

202[] No. 0000

HARBOURS, DOCKS, PIERS AND FERRIES

**The Caledonian Maritime Assets Harbour Revision
(Consolidation) Order 202[]**

Made - - - - - ***

Coming into force ***

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The Scottish Ministers (“the Ministers”) make the following Order in exercise of the powers conferred by section 14(1) and (3) of the Harbours Act 1964(a) and all other powers enabling the Ministers to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to harbours which are being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(b).

In accordance with section 14(2) of that Act—

- (a) this Order is made following a written application to the Ministers by Caledonian Maritime Assets Limited (“the applicant”) being the authority engaged in improving, maintaining or managing the harbours; and
- (b) the Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance, or management of the harbours in an efficient and economical manner, facilitating the efficient and economic transport of goods or passengers by sea and the recreational use of sea-going ships.

The provisions of paragraph 17 of Schedule 3 to that Act(c) have been satisfied.

In accordance with paragraph 19(1) of that Schedule(d), the Ministers have considered any objections made and not withdrawn.

[In accordance with paragraph 19(6) of that Schedule(e), the Ministers have decided to make this Order with modifications which do not appear to the Ministers substantially to affect the character of the Order]. [In accordance with paragraph 19(6)(b) of that Schedule(f), Ministers have decided to make this Order in the form of the draft submitted to them.]

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- (a) 1964 c. 40; section 14 was relevantly amended by the Transport Act 1981 (c. 56), schedule 6, paragraphs 2, 3, 4(1) and 14 and schedule 12 and the Transport and Works Act 1992 (c. 42), schedule 3, paragraph 1. See sections 14(7) and 57(1) of the Harbours Act 1964 for the definitions of “the appropriate Minister” and “the Minister”. The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
 - (b) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c. 42), schedule 3, paragraph 9.
 - (c) Paragraph 17 of schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(g).
 - (d) Paragraph 19(1) of schedule 3 was substituted by S.I. 2017/1070.
 - (e) Paragraph 19(6) of schedule 3 was substituted by S.I. 2017/1070.
 - (f) Paragraph 19(6)(b) of schedule 3 was substituted by S.I. 2017/1070.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] and shall come into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

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

“the 1964 Act” means the Harbours Act 1964(**b**);

“the 1966 Act” means the Docks and Harbours Act 1966(**c**);

“the 1995 Act” means the Merchant Shipping Act 1995(**d**);

“the 2011 Order” means the Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011(**e**);

“the 2016 Order” means the Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016(**f**);

“the 2023 Order” means the Merchant Shipping (Watercraft) Order 2023(**g**);

“aids to navigation” includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

“ashore” means all those parts of the harbours which are not constituted of land covered by water at the level of low water;

“charges” means the charges, rates, tolls and dues which CMAL is for the time being authorised to demand, take and recover in relation to the undertaking;

“CMAL” means Caledonian Maritime Assets Limited a company incorporated in Scotland with registered number SC001854;

“commercial refuelling activities” includes recharging or emptying (in whole or part) a vessel with fuel in exchange for financial payment or other valuable consideration;

“the Commissioners of Northern Lighthouses” means the general lighthouse authority for Scotland, a body corporate constituted by section 193 of, and Schedule 8 to, the 1995 Act (**h**);

“electronic communications network” has the meanings given by section 32 of the Communications Act 2003(**i**);

“enactment” means any enactment whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“functions” includes the powers and duties at and in connection with the harbours authorised by this Order and Acts and Orders listed in Schedule 3;

“general direction” means a direction given under article 30;

(a) 1847 c. 27.

(b) 1964 c. 40.

(c) 1966 c. 28; section 37(3) was repealed by the Transport and Works Act 1992 (c. 42), Schedule 4 (Part 2).

(d) 1995 c. 21.

(e) S.I. 2011/347.

(f) S.S.I. 2016/156.

(g) S.I. 2023/35.

(h) 1995 c. 21. Schedule 8 was amended by section 55 of the Scotland Act 2016 c. 11.

(i) 2003 c. 21.

“general reserve fund” means the reserve fund to be established, maintained and used by CMAL under article 45;

“harbours” means the ports and harbours of Armadale, Brodick, Castle Bay, Coll, Colonsay, Gourock, Kennacraig, Largs, Lochaline, Lochboisdale, Lochranza, Oban, Port Ellen, Tarbert (Harris), Tiree and Wemyss Bay, the limits of which are defined in Schedule 1;

“harbour facilities” includes, but is not limited to, shipping, fisheries, marine, energy, fuel and alternative power, recreational, residential, leisure, tourism and retail facilities (including buildings);

“harbour limits plans” means the—

- (a) harbour limits plan (Armadale);
- (b) harbour limits plan (Brodick);
- (c) harbour limits plan (Castle Bay);
- (d) harbour limits plan (Coll);
- (e) harbour limits plan (Colonsay);
- (f) harbour limits plan (Gourock);
- (g) harbour limits plan (Kennacraig);
- (h) harbour limits plan (Largs);
- (i) harbour limits plan (Lochaline);
- (j) harbour limits plan (Lochboisdale);
- (k) harbour limits plan (Lochranza);
- (l) harbour limits plan (Oban);
- (m) harbour limits plan (Port Ellen);
- (n) harbour limits plan (Tarbert Harris);
- (o) harbour limits plan (Tiree); and the
- (p) harbour limits plan (Wemyss Bay);

“harbour limits plan (Armadale)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Armadale Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Brodick)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Brodick Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Castle Bay)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Castle Bay Harbour Limits Plan”, signed with reference to this Order one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Coll)” “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Coll Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Gourock)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Gourock Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Kennacraig)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Kennacraig Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Largs)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Largs Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Lochaline)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochaline Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Lochboisdale)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochboisdale Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Lochranza)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochranza Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Oban)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Oban Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Port Ellen)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Port Ellen Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Tarbert Harris)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Tarbert (Harris) Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Tiree)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Tiree Harbour Limits Plan”, signed with reference to this Order,

one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour limits plan (Wemyss Bay)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Wemyss Bay Harbour Limits Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“the harbour master” means any person appointed as such by CMAL, and includes the duly authorised deputies and assistants of the harbour master 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;

“harbour operations” includes—

- (a) the marking, lighting or dredging of the harbours or any part thereof;
- (b) the berthing, mooring, dry docking or storage of a vessel;
- (c) the laying and maintenance of moorings or other similar apparatus in the harbours;
- (d) the warehousing, sorting, weighing or handling of goods;
- (e) the movement of goods and vehicles (including parking, designated and prohibited areas, speed limits, removal from the harbours);
- (f) the towing, or moving of a vessel;
- (g) the loading or unloading of goods, or embarking or disembarking of passengers;
- (h) energy generation or storage;
- (i) the control of use of the harbours by members of the public and other third parties (including movement, conduct, authorised activities, designated and prohibited areas) but not so as to cause an interference with any public right of way;

“harbour premises” means land adjacent to the wet harbour area for the time being vested in, or occupied or administered by CMAL as part of the undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, car parks, other buildings and all other works and conveniences, land and premises which at the date of this Order includes the areas shaded [X] on the harbour premises plans;

“harbour premises plans” means the—

- (a) harbour premises plan (Armadale);
- (b) harbour premises plan (Brodict);
- (c) harbour premises plan (Castle Bay);
- (d) harbour premises plan (Coll);
- (e) harbour premises plan (Colonsay);
- (f) harbour premises plan (Gourock);
- (g) harbour premises plan (Kennacraig);
- (h) harbour premises plan (Largs);
- (i) harbour premises plan (Lochaline);
- (j) harbour premises plan (Lochboisdale);
- (k) harbour premises plan (Lochranza);
- (l) harbour premises plan (Oban);
- (m) harbour premises plan (Port Ellen);
- (n) harbour premises plan (Tarbert (Harris));
- (o) harbour premises plan (Tiree); and the

(p) harbour premises plan (Wemyss Bay);

“harbour premises plan (Armadale)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Armadale Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Brodick)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Brodick Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Castle Bay)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Castle Bay Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Coll)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Coll Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Gourock)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Gourock Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Kennacraig)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Kennacraig Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Largs)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Largs Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Lochaline)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochaline Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Lochboisdale)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochboisdale Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ

and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Lochranza)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Lochranza Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Oban)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Oban Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Port Ellen)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Port Ellen Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Tarbert (Harris))” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Tarbert (Harris) Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Tiree)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Tiree Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbour premises plan (Wemyss Bay)” means “The Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[] Wemyss Bay Harbour Premises Plan”, signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and at the other at principal office of CMAL, Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“harbours revenue” means and includes all moneys receivable by CMAL for and in relation to the undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“land” includes land covered by water;

“the level of high water” means the level of mean high water spring tides;

“the level of low water” means the level of mean low water spring tides;

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

“operator” has the meaning given by paragraph 2 of Schedule 3A to the Communications Act 2003;

“special direction” means a direction given under article 32;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning (Scotland) 1997 Act 1997(a);
- (b) a coast protection authority within the meaning of section 1 of the 1949 Coast Protection Act(b); or
- (c) any operator of an electronic communications network;

“undertaking” means the harbours undertaking for the time being of CMAL relating to any or all of the harbours as authorised by this Order and the Acts and Orders listed in Schedule 4 (to the extent that those Acts and Orders relate to the harbours or any one of them);

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans, bicycles, and mobile homes and includes a hovercraft or any other amphibious vehicle;

“vessel” includes a ship(c), boat, houseboat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

“watercraft” has the meaning given to it in article 3 of the 2023 Order;

“wet harbour area” means those parts of the harbours which are covered by water at the level of low water.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) In this Order, any reference to co-ordinates is a reference to World Geodetic System 1984 datum.

