

2018 No. 296

HARBOURS, DOCKS, PIERS AND FERRIES

**The Renfrewshire Council (White Cart Water Navigation)
Harbour Revision Order 2018**

Made - - - - *3rd October 2018*

Coming into force - - *4th October 2018*

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14(1), (2A) and (3) of the Harbours Act 1964(a) and all other powers enabling Ministers to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is 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 of that Act(b).

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

- (a) this Order is made following a written application to Ministers by Renfrewshire Council (“the applicant”) being the authority engaged in improving, maintaining or managing the harbour, and
- (b) Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance, or management of the harbour in an efficient and economical manner.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour and consolidating any statutory provisions of local application affecting the harbour.

Notice has been published by the applicant in accordance with the requirements of paragraph 10 of schedule 3 of that Act(c).

(a) 1964 c.40: section 14 was amended by the Transport Act 1981 (c.56), section 18 and schedule 6, paragraphs 2 to 4(1) and 14, and schedule 12 and by the Transport and Works Act 1992 (c.42), schedule 3, paragraph 1. The functions of the Secretary of State 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 10 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)(b) and (c).

In accordance with paragraph 15 of that schedule(a), Ministers have consulted such bodies who were likely to have an interest in the project by reason of their environmental responsibilities as Ministers thought appropriate.

The provisions of paragraph 17 of that schedule(b) have been satisfied. No objections to the application have been made.

In accordance with paragraph 19(1) of that schedule(c), Ministers have considered the result of the consultations under paragraph 15 of that Schedule.

In accordance with paragraph 19(2) of that schedule(d), Ministers have decided to make the Order applied for with modifications which do not appear to them substantially to affect the character of the Order.

Citation and commencement

1. This Order may be cited as the Renfrewshire Council (White Cart Water Navigation) Harbour Revision Order 2018 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the applicant” means Renfrewshire Council;

“the deposited plan” means the drawing numbered 117084-SWECO-SBR-C-DR-S-41002, entitled “The Renfrewshire Council (White Cart Water Navigation) Harbour Revision Order 2018”, signed with reference to this Order, of which one is deposited with the Scottish Ministers at the Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ and the other deposited at the offices of the Chief Executive, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1WB; and

“the works” means the bridge over the navigable waters of the White Cart Water commencing at a point on the south bank of the White Cart Water at Wright Street in Renfrew heading in a generally north-westerly direction to a point on the north bank of the White Cart Water connecting with a new road to be constructed to provide a link to Arran Avenue in Renfrew.

Rights of navigation to be interfered with

3.—(1) After the date on which this Order comes into force the applicant and any person authorised by the applicant may extinguish or interfere with the enjoyment of any right of navigation to the extent only that such extinguishment or interference is necessary for the purposes of constructing, using and maintaining the works shown indicatively on the deposited plan.

(2) After the date on which construction of the works is completed any right of navigation on the affected area shall be enjoyed only by persons and vessels capable of passing safely beneath, and without interference with, the works shown indicatively on the deposited plan.

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- (a) Paragraph 15 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)(e).
 - (b) 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).
 - (c) Paragraph 19(1) of schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport (Scotland) Act 2005 (asp 12), section 46 and the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(i).
 - (d) Paragraph 19(2) of schedule 3 was substituted by S.I. 1999/3445.

Revocation

4. On the day on which this Order comes into force the Renfrewshire Council (Cart Navigation) Harbour Revision Order 2007(a) shall be revoked.

St Andrew's House,
Edinburgh
3rd October 2018

F PACITTI
A member of the staff of the Scottish Ministers

(a) S.S.I. 2007/347.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order allows for the interference with, or extinguishment of, public rights of navigation on part of the White Cart Water within the local government area of Renfrewshire for the purposes of constructing, using and maintaining a bridge to be constructed over that part of the river.

This Order revokes The Renfrewshire Council (White Cart Water Navigation) Harbour Revision Order 2007.

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