
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 27

The Port Babcock Rosyth Harbour Empowerment Order 2009

PART I

PRELIMINARY

Incorporation of the 1847 Act

3.—(1) Sections 1 to 4, 27, 29, 32, 34, 35, 37 to 41, 43 to 46, 51, 53 to 59, 61 to 66, 68 to 74 and 92 of the 1847 Act, so far as applicable to the purposes and not inconsistent with the provisions of this Order, are hereby incorporated with and form part of this Order subject to the modifications stated in paragraph (2) below.

(2) For the purposes of the 1847 Act, as so incorporated—

- (a) the expression “the special Act” means this Order;
- (b) the expression “the undertakers” means the Company;
- (c) the expression “the harbour, dock or pier” means the port;
- (d) the meaning of the word “vessel” as defined in article 2(1) of this Order shall be substituted for the meaning assigned to that word by section 3 of the 1847 Act;
- (e) section 53 shall have effect subject to the modifications that, for the word “made” and for the expression “after notice of such direction by the harbour master served upon him”, there shall be substituted respectively the word “given” and the expression “after being given any such direction by the harbour master”;
- (f) section 56 shall be read as if the word “wreck” shall not include a vessel which is sunk, stranded or abandoned;
- (g) section 63 shall be read and have effect as if for the words from “be liable to” to the end of the section there were substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”;
- (h) section 69 shall be read and have effect as if for the words from “forfeit” to the end of the section there were substituted the words “be liable on summary conviction to a fine not exceeding level 4 on the standard scale”;
- (i) sections 69 and 70 shall be read and have effect as if the words “or on the deck of any vessel” were delete;
- (j) section 71 shall be read and have effect as if the phrase “in any vessel” were delete whenever it appears in that section;
- (k) section 71 shall be read and have effect as if the words “every person who shall bring any loaded gun” to the end of that section were deleted; and
- (l) section 73 shall be read and have effect as if for “level 1” there were substituted “level 2”.