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

3.—(1) The 1847 Act (except sections 6 to 20, 22 to 26, 28 to 32, 41, 42, 49, 50, 66, 67, 70, 71, 77, 78, 84 to 90, and 97 to 102), (so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with this Order subject to the modifications stated in paragraphs (2) to (5) below.

(2) Section 63 of the 1847 Act (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 “liable to” to the end of the section there are substituted the words “guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(3) Section 69 of the 1847 Act (combustible matter on quays, &c., to be removed) shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(4) Section 74 of the 1847 Act (owner of vessel answerable for damage to works) of the 1847 Act shall have effect subject to the modification that the words “provided always” to the end of the section are omitted.

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

- (a) the expression “the special Act” means this Order;
- (b) the expression “the undertakers” means CMAL;

(c) As defined in section 57 (Interpretation) of the Harbours Act 1964 (c.40).

- (c) the expression “the harbour, dock, or pier” shall mean the harbours, and includes those docks, piers, berths, quays, landing places and wharves forming part of the harbour premises;
- (d) for the definition of the word “vessel” in section 3 of the 1847 Act (interpretation) there shall be substituted the definition of that word in article 2(1) of this Order;
- (e) the reference in section 53 of the 1847 Act (penalty on shipmasters not complying with directions of the harbour master) to notice of a direction by the harbour master served upon a vessel shall not be construed as requiring the notice to be in writing and may include the communication of the notice orally or otherwise.

PART 2

DUTIES AND POWERS OF CMAL

Limits of Harbours

4.—(1) CMAL shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the 1964 Act (interpretation), and the powers of the harbour master shall be exercisable within the harbours, the limits of which are described in Schedule 1.

(2) The harbour premises shall be deemed to be operational land within the meaning and for the purposes of the Town and Country Planning (Scotland) Act 1997(a).

(3) In the event of any discrepancy between the descriptions of the boundaries of the harbours referred to in Schedule 1 and the boundaries shown on the harbour limits plans and the harbour premises plan the descriptions in question shall prevail over the said plans.

(4) CMAL must keep, and make available for inspection at the relevant harbour office(b) and on the harbours website(c) from the day on which this Order comes into force, an illustrative plan.

(5) CMAL must update the illustrative plan to reflect any alterations to the extent of the harbour premises within the period of 30 days beginning with the day on which the alterations are made.

(6) In this article “illustrative plan” means a plan showing, for illustrative purposes only, the harbour limits as described in Schedule 1.

(7) For and incidental to the performance of its functions under this Order, CMAL may employ and appoint harbour masters.

(8) CMAL shall, within the harbours, be a local lighthouse authority within the meaning of sections 193 (general and local lighthouse authorities) and 201 (powers of harbour authorities) of the 1995 Act.

General powers of CMAL

5.—(1) CMAL may take such steps from time to time as it considers necessary or expedient for the improvement, maintenance and management of the harbours and the accommodation and facilities afforded in the harbours or connected with the undertaking.

(2) For those purposes, and without affecting the generality of paragraph (1), CMAL may—

-
- (a) 1997 c.8; “operational land” is defined in section 215 to which there are amendments not relevant to this Order, which section is subject to section 216.
 - (b) Armadale Harbour, The Pier, Armadale, Sleat, Isle of Skye, IV45 8RS; Brodick Ferry Terminal, Brodick, Isle of Arran KA27 8AY; The Ferry Terminal, Castlebay, Isle of Barra HS9 5XD; The Ferry Terminal, Arinagour, Isle of Coll PA78 6SY; Colonsay, Scalasaig, Isle of Colonsay PA61 7YW; The Ferry Terminal, Gourock, Inverclyde PA19 1QP; Kennacraig Harbour, Whitehouse By Tarbert Argyll PA29 6YF; Largs Harbour, Largs, North Ayrshire KA30 8BG; Lochaline Ferry Terminal, Morvern PA80 5XP; Lochboisdale Ferry Terminal, Isle of South Uist HS8 5TH; Lochranza Ferry Terminal, Lochranza, Isle of Arran KA27 8HL; The Railway Pier, Oban, Argyll, PA34 4DB; Port Ellen Harbour, Port Ellen, Isle of Islay PA42 7DW; The Ferry Terminal, Tarbert, Isle of Harris HS3 3DG; The Ferry Terminal, Scarinish, Isle of Tiree PA77 6TN; Wemyss Bay Ferry Terminal, Shore Road, Wemyss Bay PA18 6AR.
 - (c) www.cmassets.co.uk/harbours/locations/.

- (a) improve, maintain, regulate, manage, mark and light the harbours and provide harbour facilities in the harbours (including facilities for the supply by CMAL of fuel for vessels);
- (b) construct, reconstruct, extend, enlarge, alter, replace, relay or demolish structures and works in the harbours;
- (c) acquire land;
- (d) acquire any undertaking or part of an undertaking;
- (e) subscribe for or acquire shares or securities of any body corporate;
- (f) lend money to any person for the purposes of any undertaking carried on by that person or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate;
- (g) maintain such reserve funds as it thinks fit;
- (h) invest any sums not immediately required for the purposes of the undertaking and turn its resources to account so far as not required for those purposes;
- (i) do all other things which in its opinion are necessary or expedient to facilitate the proper carrying on or development of the undertaking.
- (j) This article does not affect any powers of CMAL under or by virtue of any other enactment (including this Order).

Development of land etc.

6.—(1) CMAL may, subject to obtaining the necessary rights in or over land—

- (a) use or develop for any purpose, and deal with, any land within or in the vicinity of the harbours; or
- (b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the harbours,

provided that it is conducive to the improvement, maintenance or management of the harbours in an efficient and economical manner.

(2) Except as is otherwise provided by any enactment, the powers of the company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that CMAL would not itself have the power to do that thing.

Powers to grant tenancies and to dispose of land

7.—(1) CMAL may, for the purposes of or in connection with the carrying on of the undertaking, lease or grant the use or occupation of, or any right or interest in or over, any lands, works, buildings, machinery, equipment or other property forming part of the harbours, in such manner, for such period, at such rents and other considerations and on such terms and conditions as it thinks fit.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of CMAL other than those specified in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act.

(3) CMAL may also dispose of any lands, works, buildings, machinery, equipment or other property vested in it if it considers that—

- (a) the property is surplus to that which is required for the purpose of the undertaking; or
- (b) it is conducive to the improvement, maintenance, operation or management of the harbours in an efficient and economical manner for the property to be held by a person other than CMAL,

in such manner, for such consideration and on such terms and conditions as it thinks fit.

Power to appropriate parts of harbours, etc.

8.—(1) Notwithstanding anything in this or any other statutory provision of local application, CMAL may from time to time set apart or appropriate any part of the harbours, or any lands, works, buildings, machinery, equipment or other property of CMAL in the harbours, for the exclusive, partial or preferential use or accommodation for any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges (other than ship, passenger and goods dues) and to such terms and conditions as CMAL thinks fit.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the harbours, or any lands, works, buildings, machinery, equipment or other property, so set apart or appropriated without the consent of the harbour master or other duly authorised officer of CMAL.

(3) The harbour master or, as the case may be, any such authorised officer may order any person or vessel contravening paragraph (2) to leave or be removed from the site of the contravention.

(4) Section 58 of the 1847 Act shall extend and apply with appropriate modifications to any vessel moored or otherwise positioned in contravention of paragraph (2) above.

(5) In exercising its powers to appropriate or set apart any part of the harbours under paragraph (1), CMAL shall have regard to the facilitation of—

- (a) the public right of navigation in the harbours, and
- (b) any public rights of way affecting the harbours,

such that CMAL shall not restrict such rights more than is necessary for the purpose for which the part of the harbours is appropriated or set apart.

Other commercial activities

9.—(1) CMAL may, in addition to any other powers conferred on CMAL—

- (a) carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person; and
- (b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company, for carrying on any part of the undertaking or carrying on at any place a trade or business of any kind,

provided that it is conducive to the improvement, maintenance, operation or management of the harbours in an efficient and economical manner.

(2) Except as is otherwise provided by any enactment, the powers of a company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that CMAL would not itself have the power to do that thing.

(3) The powers of CMAL under this article are additional to the powers of CMAL under section 37 of the 1966 Act (powers of harbour authorities to acquire a harbour business or shares in a harbour business).

Power to delegate functions

10. Subject to paragraph 9B of Schedule 2 to the 1964 Act (functions which cannot be delegated under a power conferred by a harbour revision order), CMAL may delegate the performance of any of its functions to be carried out by any person or company, including any such company as is referred to in article 9(1)(b).

Moorings

11.—(1) CMAL may provide, place, lay down, maintain, renew, use or remove such moorings, buoys and similar apparatus within the harbours as it considers necessary or desirable for the convenience of vessels.

(2) CMAL may from time to time, on such terms and conditions as it thinks appropriate, give consent to any person to place, lay down, maintain, renew and use moorings, buoys and similar apparatus for vessels in the harbours.

(3) In respect of moorings already lawfully laid down in the harbours at the date this Order comes into force, consent under paragraph (1) must be obtained by the owner or user of the mooring within 12 weeks of that date and thereafter renewed.

(4) Any person who, without reasonable excuse, places, lays down, maintains, renews or uses a mooring, buoy or similar apparatus for vessels within the harbours except under and in accordance with the terms and conditions of a consent given under this article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) Any consent given under paragraph (2) shall be valid for any period which may from time to time be considered appropriate by CMAL when granting consent.

(6) CMAL may charge a reasonable fee for the giving of a consent under this article.

