

4. The Authority may pay to each member of the Authority such reasonable remuneration, allowances and expenses as the Authority may determine.

Power to dredge

5.—(1) The Authority may deepen, widen, dredge, scour and improve the bed and foreshore of the harbour and of the approaches to the harbour and may blast any rock within the harbour or in the approaches thereto.

(2) Any materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894⁽²⁾) taken up or collected in the course of such operations shall be the property of the Authority and may be used, sold, removed, deposited or otherwise disposed of as the Authority may think fit:

Provided that the Authority shall not lay down or deposit any materials below the level of high water except in such position as the Secretary of State may approve and subject to such conditions and restrictions as he may impose.

(3) In the exercise of the powers of this article the Authority shall not—

- (a) interfere with or damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or
- (b) do anything which will obstruct or impede any work relating to the inspection or repair of such apparatus;

without the consent of the statutory undertaker concerned.

(4) The powers of the Authority under this article shall be exercisable subject to the provisions of article 9 (Crown rights) of this Order and in particular and without prejudice to that general limitation, any consent given to the exercise of such powers by the Crown Estate Commissioners on behalf of Her Majesty may be given subject to such restrictions and conditions, including the payment by the Authority to the Crown Estate Commissioners of royalties, rents or sums of money in respect of materials raised from any place below the level of high water and sold by the Authority under this article or in respect of any place below the level of high water upon which materials may be deposited, as may be fixed by the Crown Estate Commissioners.

(5) In this article “statutory undertaker” means—

- (a) any person who is a statutory undertaker within the meaning of section 275(1) of the Town and Country Planning (Scotland) Act 1972⁽³⁾;
- (b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949⁽⁴⁾; or
- (c) any operator of a telecommunication code system; and in this sub-paragraph “operator” and “telecommunication code system” have the same meaning as in the Telecommunications Act 1984⁽⁵⁾.

Charges on certain floating articles

6. In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the Harbours Act 1964, the Authority may demand, take and recover in respect of any floating manufactured article (not being a ship within the meaning of the said Act) entering, using or leaving the harbour such dues as they think fit; and the provisions of sections 30 and 31 of the said Act shall, with any necessary modifications, apply to the dues authorised by this article as they apply to ship, passenger and goods dues.

Charges for services and facilities

7.—(1) The Authority may in relation to the harbour undertaking demand, take and recover in respect of anything done or provided by them or on their behalf such reasonable charges as they may determine.

(2) In paragraph (1) above “charges” does not include ship, passenger and goods dues as defined in section 57 of the Harbours Act 1964.

(2) 1894 c. 60.
(3) 1972 c. 52.
(4) 1949 c. 74.
(5) 1984 c. 12.

Amendments and repeals

8.—(1) The provisions of the Orders referred to in column (1) of Schedule 1 to this Order shall have effect subject to the amendments specified in column (2) of that Schedule.

(2) The enactments specified in Schedule 2 to this Order are hereby repealed to the extent specified in column (3) of that Schedule.

Crown rights

9. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained authorises the Authority to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Signed by authority of the Secretary of State for Transport

11th June 1993

Caithness
Minister of State,
Department of Transport