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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 46**

**The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013**

**Incorporation of the Harbours, Docks, and Piers Clauses Act 1847**

**3.**—(1) Sections 1 to 4, 33 to 35, 37 to 39, 42, 51, 54 to 56 and 63 to 65 of the 1847 Act are incorporated with this Order subject to the modifications stated in paragraphs (2) to (4).

(2) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission)(1) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are 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”.

(3) Section 65 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.

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

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means CMAL and the expression “the harbour, dock, or pier” shall mean the harbour; and
- (b) for the definition of the word “vessel” in section 3 (interpretations in this and the special Act) there shall be substituted the definition of that word in article 2 (interpretation).

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(1) There are amendments to section 63 not relevant to this Order.