(7) Consent given by CMAL under this article does not affect any requirement to obtain the consent of the owner of the sea bed; nor does any consent by the owner of the sea bed affect the requirement to obtain CMAL's consent under this article.

Power to licence tugs

12.—(1) It shall not be lawful for any person, except in an emergency, to operate a vessel exceeding 5 tonnes gross for fee or reward for the purpose of moving or controlling the movement of any other vessel within the harbours except under and in accordance with the terms and conditions of a licence granted by CMAL in that behalf.

(2) CMAL may charge a reasonable fee for the grant of any licence under this article.

(3) Any person who contravenes paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any person aggrieved by the withholding, suspension or revocation of any licence or by any term or condition subject to which a licence has been granted under the provisions of this article may appeal to the sheriff.

Power to regulate pleasure craft

13.—(1) A person shall not within the harbours —

- (a) let for hire to the public a pleasure craft except with the written approval of CMAL in accordance with this article; or
- (b) carry, or permit to be carried, passengers for hire in a pleasure craft unless the craft, and the boatmen in charge of the craft and the navigator, are approved in writing by CMAL.

(2) Any such approval may be given for such period as CMAL may think fit, and may be suspended or revoked by CMAL whenever it shall deem such suspension or revocation to be necessary or desirable in the interests of public safety.

(3) The existence of the power to suspend or revoke the approval shall be stated plainly in the approval itself.

(4) A person taking on hire a pleasure craft for purposes other than for profit does not require to be approved as a boatman.

(5) Approval under this article shall not be required for any craft which has a relevant certificate issued by the Maritime and Coastguard Agency and valid for the voyage intended or, in the case of hovercraft within the meaning of the Hovercraft Act 1968^(a), a certificate of safety valid for the voyage intended.

(a) 1968 c. 59.

(6) A person shall not carry or permit to be carried in any pleasure craft within the harbours a greater number of passengers for hire than are specified in the approval applying to such craft, and every owner of any such craft shall before permitting the same to be used for carrying passengers for hire within the harbours, permanently display in letters and figures not less than three centimetres in height and one half centimetre in breadth, on a conspicuous part of the craft, their own name and also the number of persons which it is approved to carry, in the form “Approved to carry [] persons”.

(7) Any person who acts in contravention of paragraph (1) or (6) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(8) Any person aggrieved by the withholding, suspension or revocation of any approval or by any term or condition subject to which an approval has been given under this article may appeal to the sheriff.

(9) In this article “pleasure craft” means any vessel of not more than 100 tonnes gross used wholly or mainly for recreation or for the carriage of passengers for reward.

Bunkering

14.—(1) CMAL may from time to time grant to a person with or without conditions a licence to carry out commercial refuelling activities related to vessels in the harbours.

(2) Nothing in any licence granted under paragraph (1) shall entitle a person to carry out commercial refuelling activities from or on land not owned or leased by that person or by CMAL or in which that person has no interest.

(3) Any licence granted under paragraph (1) shall be valid for any period which may from time to time be considered appropriate by CMAL when granting the licence.

(4) CMAL may charge for a licence granted under paragraph (1) such reasonable fee as CMAL may from time to time prescribe.

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity related to a vessel in the harbours except in accordance with a licence issued by CMAL under this article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Aids to navigation

15.—(1) In addition to its powers under section 201 of the 1995 Act (powers of harbour authorities as local lighthouse authorities) but subject to obtaining any necessary interest in or over land, CMAL may erect or place, alter, discontinue or remove aids to navigation in any place adjacent to the harbours.

(2) CMAL must not exercise the powers of paragraph (1) without the approval of the Commissioners of Northern Lighthouses.

Power to dredge

16.—(1) CMAL may, as appears to it to be necessary or desirable for the purposes of the undertaking, deepen, widen, dredge, scour, cleanse, alter and improve the harbours below the level of high water.

(2) Subject to paragraph (3), all materials dredged up or removed by CMAL in exercise of the powers of this article shall be the property of CMAL and may be used, sold, deposited or otherwise disposed of as CMAL may think fit.

(3) No such materials shall be laid down or deposited in contravention of the provisions of any enactment as respects to the disposal of waste.

Repair of landing places, etc.

17.—(1) In this article, “relevant feature” means any landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, groyne or other work in the harbours or on land immediately adjoining the waters of the harbours other than one under the control or management of CMAL.

(2) CMAL may by notice require the owner, lessee or occupier of a relevant feature which in the opinion of CMAL is, or is likely to become, by reason of its insecure condition or want of repair—

- (a) dangerous to persons or vessels using the harbours; or
- (b) a hindrance to the navigation of the harbours,

to remedy its condition to CMAL’s reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice.

(3) If a person to whom notice is given under this article fails without reasonable excuse to comply with the notice within the time stated in the notice or such other time as the Ministers on an appeal may substitute therefor—

- (a) that person shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale; and
- (b) CMAL may carry out the work required by the notice and may recover the reasonable expenses of so doing from the person on whom the notice was served.

(4) A notice under this article must have annexed to it a copy of this article.

(5) A person aggrieved by a notice served by CMAL under this article may, during the period of 21 days beginning with the date on which the notice was served, appeal to the Ministers against the notice.

(6) An appeal under paragraph (5) must be made by notice in writing stating the grounds of the appeal.

(7) A person who appeals under paragraph (5) must give to CMAL notice of the appeal accompanied by a copy of the statement of appeal; and CMAL shall, within 21 days of receipt of the notice, be entitled to furnish to the Ministers its observations on the appeal.

(8) On an appeal under paragraph (5), the Ministers shall either quash the notice, modify its requirements or dismiss the appeal.

(9) In this article “owner”, “lessee” and “occupier”, in relation to a relevant feature, means the person who was the “owner”, “lessee” or “occupier” of the relevant feature at the date the notice is served, or if the “owner”, “lessee” or “occupier” of the relevant feature is not readily identifiable, the “owner”, “lessee” or “occupier” of the land on which the relevant feature is situated at the date the notice is served.

Restriction of works and dredging

18.—(1) Subject to paragraph (3), no person other than CMAL shall—

- (a) construct, alter, renew or extend any works; or
- (b) dredge,

on, under or over tidal waters or land below the level of high water in the harbours unless that person is licensed so to do, in the case of works by a works licence and in the case of dredging by a dredging licence, and no such person shall do so except upon the terms and conditions, if any, upon which the licence is granted and in accordance with plans, sections and particulars approved in pursuance of article 20 of this Order or, as the case may require, article 21 of this Order.

(2) CMAL may by notice require a person who contravenes this article to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site thereof to its former condition; and if that person fails to comply with the notice, CMAL may carry out the works so required and may recover from that person the cost of so doing.

(3) Nothing in this article shall apply to—

- (a) any operations or works specifically authorised by any enactment;
- (b) any operations or works of a statutory undertaker; or
- (c) any operations or works authorised by a moorings consent granted under article 11 of this Order.

(4) Any person who without reasonable excuse contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Control of certain operations and works of statutory undertakers

19.—(1) This article applies to any operations or works in the harbours of a statutory undertaker on, under or over tidal waters or land below the level of high water, not being operations or works which are specifically authorised by an enactment.

(2) Subject to paragraph (3), a statutory undertaker must not carry out any operations or works to which this article applies unless it has given notice of its intention to do so to CMAL and has supplied CMAL with such particulars as it may reasonably require.

(3) Where, in an emergency, it is impracticable to give notice as required by paragraph (2), the statutory undertaker must inform CMAL of the operations or works as soon as reasonably practicable.

(4) Any operations or works to which this article applies must be carried out subject to any directions which may from time to time be given by CMAL to the statutory undertaker, being directions for the avoidance of danger and the prevention, so far as possible, of interference with navigation in the carrying out of such operations or works.

(5) Any person who, without reasonable excuse, contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Licensing of works

20.—(1) CMAL may upon such terms and conditions as it thinks fit grant to any person a licence to construct, alter, renew or extend any works in the harbours on, under or over tidal waters or land below the level of high water, notwithstanding that the works as constructed, altered, renewed, or extended interfere with the public right of navigation or any other public right.

(2) An application for a works licence must be made in writing to CMAL and must—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates; and
- (b) specify whether the applicant holds such rights in, under or over land as are necessary to enable the applicant to enjoy the benefits of the licence and, if not, the action taken to enable the applicant to obtain such rights if the licence is granted,

and, in granting a licence, CMAL may require modifications in the plans, sections and particulars so submitted.

(3) CMAL may require an applicant for a works licence, on making the application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application.

(4) As a condition of the granting of a licence, CMAL may require a licensee, being an applicant to whom a licence has been granted or the applicant's successor, where works are constructed pursuant to the licence, to pay such reasonable fees in respect of CMAL's administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the works.

(5) Where CMAL refuses to grant a works licence which has been applied for it must give reasons in writing for its refusal.

(6) Where CMAL grants a works licence upon terms or conditions or require any modification in the plans and particulars, it must give reasons in writing for the terms and conditions imposed or the modifications required.

(7) If within 16 weeks from the receipt of the application under paragraph (2) CMAL does not grant a works licence, it shall be deemed to have refused the application.

(8) In the carrying out of operations in pursuance of a works licence, the holder of the licence must not—

- (a) interfere with, 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 any such apparatus,

without the consent of the statutory undertaker concerned.

Licence to dredge

21.—(1) CMAL may upon such terms and conditions as it thinks fit grant to any person a licence to dredge in any part of the harbours.

(2) An application for a dredging licence must be made in writing to CMAL and must be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence, and in granting any such licence CMAL may require modifications in the plans, sections and particulars so submitted.

