
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 190

**The Dumfries and Galloway Council
(Garlieston) Harbour Empowerment Order 2008**

PART I

PRELIMINARY

Incorporation of Harbours, Docks, and Piers Clauses Act 1847

3.—(1) The following provisions of the 1847 Act are hereby incorporated with, and form part of, this Order—

sections 1, 2, 3, 4, 20, 21, 23, 27, 29, 31 to 36, 43, 52 to 66, 68 to 71, 73, 77, 78, 92 and 94.

(2) The said provisions as so incorporated shall have effect as follows—

- (a) “the special Act” means this Order;
- (b) “the promoters of the undertaking” and “the undertakers” mean the Council;
- (c) “the harbour, dock or pier” means the harbour;
- (d) “vessel” has the meaning given by article 2 above;
- (e) section 52 shall extend to empower the harbour master to give directions prohibiting the mooring within the harbour of any vessel—
 - (i) using any works for the time being vested in the Council, or coming to or departing from those works;
 - (ii) which is obstructing any such works, or the approach thereto; or
 - (iii) which threatens the safety of navigation in the harbour;
- (f) notice given by the harbour master to the master of a vessel under section 53 need not be in writing but may be given orally, or in any other reasonable manner;
- (g) in section 63, for the words from “penalty” to the end of the section there shall be substituted the words “on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (h) in section 69, for the words “forfeit” to the end of the section there shall be substituted the words “be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (i) in section 73, for the words “five pounds” there shall be substituted the words “level 2 on the standard scale”;
- (j) in section 84, for the words “five pounds” there shall be substituted the words “level 2 on the standard scale”.

(3) The provisions of the 1847 Act, other than those referred to in paragraph (1) above, shall not apply to the harbour.