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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 27**

**The Port Babcock Rosyth Harbour Empowerment Order 2009**

**PART II**

**DUTIES AND POWERS OF THE COMPANY**

**Power to appropriate parts of port, etc.**

17.—(1) Notwithstanding anything in this or any other statutory provision of local application, the Company may from time to time set apart or appropriate any part of the port, or any lands, works, buildings, machinery, equipment or other property of the Company in the port, 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 the Company 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 port, 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 the Company.

(3) The harbour master or, as the case may be, any such authorised officer may order any person or vessel contravening paragraph (2) above 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.