(3) Paragraphs (3) to (8) of article 20 of this Order shall apply in relation to a dredging licence as they apply in relation to a works licence.

(4) Any materials, other than wreck within the meaning of Part IX of the 1995 Act, taken up or collected by means of dredging in pursuance of a dredging licence shall be the property of the holder of the licence and that person may use, sell or otherwise dispose of or remove or deposit the materials as that person thinks fit—

- (a) provided that no such material shall be laid down or deposited in any place within the harbours below the level of high water except in such positions as may be approved by CMAL and subject to such conditions as may be imposed by CMAL;
- (b) if it appears to the holder of the dredging licence that CMAL has unreasonably withheld or refused its approval under paragraph (a) of this proviso or that any condition imposed by CMAL under that paragraph is unreasonable, that person may appeal to the Scottish Ministers whose decision shall be binding upon the parties.

Appeals in respect of works or dredging licences

22.—(1) An applicant for a works licence or a dredging licence who is aggrieved by—

- (a) a refusal of CMAL to grant a licence;
- (b) any terms or conditions subject to which the licence is granted; or
- (c) any modifications required by CMAL in the plans, sections and particulars submitted by the applicant,

may, within 28 days from the date on which CMAL notifies the applicant of its decision or the date on which CMAL is, under article 20(7) of this Order, deemed to have refused the application, appeal to the Scottish Ministers.

(2) An appeal under paragraph (1) must be made by notice in writing stating the grounds of the appeal.

(3) The appellant must send to CMAL a copy of the notice of the appeal; and CMAL may, within 28 days of the receipt of the notice, furnish to the Scottish Ministers its observations on the appeal.

(4) The Scottish Ministers may confirm, vary or revoke the decision appealed against and may make such consequential amendments as the Scottish Ministers may specify.

The Scottish Ministers may direct CMAL to give effect to the decision, and CMAL must forthwith comply with any direction given.

Obstruction of works

23.—(1) Any person who—

- (a) intentionally obstructs any person acting under the authority of CMAL in setting out the lines of or in constructing the works; or
- (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and shall in addition be liable to repay to CMAL as a debt any expenses incurred by it in making good any damage resulting from such obstruction, moving or removal.

Parking places and related facilities

24. CMAL may provide facilities within the harbours for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and make reasonable charges for the use of such facilities.

Removal of vehicles

25.—(1) If a vehicle is left—

- (a) in a parking place provided by CMAL within the harbour premises for a longer period than authorised by the authority;
- (b) in any part of the harbour premises where the parking of vehicles is prohibited by notice erected by CMAL; or
- (c) in any place within the harbour premises where it is likely to obstruct or interfere with the use of the harbour premises,

CMAL may cause it to be removed to a place of safe custody.

(2) Any such notice as is referred to in paragraph (1)(b) shall be conspicuously posted in or in proximity to the place to which it relates.

(3) Where CMAL in exercise of the powers of this article causes a vehicle to be removed, the reasonable expenses of and incidental to its removal and safe custody shall be recoverable by CMAL from the person responsible.

(4) If CMAL in exercise of the powers conferred by this article causes a vehicle to be removed, it shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 2002(a), at that person's last known address or registered address, or the address where the vehicle is ordinarily kept, notice that CMAL has exercised the powers of this article and of the place to which the vehicle has been removed.

(5) A notice stating the general effect of paragraph (1) shall be displayed in a prominent position at each entrance to any parking place provided by CMAL and at each place where a road accessible to vehicles enters any part of the harbour premises, and shall be endorsed on any tickets issued to persons leaving vehicles in such parking place or elsewhere at the harbour premises.

(6) In paragraph (3), “person responsible”, in relation to a vehicle, means—

- (a) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless the owner of the vehicle shows that the vehicle was put there without that person's knowledge or involvement;

(a) S.I. 2002/2742.

- (b) any person by whom it was put in that place; or
 - (c) any person convicted of an offence under section 2 of the Refuse Disposal (Amenity) Act 1978^(a) in consequence of the putting of the vehicle in that place.
- (7) This article does not apply to any part of any public road within the harbour premises.

Power with respect to disposal of wrecks

26.—(1) In its application to CMAL, section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) has effect in relation to the harbours and their approaches in relation to a vessel sunk, stranded or abandoned before, as well as after, the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting a person's liability, CMAL may recover from the owner of any vessel sunk, stranded or abandoned on or after the date of coming into force of this Order in relation to which it has exercised its powers under section 252 of the 1995 Act any expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of CMAL an emergency, paragraph (2) shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on it by section 252 of the 1995 Act, other than the power of lighting and buoying, CMAL has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If before the notice expires CMAL receives from the owner counter-notice in writing that the owner desires to dispose of the vessel themselves, the owner shall be at liberty to do so; and CMAL shall not exercise the powers in section 252 of the 1995 Act in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by CMAL.

(5) Notice under paragraph (3) to the owner of any vessel may be served by CMAL either by delivering it to the owner or by sending it to the owner by registered post or the recorded delivery service addressed to the owner at their last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to CMAL, or is not in the United Kingdom, by displaying the notice at the relevant harbour office and electronically on the harbours website for the period of its duration.

(6) In this article "owner", in relation to any vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment.

(7) The powers conferred on CMAL by this article shall be in addition to and not in derogation of any other powers exercisable by it for or with respect to the removal of wrecks within the harbours and the approaches thereto.

Power to deal with unseviceable vessels

27.—(1) In addition to the powers conferred on the harbour master by section 57 of the 1847 Act (unseviceable vessels to be altogether removed from harbour) and on CMAL by section 252 the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) CMAL may sell, break up or otherwise dispose of any vessel which is unseviceable and has been laid by or neglected in the harbours or immediately adjoining the harbours.

(2) CMAL may retain out of the proceeds of sale and such vessel, or any part of such proceeds, any expenses incurred by it in respect of the vessel, or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and any expenses incurred by the

(a) 1978 c. 3.

harbour master under section 57 of the 1847 Act and must pay the surplus, if any, to the person or body entitled to that surplus.

(3) If the proceeds of the sale are insufficient to reimburse CMAL for the said expenses, or there is no sale, CMAL may recover the deficiency, or where there is no sale, the whole of the expenses, from the owner as a simple contract debt.

(4) Except in the case of emergency, CMAL must, before exercising its powers under this article, give 14 days' notice in writing of its intention to do so to the registered owner of the vessel and by advertisement in each of two successive weeks in a local newspaper circulating the area of the harbours, provided that, if the registered owner or their place of business or address is not known to CMAL or is outside of the United Kingdom, the notice may be given by displaying it at the relevant harbour office and on the harbours website for two successive weeks.

Removal of obstructions other than vessels, vehicles or wrecks

28.—(1) CMAL may remove anything which is causing or likely to become an obstruction or impediment to the proper use of any part of the harbours other than—

- (a) a vessel or vehicle; or
- (b) a wreck within the meaning of Part IX of the 1995 Act.

(2) If anything removed by CMAL under paragraph (1) is known to CMAL to be, or is so marked as to be readily identifiable as, the property of any person, CMAL shall within one month of its coming into its custody give notice, in accordance with paragraph (6), to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period become the property of CMAL.

(3) If the ownership of anything removed by CMAL under paragraph (1) is not so known or marked and the ownership cannot within 3 months of its coming into the custody of CMAL be proved to CMAL's reasonable satisfaction, it shall become the property of CMAL.

(4) CMAL may at such time and in such manner as it thinks fit dispose of anything which is of a perishable or obnoxious nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in CMAL under this article, and if it is sold the proceeds of sale shall be applied by CMAL in payment of the reasonable expenses incurred by it under this article in relation to the thing, and any balance—

- (a) shall be paid to any person who within 3 months from the time when the thing came into custody of CMAL proves to its reasonable satisfaction that such person was the owner thereof at that time; or
- (b) if within the said period no person proves ownership at the said time, shall become the property of CMAL.

(5) If anything removed under this article—

- (a) is sold by CMAL and the proceeds of sale are insufficient to reimburse it for the amount of the expenses incurred in the exercise of its powers of removal; or
- (b) is unsaleable,

CMAL may recover the deficiency or the whole of the expenses, as the case may be, from the person who was the owner when the thing removed came into the custody of CMAL or who was the owner at the time of its abandonment or loss.

(6) A notice given under paragraph (2) shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of CMAL possession may be retaken at a place specified in the notice within the time specified therein, being not less than 14 days after the date when the notice is served.

(7) CMAL shall not under the powers of this article move anything placed or constructed by any person under the provisions of any enactment or of a consent or licence.

Power to remove goods

29.—(1) If any goods are left on or in any part of the harbour premises CMAL may require the owner of the goods to remove them; and if the goods are not so removed within six hours after such requirement CMAL may cause them to be removed to CMAL or any other public warehouse or store; and such removal shall be carried out at the expense and risk of the owner.

(2) Notwithstanding such removal on behalf of CMAL, the goods shall be subject to a lien for the cost of removal, and for any charges or goods dues payable to CMAL by the owner in respect of the goods under this Order or the 1964 Act.

(3) In this article, “goods” includes equipment of any description.

PART 3

HARBOUR REGULATIONS

General directions as to the use of harbours, etc.

30.—(1) Subject to paragraph (4), CMAL may, after consultation with the UK Chamber of Shipping, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons or organisations as it considers appropriate for the purposes of the application of this provision, give general directions in order to promote or secure conditions conducive to the ease, convenience or safety of navigation, the safety of persons, the conservation of fauna, avifauna and flora in the harbours or the ease, convenience or safety of harbour operations ashore and, without limitation to the scope of the foregoing, for any of the following purposes—

- (a) designating areas, routes or fairways in the harbours and the approaches to the harbours which vessels are to use, or refrain from using, for movement, mooring or anchorage;
- (b) securing that vessels move within the harbours only at certain times or during certain periods;
- (c) securing that vessels make use of descriptions of aids to navigation specified in the direction;
- (d) prohibiting entry into or navigation within any of the main fairways within the harbours or the approaches leading to them during any temporary obstruction of the fairways;
- (e) regulating the admission to, and the movement within, and the departure of vessels from, the harbours, or the removal of vessels, and for the good order and government of vessels whilst within the harbours;
- (f) prohibiting entry into or movement in the harbours by vessels at times of poor visibility due to the weather or to the presence of dust or smoke provided that no such direction shall prevent the entry into the harbours or their approaches of any vessel seeking refuge from stress of weather;
- (g) regulating the navigation, berthing, mooring and speed of vessels within the harbours;
- (h) regulating the use of ferries within the harbours;
- (i) regulating the use within the harbours of yachts, sailing boats, sailboards, rowing boats, rowing punts, watercraft, pleasure craft and other small craft;
- (j) regulating the launching of vessels within the harbours;
- (k) regulating the use of tugs within the harbours; or
- (l) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master for the purposes of this paragraph.

(2) A direction under this article may apply—

- (a) to all vessels or to a class of vessels;
- (b) to all vehicles or to a class of vehicle;

- (c) to persons designated in the direction;
- (d) to the whole of the harbours or to a part; or
- (e) at all times or at certain times or at certain states of the tide,

and every direction must specify the extent of its application in relation to the matters referred to in sub- paragraphs (a), (b), (c), (d) and (e).

(3) CMAL may, after consultation with the UK Chamber of Shipping, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons as CMAL considers appropriate for the purposes of the application of this provision, revoke or amend any general direction.

(4) The consultation requirements in paragraphs (1) and (3) do not apply where in the interests of navigational safety, or safety of persons, CMAL proposes to give, amend or revoke a general direction—

- (a) in an emergency; or
- (b) relating to an intended, potential or actual activity or operation within the harbours,

and CMAL considers that the giving, amending or revocation of that general direction is required, taking into account other activities or operations in the harbours which may be affected.

(5) Any general direction made or amended without consultation will be in force only for the period of the emergency.

Publication of general directions

31.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by CMAL as soon as practicable, once in one or more newspapers circulating in the locality of the harbours to which the proposal relates.

(2) CMAL shall also make the notice available for inspection on a website maintained by CMAL together with, if the notice relates to the giving or amendment of a general direction, a copy of the direction or the direction as amended.

(3) If the notice relates to the giving or amendment of a general direction, the notice shall state a place at which copies may be obtained and particulars of the website where a copy of the direction or the direction as amended may be viewed.

(4) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner CMAL considers appropriate.

Special directions to vessels

32.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the harbours for any of the following purposes—

- (a) requiring a person to comply with a requirement made in or under a general direction;
- (b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;
- (c) regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the harbour premises;
- (d) specifying the precautions to be taken in respect of apparatus, machinery and equipment,
- (e) prohibiting or restricting the use of fires or lights;
- (f) regulating the discharge or use of ballast;
- (g) requiring the removal of the vessel from any part of the harbours if the vessel—
 - (i) is on fire,
 - (ii) is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life (including wildlife) or property,

- (iii) is making an unlawful use of the harbours or interfering with the reasonable use or enjoyment of the harbours by other vessels or persons or the dispatch of business in the harbours, or
 - (iv) needs to be removed to enable maintenance or repair work to be carried out to the harbour premises,
 - (h) requiring the vessel be removed to a place outside the harbours if such removal is considered by the harbour master to be necessary in order to avoid danger or potential danger to life (including wildlife) or to property.
- (2) A special direction may be given in any manner considered by the harbour master to be appropriate.
- (3) The harbour master may revoke or amend a special direction.

Failure to comply with directions

33.—(1) A person who fails to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for the person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Enforcement of special directions

34.—(1) If a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) Paragraph (1) does not restrict the use of any other remedy available to CMAL.

(3) If there is no one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with, but the harbour master shall not do so unless, after reasonable inquiry has been made, the master cannot be found.

(4) Expenses incurred by CMAL in the exercise of the powers conferred by paragraph (1) are recoverable by CMAL as if they were a charge of the authority in respect of the vessel.

Master's responsibility to be unaffected

35. The giving of a general direction or special direction shall not diminish or in any other way affect the responsibility of the master of the vessel in relation to which the direction is given, to persons on board the vessel, to the cargo or any other person or property.

Obstruction of officers, etc.

36. Any person who intentionally obstructs an officer of CMAL or other person acting in execution of this Order or of any enactment relating to the harbours shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Boarding of vessels and vehicles

37. Any duly authorised officer of CMAL may enter and inspect a vessel or vehicle in the harbours, subject to producing their authority where requested—

- (a) for the purposes of any enactment relating to CMAL, byelaw or general direction of CMAL including its enforcement; or
- (b) to prevent or extinguish fire,

but, except in an emergency, no entry shall be made under this article without prior written notice first having been given to the owner or the person appearing to have charge of the vessel, at least 24 hours in advance; and the notice shall have annexed to it a copy of this article.

Vessels adrift

38.—(1) The owner or master of a vessel adrift in the harbours shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall be a defence for the owner or master of a vessel charged with an offence under paragraph (1) to prove that the vessel did not become adrift as the result of any neglect or default on their part.

General byelaws

39.—(1) CMAL may from time to time make byelaws for the efficient management and regulation of the harbours and for the conservation of the natural beauty of all parts of all or any part of the harbours or any of the fauna, flora or physiographical features in the harbours and all other natural features.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbours and the docks, berths, wharves, quays, piers, jetties, landing places, equipment, works and conveniences (including moorings);
- (b) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within the harbours;
- (c) regulating the berthing and mooring of vessels within the harbours and their speed and the use of tugs within the harbours;
- (d) preventing damage or injury to the harbours or any vessels, goods, vehicles, plant, machinery, property or persons within the harbours;
- (e) regulating the conduct of all persons in the harbours not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (f) regulating the placing and maintenance of moorings within the harbours;
- (g) preventing and removing obstructions or impediments within the harbours;
- (h) regulating the use of ferries within the harbours;
- (i) regulating in the harbours the use of yachts, sailing boats, sailboards, rowing boats, pleasure craft and other small craft;
- (j) regulating the use of watercraft in the harbours;
- (k) regulating the holding of regattas and other public events in the harbours;
- (l) regulating or prohibiting the activities in the harbours of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
- (m) prohibiting persons in or entering the harbours, or any part thereof, from smoking therein;
- (n) regulating the movement, use of and parking of vehicles within the harbours (including speed limits, restricted and prohibited areas and removal from the harbours);
- (o) regulating the exercise of the powers vested in the harbour master; or
- (p) the purposes set out in section 83 of the 1847 Act.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given thereunder on summary conviction, fines not exceeding level 4 on the standard scale;

- (b) relate to the whole of the harbours, or to any part thereof; or
- (c) make different provisions for different parts of the harbours, or in relation to different classes of vessels.

Confirmation of byelaws

40.—(1) Byelaws made by CMAL under this Order shall not come into operation until they have been confirmed by the Ministers.

(2) At least one month before an application for confirmation of byelaws is made by CMAL to the Ministers, notice of the intention to apply for confirmation and of the place at which and times during which a copy of the byelaws shall be open to inspection shall be published as follows—

- (a) once in the Edinburgh Gazette; and
- (b) once in each of two successive weeks in a newspaper circulating in the area in which the harbours is situated.

(3) During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws shall be kept by CMAL at its principal office and on the harbours website and will be available for inspection without payment.

(4) CMAL shall supply a copy of the byelaws or of part of the byelaws to a person who shall apply for it.

(5) During the period of one month after the date of first publication of any notice required by paragraph (2), any person may make in writing to the Ministers any objection to or representation respecting the byelaws to which the notice relates.

(6) Subject to paragraph (7), the Ministers may confirm the byelaws in the form submitted to them with such modifications as they think fit or may refuse to confirm them.

(7) Where the Ministers propose to make a modification that appears to them to substantially affect the character of the byelaw they shall inform CMAL and require it to take any steps the Ministers consider necessary for informing persons likely to be concerned with the modification, and the Ministers shall not make decision under paragraph (6) until such period has elapsed as the Ministers think reasonable for consideration of, and comment upon, the proposed modification by CMAL and by other persons who have been informed of it.

(8) In making a decision under paragraph (6) the Ministers shall have regard to any comments that may have been received under paragraph (7).

(9) A copy of the byelaws when confirmed shall be printed and deposited by CMAL its principal office and shall at all reasonable hours be open to public inspection without payment, and a copy of the byelaws shall on application be furnished to any person on request.

Saving for existing directions, byelaws etc.

41. Any general direction, special direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by CMAL in relation to the undertaking and in force immediately on or before the date on which this Order comes into force, shall, notwithstanding the amendments set out in articles [X] to [X], cessation of effect set out in article 63 and Schedule 2, and the repeals and revocations set out in article 64 and Schedule 3, continue to have effect.

PART 4

FINANCIAL PROVISIONS

Borrowing powers

42. CMAL may from time to time borrow, by any methods and on such terms as it sees fit, such sums of money as it thinks necessary for the purposes of the undertaking; and where moneys are

borrowed by CMAL under this article, CMAL may, if it sees fit, borrow those moneys upon the security of some or all of its assets or of some or all of its revenues or of some or all of both its assets and revenues; and CMAL may effect such arrangements as it sees fit to mitigate against any financial risk incurred for the purposes of meeting such obligations.

Temporary borrowing powers

43. CMAL may borrow temporarily, by way of overdraft or otherwise, such sums of money as CMAL may require for the purposes of the undertaking.

Application of finances

44. CMAL must apply the harbours revenue in the manner following and not otherwise—

- (a) first in payment of the working and establishment expenses and cost of maintenance of the harbours;
- (b) secondly in payment of the interest on any moneys borrowed by CMAL for the harbours under any statutory borrowing power;
- (c) thirdly in payment of all other expenses properly chargeable to harbours revenue;
- (d) fourthly to the general reserve fund established under article 45.

General reserve fund

45.—(1) CMAL must establish and maintain a general reserve fund.

(2) CMAL must carry to the general reserve fund such part of the harbours revenue as may be available for the purpose in accordance with article 44(d).

(3) Any reserve fund established or maintained under this article must be applied by CMAL in its discretion—

- (a) in or towards meeting any deficiency in the harbours revenue account in any year;
- (b) to meet any extraordinary claim or demand in respect of the undertaking;
- (c) in or towards payment of the cost of renewing, improving, extending or replacing any part of the works forming part of the undertaking or any vessels, plant or equipment of CMAL connected to the undertaking;
- (d) for improving the operational area and the navigation of the harbours and the approaches to the harbours;
- (e) for any other lawful purpose sanctioned by CMAL and connected with the undertaking.

Charges other than ship, passenger and goods dues

46. In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the 1964 Act, CMAL may demand, take and recover in respect of any vessel, dracone or floating dock, crane, rig, drilling rig, floating plant, or any other manufactured floating article which is not a ship as defined by section 57 of the 1964 Act, entering, using or leaving the harbours such reasonable charges, including in relation to goods or passengers carried, as it thinks fit, and sections 30 and 31 of that Act shall with any necessary modifications apply to the charges authorised by this paragraph as they apply to ship, passenger and goods dues.

Charges for services and facilities

47.—(1) CMAL may demand, take and recover such reasonable charges for services and facilities provided by it, or on its behalf, in relation to the harbours or in connection with the undertaking as it may from time to time determine.

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

Setting of charges

48. CMAL when setting its charges, including ship, passenger and good dues under section 26 of the 1964 Act (repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues) at each of the harbours—

- (a) is not limited to solely taking account of the viability of the harbour at which the charges apply;
- (b) may take account of the overall viability of the undertaking,

provided that CMAL must so far as reasonably practicable ensure that the harbours revenue received from each harbour is sufficient year on year to cover the working and establishment expenses and cost of maintenance of that harbour.

Payment of charges

49.—(1) The charges which CMAL is for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment—

- (a) are payable before the removal from the harbours of any vessel or goods in respect of which they are payable; and
- (b) may be demanded, taken and recovered—
 - (i) by such persons,
 - (ii) at such places,
 - (iii) at such times, and
 - (iv) under such terms and conditions,as CMAL may from time to time specify in its published list of charges.

(2) Charges payable to CMAL on or in respect of—

- (a) a vessel, shall be payable by the owner or master;
- (b) goods, shall be payable by the owner, consignee or shipper of the goods.

(3) Where charges payable to CMAL may be recovered by it from more than one person, the persons from whom they may be recovered shall be jointly and severally liable.

(4) Without limitation to paragraph (1), the terms and conditions as to the payment of charges which CMAL may from time to time specify may include the time when a charge falls due for payment and may require such information to be given to CMAL by the owner or master of a vessel or a person using a service or facility of CMAL as CMAL may require in connection with the assessment or collection of a charge.

(5) Where charges payable to CMAL have not been paid by the time they fall due for payment, CMAL may at any time thereafter detain within or refuse entry to, or require removal from the harbours of—

- (a) the vessel or goods to which the charges relate; and
- (b) any other vessels or goods that the owner or master of the vessel or goods to which the charges relate is also the owner or master of,

until such charges have been paid in full.

Recovery of charges by seizure, etc.

50.—(1) If default is made in the payment of any charge in respect of a vessel or its cargo the harbour master may, on producing if so required their authority, board the vessel with such assistance as the harbour master deems necessary and take, seize or arrest the vessel and the tackle and cargo thereof, and if the charge remains unpaid for 7 days after the seizure or arrestment may cause any of the matters so seized or arrested to be sold, and the surplus (if any) of the proceeds of sale over the amount of the charge and over the expenses of taking, keeping, appraising and selling the matters aforesaid shall be paid to the owner on demand.

(2) If any dispute arises as to the amount of charge due, or of the expenses of seizure or arrestment by virtue of this article, the harbour master may detain the matters so seized or arrested until the amount aforesaid, subject to any costs of the application payable by either party, has been determined upon application to the sheriff.

Power to grant exemptions, rebates, etc., in respect of charges

51.—(1) CMAL may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption or composition.

(2) Nothing in section 30 of the 1964 Act shall require CMAL to include in the list of ship, passenger and goods dues kept at the relevant harbour office, as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

Security for charges

52. CMAL may require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of CMAL, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or guarantee the sum of money required CMAL may detain the vessel in the harbours or goods on or in harbour premises, in respect of which the charge has been or will be incurred, until the requirement has been complied with or the charge paid.

Liens for charges

53.—(1) A person who by agreement with CMAL collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession shall have a lien on those goods for the amount paid or security given in respect of the amount.

(2) A wharfinger or carrier who is not liable for the payment of charges may pay or by agreement with CMAL give security for charges on goods in its custody, and in that event it shall have a like lien on the goods for the amount of those charges as it would have in respect of its charges for safe custody or carriage of the goods, as the case may be.

Refusal to pay charges for a landing place, etc.

54. An officer of CMAL may prevent a vessel from using a landing place or any other facilities provided by CMAL, if the master of the vessel refuses to pay the charges for such use.

Exemptions from charges

55.—(1) Except in so far as may be agreed between CMAL and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising CMAL to levy charges shall extend to authorise it to demand harbour dues on—

- (a) a vessel—
 - (i) belonging to or in the service of His Majesty, or
 - (ii) in the service of the Commissioners of Customs and Excise and not carrying goods for reward, or
 - (iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward, or
 - (iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service,
- (b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

- (c) troops landed at the harbour premises or a person employed by the Secretary of State for Defence while in the execution of their duty;
- (d) goods or stores belonging to the Secretary of State for Defence.

(2) Officers of the Department for Transport and of the Ministers in the execution of their duty shall at all times be exempt from charges in respect of their vessels and otherwise.

(3) In this article “harbour dues” means ship, passenger and goods dues which the authority may demand under section 26 of the 1964 Act.

Recovery of charges

56.—(1) In addition to any other remedy given by this Order and by the 1847 Act as incorporated with this Order, CMAL may recover any charges payable to it as a debt in any court of competent jurisdiction.

(2) Where the master of a vessel in respect of which a charge is payable to CMAL refuses or neglects to pay the same or any part thereof, paragraph (1) applies whether or not CMAL’s collector has gone on board the vessel and demanded the charge pursuant to section 44 of the 1847 Act (recovery of tonnage rates by distraint of ship and tackle).

Harbour master may prevent sailing of vessels

57. The harbour master may prevent the removal or sailing from the harbours of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

- (a) the vessel;
- (b) passengers of the vessel; or
- (c) goods imported or exported on the vessel.

PART 5

MISCELLANEOUS AND GENERAL

Notices

58.—(1) Except where this Order expressly provides otherwise, a notice or other document required or authorised to be served for the purposes of this Order, or any direction given under this Order, must be in writing and must be served by first class post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) Where a person on whom a notice or other document is to be served has agreed in writing that service may be by email, or other electronic means, CMAL may provide notices by that means until such time as the person informs it in writing that they are no longer willing to receive notices or documents by email or by such other electronic means.

(4) For the purposes of section 7 of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of a person in relation to the service on them of a notice or document under paragraph (1) is, if they have given an address for service that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal of that body; and

(a) 1978 c. 30.

(b) in any other case, their last known address at the time of service.

(5) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person whose name and address cannot be ascertained after reasonable inquiry—

- (a) in the case of a notice or document to be served on a person as having an interest in or as the occupier of, any land, it may be served by—
 - (i) addressing it to them by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
 - (ii) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land,
- (b) in the case of a notice or document relating to a vessel (including a wreck), it may be served by exhibiting it in a conspicuous position on or near the vessel (unless it would not be reasonably practicable to exhibit the notice or document in this manner or if the notice or document would not be likely to be seen if it were so exhibited) or by handing it to a member of the crew; and
- (c) in the case of any other notice or document or a notice or document that is not capable of being served in accordance with sub-paragraph (b) it may be served by displaying it at the relevant harbour office for the period of its duration.

Saving for the Commissioners of Northern Lighthouses

59. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of the Commissioners of Northern Lighthouses.

Crown rights

60.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Authority to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to His Majesty in right of the Crown and forming part of the Crown estate without the consent in writing of the Crown Estate Commissioners,
- (b) belonging to His Majesty in right of the Crown and not forming part of the Crown estate without the consent in writing of the government department having management of that land or (as the case may be) the relevant person, or
- (c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.

Amendment of the 2011 Order

61.—(1) In article 3(1) (power to construct works)—

- (a) omit from “Work No. 1” to “staff welfare facilities and stores areas”;

Amendment of the 2016 Order

62.—(1) —In article 2 (interpretation)—

- (a) for the definition of “Inner Harbour” substitute ““Inner Harbour” means Lochboisdale harbour as defined in article 2 (interpretation) and paragraph 10 of Schedule 1 of the Caledonian Maritime Assets Harbour Revision (Consolidation) Order 202[];”

Cessation of effect

63. On the date of this Order the enactments mentioned in the first and second columns of the Schedule 2 (cessation of effect) shall cease to have effect in relation to harbours and the undertaking to the extent specified in the third column of that Schedule.

Repeals and Revocations

64. On the date of this Order the enactments mentioned in the first and second columns of Schedule 3 shall be revoked or repealed (as appropriate) to the extent specified in the third column of that Schedule.

St Andrew's House,
Edinburgh
Date

A member of staff of the Scottish Ministers

SCHEDULES

SCHEDULE 1

Article 4

LIMITS OF THE HARBOURS

Armadale Harbour

1. The limits of Armadale Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (57.0658°N, -5.8973°W), then proceeding in a straight line in a south, south easterly direction to Point 2 (57.0654°N, -5.8967°W), then in a straight line in a north easterly direction to Point 3 (57.0660°N, -5.8949°W), then in a straight line in a south easterly direction to Point 4 (57.0655°N, -5.8927°W), then in a straight line in a south, south easterly direction to Point 5 (57.0648°N, -5.8919°W), then in a straight line in a south westerly direction to Point 6 (57.0639°N, -5.8945°W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (57.0658°N, -5.8973°W) shown for illustrative purposes shaded blue on the harbour limits plan (Armadale); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Brodick Harbour

2. The limits of Brodick Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (55.5769°N, -5.1334°W), then following the level of low water in a westerly direction to Point [X], then following the level of high water in an overly westerly direction to Point [X], then in a straight line in an east, north easterly direction to Point [X], then in a straight line in a south, south westerly direction to Point [X], then in a straight line in a north westerly direction to Point 2 (55.5766°N, -5.1412°W), then in a straight line in a northerly direction to Point 3 (55.5790°N, -5.1414°W), then in a straight line in an easterly direction to Point 4 (55.5791°N, -5.1335°W) on the level of high water, then in a straight line in a southerly direction to the point of commencement at Point 1 (55.5769°N, -5.1334°W) shown for illustrative purposes shaded blue on the harbour limits plan (Brodick); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Castle Bay Harbour

3. The limits of Castle Bay Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (56.9541°N, -7.4843°W), then following the line of an arc of 200 metres centred at Point [X], in a south westerly direction to Point 3 (56.9520°N, -7.4866°W), then following the level of high water on the landward side of Kisimul Castle in an overall westerly direction to Point 6 (56.9518°N, -7.4876°W), then following the line of an arc of 200 metres centred at Point [X] in a north westerly direction to Point 8 (56.9553°N, -7.4904°W) on

the level of high water, and then following the level of high water to the point of commencement at Point 1 (56.9541"N, -7.4843"W) as shown for illustrative purposes shaded blue on the harbour limits plan (Castle Bay); and

- (b) the extent of those parts of the harbour premises adjacent to the area described in subparagraph (a).

Coll Harbour

4. The limits of Coll Harbour shall comprise—

- (a) That part of Loch Eatharna situated below the level of high water landward of an imaginary line commencing on the level of high water at Point 1 (56.6164"N, -6.5064"W), then proceeding in a straight line in an overall southerly direction to Point 2 (56.6075"N, -6.5065"W), then in a straight line in an overall westerly direction to Point 3 (56.6078"N, -6.5206"W), then following the level of high water in an overall northerly direction to Point 4 (56.6109"N, -6.5219"W), then in a straight line in a north, north westerly direction to terminate at Point 5 (56.6127"N, -6.5237"W) on the level of high water as shown for illustrative purposes shaded blue on the harbour limits plan (Coll); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Colonsay Harbour

5. The limits of Colonsay Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (56.0740"N, -6.1800"W), then following the line of an arc of 2000 feet radius centred at Point A (56.0689"N, -6.1835"W), in an overall southerly direction to Point 2 (56.0640"N, -6.1881"W) on the level of high water, and then following the level of high water to the point of commencement at Point 1 (56.0740"N, -6.1800"W) as shown for illustrative purposes shaded blue on the harbour limits plan (Colonsay); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Gourock Harbour

6. The limits of Gourock Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (55.9630"N, -4.8177"W), then proceeding in a straight line in an overall northerly direction to Point 2 (55.9637"N, -4.8176"W), then in a straight line in an east, south easterly direction to Point 3 (55.9635"N, -4.8156"W), then in a straight line in a south easterly direction to Point 4 (55.9624"N, -4.8139"W), then in a straight line in a south, south westerly direction to Point 5 (55.9612"N, -4.8140"W), then in a straight line in a south, south easterly direction to Point 6 (55.9601"N, -4.8136W), then in a straight line in a south easterly direction to Point 7 (55.9588"N, -4.8123"W), then in a straight line in a south westerly direction to Point 8 (55.9583"N, -4.8133"W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (55.9630"N, -4.8177"W), as shown for illustrative purposes shaded blue on the harbour limits plan (Gourock); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Kennacraig Harbour

7. The limits of Kennacraig Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at a Point 1 (55.8036"N, -5.4881"W), then proceeding in a straight line in a north westerly direction to Point 2 (55.8072"N, -5.4926"W), then in a straight line in a north easterly direction to Point 3 (55.8123"N, -5.4859"W), then in a straight line in a south easterly direction to Point 4 (55.8086"N, -5.4812"W), then in a straight line in an overall easterly direction to Point 5 (55.8086"N, -5.4791"W) on the level of high water, and then following the level of high water to the point of commencement at Point 1 (55.8036"N, -5.4881"W) as shown for illustrative purposes shaded blue on the harbour limits plan (Kennacraig); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Largs Harbour

8. The limits of Largs Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (55.7915"N, -4.8704"W), then proceeding in a straight line in an west, north westerly direction to Point 2 (55.7928"N, -4.8795"W), then in a straight line in a north, north easterly direction to Point 3 (55.7995"N, -4.8763"W), then in a straight line in an east, south easterly direction to Point 4 (55.7985"N, -4.8698"W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (55.7915"N, -4.8704"W) shown for illustrative purposes shaded blue [and green] on the harbour limits plan (Largs); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Lochaline Harbour

9. The limits of Lochaline Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (56.5369"N, -5.7753"W), then proceeding in a straight line in a north, north easterly direction to Point 2 (56.5374"N, -5.7748"W), then in a straight line in an east, south easterly direction to Point 3 (56.5372"N, -5.7733"W), then in a straight line in a south westerly direction to Point 4 (56.5362"N, -5.7746"W), then in a straight line in a west, north westerly direction to Point 5 (56.5364"N, -5.7754"W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (56.5369"N, -5.7753"W) as shown for illustrative purposes shaded blue on the harbour limits plan (Lochaline); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Lochboisdale Harbour

10. The limits of Lochboisdale Harbour shall comprise—

- (a) that part of [Lochboisdale Harbour] situated below the level of high water, landward of an imaginary line commencing on the level of high water at Point 1 (57.1536"N, -7.3027"W), then proceeding in a straight line in a south, south easterly direction to terminate at Point 2 (57.1490"N, -7.3003"W) on the level of high water as shown for illustrative purposes shaded blue on the harbour limits plan (Lochboisdale); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Lochranza Harbour

11. The limits of Lochranza Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (55.7078"N, -5.3042"W) then following the line of an arc of 152.4m (500 feet) radius centred at Point [X], in an overall south easterly direction to Point 2 (55.7074"N, -5.3002"W) on the level of high water, and then following the level of high water to the point of commencement at Point 1 (55.7078"N, -5.3042"W) as shown for illustrative purposes shaded blue on the harbour limits plan (Lochranza); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Oban Harbour

12. The limits of Oban Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (56.4108"N, -5.4783"W), then proceeding in a straight line in an overall northerly direction to Point 2 (56.4113"N, -5.4782"W), then in a straight line in a north westerly direction to Point 3 (56.4114"N, -5.4786"W), then in a straight line in an overall north, north easterly direction to Point 4 (56.4119"N, -5.4784"W), then in a straight line in a north easterly direction to Point 5 (56.4125"N, -5.4779"W), then in a straight line in a north easterly direction to Point 6 (56.4128"N, -5.4773"W), then in a straight line in a north easterly direction to Point 7 (56.4136"N, -5.4755"W), then in a straight line in an overall easterly direction to Point 8 (56.4137"N, -5.4746"W), then in a straight line in a south easterly direction to Point 9 (56.4132"N, -5.4734"W), then in a straight line in an overall southerly direction to Point 10 (56.4128"N, -5.4732"W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (56.4108"N, -5.4783"W) shown for illustrative purposes shaded blue [and green] on the harbour limits plan (Oban); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Port Ellen Harbour

13. The limits of Port Ellen Harbour shall comprise—

- (a) that part of [Port Ellen] situated below the level of high water, landward of an imaginary line commencing on the level of high water at Point 1 (55.6202"N, -6.2116"W), then proceeding in a straight line in an easterly direction to Point 2 (55.6205"N, -6.1978"W), then proceeding in a straight line in a north easterly direction to terminate at Point 3 (55.6246"N, -6.1882"W) on the level of high water as shown for illustrative purposes shaded blue [and green] on the harbour limits plan (Port Ellen); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Tarbert (Harris) Harbour

14. The limits of Tarbert (Harris) Harbour shall comprise—

- (a) that part of East Loch Tarbert situated below the level of high water, landward of an imaginary line commencing on the level of high water at Point 1 (57.8946"N, -6.7691"W), then proceeding in a straight line in a south westerly direction to terminate at Point 2 (57.8857"N, -6.7836"W) on the level of high water as shown for illustrative purposes shaded blue on the harbour limits plan (Tarbert (Harris)); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Tiree Harbour

15. The limits of Tiree Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (56.5120°N, -6.8103°W) then following the line of an arc of 750 metres radius centred at Point A (56.5104°N, -6.7984°W), in an overall southerly direction to Point 2 (56.5038°N, -6.8006°W) on the level of high water, and then following the level of high water to the point of commencement at Point 1 (56.5120°N, -6.8103°W) as shown for illustrative purposes shaded blue on the harbour limits plan (Tiree); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

Wemyss Bay Harbour

16. The limits of Wemyss Bay Harbour shall comprise—

- (a) the area bounded by an imaginary line commencing on the level of high water at Point 1 (55.8773°N, -4.8895°W), then proceeding in a straight line in an westerly direction to Point [X], then following the line of an arc of [X] metres radius centred at Point [X], in an overall southerly direction to Point [X], then in a straight line in an easterly direction to Point 2 (55.8746°N, -4.8894°W) on the level of high water, then following the level of high water to the point of commencement at Point 1 (55.8773°N, -4.8895°W) as shown for illustrative purposes shaded blue on the harbour limits plan (Wemyss Bay); and
- (b) the extent of those parts of the harbour premises not within the area described in subparagraph (a).

SCHEDULE 2

Article 63

CESSATION OF EFFECT

<i>Number</i>	<i>Short Title</i>	<i>Extent of Cessation of Effect</i>
1862 c. 160	Greenock and Wemyss Bay Railway Act 1862	Whole Act.
1863 c. 47	Greenock and Wemyss Bay Railway Extension Act 1863	Whole Act.
1865 c. 287	Caledonian and Scottish Central Railways Amalgamation Act 1865	Whole Act.
1865 c. 266	The Callander and Oban Railway Act 1865	Whole Act.
1866 c. 246	Caledonian Railway (Greenock and Gourock Extension) Act 1866	Whole Act.
1870 ch. 9	The Callander and Oban Railway (Abandonment) Act 1870	Whole Act.
1873 c. 63	Pier and Harbour Orders Confirmation Act, 1873.	Whole Act apart from Schedule containing The East Loch Tarbert Pier Order 1873.

1874 ch. 110	The Callander and Oban Railway (Tyndrum to Oban) Act 1874	Whole Act.
1878 ch. 114	Pier and Harbour Orders Confirmation Act, 1878 (No. 1)	Whole of Schedule containing the South Uist (Loch Boisdale and Loch Skipport) Piers Order 1878.
1884 ch. 163	Caledonian Railway (No. 2) Act 1884	Whole Act.
1893 c. 179	Caledonian Railway Act 1893	Whole Act.
1897 ch. 179	The Callander and Oban Railway Act 1897	Whole Act apart from sections 4(3), 6, 7, 8, 28 and 29.
1899 ch. 215	Caledonian Railway (General Powers) Act 1899	Whole Act.
1899 c. 227	Glasgow and South Western Railway Act 1899	Whole Act.
1908 ch. 136	Pier and Harbour Orders Confirmation (No. 2) Act, 1908.	Section 2.
S.I. 1923/827	The North Western, Midland and West Scottish Group Railway Amalgamation Scheme 1923	Whole Scheme.
1929 c. 9	London, Midland and Scottish Railway Order Confirmation Act 1929	Whole of the London, Midland and Scottish Railway Order 1929.
1933 c. 55	London, Midland and Scottish Railway Order Confirmation Act 1933	Whole of the London, Midland and Scottish Railway Order 1933.
1984 c. 30	Lochmaddy and East Loch Tarbert (Improvement of Piers &c.) Order Confirmation Act 1984	Whole Act.
1991 c.12	Highland Regional Council (Harbours) Order Confirmation Act 1991	Whole Act.

SCHEDULE 3

Article 64

REPEALS AND REVOCATIONS

<i>Number</i>	<i>Short Title</i>	<i>Extent of Revocation/Repeal</i>
1832 c. 44	Largs Harbour (Ayrshire) Act 1832	Whole Act.
1835 c. 78	Gourock Harbour Act 1835	Whole Act.
1846 c. 99	An Act for improving and maintaining the harbour of Port Ellen in the County of Argyll 1846	Whole Act apart from section 38.
1873 c. 63	Pier and Harbour Orders Confirmation Act, 1873.	Whole of Schedule containing The East Loch Tarbert Pier Order 1873.
1883 ch. 43	Pier and Harbour Orders Confirmation (No. 1) Act 1883	The part of the Schedule containing the Lamlash Pier Order 1883.
1886 c. 9	Pier and Harbour Orders Confirmation Act 1886	Whole of Schedule containing the Loch Ranza Pier Order 1886 apart from article 29 of that Schedule.
1897 ch. 179	The Callander and Oban Railway Act 1897	Sections 4(3), 6, 7, 8, 28 and 29.
1897 ch. 149	Pier and Harbour Orders Confirmation (No. 4) Act 1897	The part of the Schedule containing the Whiting Bay Pier Order 1897.
1899 ch. 215	Caledonian Railway (General Powers) Act 1899	Sections 18 to 20 only.
1908 ch. 136	Pier and Harbour Orders Confirmation (No. 2) Act, 1908.	Whole of Schedule containing the Gott Bay Pier Order 1908
1920 ch. 158	Brodick Lamlash Loch Ranza and Whiting Bay Piers Order Confirmation Act 1920	Whole Act.
1938 ch. 65	Island of Arran Piers Order Confirmation Act 1938	Whole Act.
1951 c. 6	Island of Arran Piers Order Confirmation Act 1951	Whole Order apart from articles 7, 30 and 32.
S.I. 1960/106 (s. 4)	The Gott Bay Pier Order 1959	Whole Order.

1961 ch. 19	Argyll County Council (Arinagour and Craignure Piers, etc.) Order 1961	Whole Order.
1961 c. 4	Argyll County Council (Scalasaig Pier etc.) Order Confirmation Act, 1961	Whole Act.
S.I. 1964/1812 (S. 114)	The Lochboisdale Pier Order 1964	Whole Order.
1974 c. 34	Scottish Transport Group (Oban Quay) Order Confirmation Act 1974	Whole of Schedule containing the Scottish Transport Group (Oban Quay) Order 1974, except Articles 4 to 6, and article 2 insofar as required for the interpretation of articles 4 to 6, article 2.
1975 c. 16	Scottish Transport Group (Port Ellen Harbour) Order Confirmation Act 1975	Whole Act.
S.I.1986/1038	The Scottish Transport Group (Oban Quay) Harbour Revision Order 1986	Whole Order.
S.I. 1987/1016 (S.80)	Scottish Transport Group (Scalasaig Pier) Harbour Revision Order 1987	Whole Order.
S.I. 1988/904 (S. 88)	Scottish Transport Group (Castle Bay Pier) Empowerment Order 1988	Whole Order apart from articles 5 to 7 and, insofar as required for the interpretation of those articles, article 2.
S.I. 1991/43 (s. 5)	Caledonian MacBrayne Limited (Arinagour Pier) Harbour Revision Order 1990	Whole Order.
S.I. 1991/1082 (s. 107)	The Caledonian MacBrayne Limited (Gott Bay Pier) Harbour Revision Order 1990	Whole Order.
S.I. 1993/321 (S.29)	The Caledonain MacBrayne Limited (Armadale) Harbour Revision Order 1992	Whole Order.
S.I. 2005/353	Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005	Whole Order apart from article 6.
S.I. 2008/182	Caledonian Maritime Assets Limited (Largs) Harbour	Whole Order apart from article 5 to 9 and 12.

Revision Order 2008

S.I. 2011/283	Caledonian Maritime Assets (Port Ellen) Harbour Revision Order 2011	Whole Order.
S.I. 2011/347	Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011	Whole Order apart from articles 3 to 5, 14(1) and 15 and, insofar as required for the interpretation of those articles, article 2.
S.I. 2013/46	The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013	Whole Order.
S.I. 2015/6	Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015	Whole Order apart from articles 5 to 8, 18(1) and 19(b), and, insofar as required for the interpretation of those articles, article 2.
S.I. 2019/296	The Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019	Whole Order apart from articles 3 to 5 and 7.

SCHEDULE 4

Article 2

ACTS AND ORDERS

1. An Act for improving and maintaining the harbour of Port Ellen in the County of Argyll 1846 (article 38 only).
2. Loch Ranza Pier Order 1886 (article 29 only).
3. Island of Arran Piers Order 1951 (articles 7, 30 and 32 only), (contained in the Schedule to the Island of Arran Piers Order Confirmation Act 1951).
4. Scottish Transport Group (Oban Quay) Order 1974 (articles 4 to 6, and article 2 insofar as required for the interpretation of articles 4 to 6, article 2 only).
5. Scottish Transport Group (Castle Bay Pier) Empowerment Order 1988 (articles 5 to 7 and, insofar as required for the interpretation of those articles, article 2 only).
6. The Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005 (article 6 only).
7. The Caledonian MacBrayne (Oban Quay) Harbour Revision Order 2005 (whole Order).
8. Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008 (articles 5 to 9 and 12 only).
9. Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011 (articles 3 to 5, 14(1) and 15 and, insofar as required for the interpretation of those articles, article 2 only).
10. Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (articles 5 to 8, 18(1) and 19(b), and, insofar as required for the interpretation of those articles, article 2 only).

11.The Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019 (articles 3 to 5 and 7 only).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Caledonian Maritime Assets Limited (“CMAL”) modernises and consolidates the statutory harbour powers applying in relation to the harbours.