SCOTTISH STATUTORY INSTRUMENTS

2020 No. 306

HARBOURS, DOCKS, PIERS AND FERRIES

The Ardrossan Harbour Revision Order 2020

Made - - - -	*1st October 2020*
Coming into force - -	*2nd October 2020*

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SCHEDULE — REPEALS

The Scottish Ministers ("the Ministers") make the following Order in exercise of the powers conferred by section 14(1) and (3) of the Harbours Act 1964(**a**) and all other powers enabling them 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 Ardrossan Harbour Company Limited ("the Company") 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.

(**a**) 1964 c.40. Section 14 was relevantly amended by the Transport Act 1981 (c. 56), schedule 6, paragraphs 2, 3, 4(1) and 14 and schedule 12 and the Transport and Works Act 1992 (c.42), schedule 3, paragraph 1. See section 14(7) and 57(1) of the Harbours Act 1964 for the definitions of "the appropriate Minister" and "the Minister". The functions of the Minister of the Crown 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.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

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

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

In accordance with paragraph 19(6) of that schedule, Ministers have decided to make this Order in the form of the draft submitted to them.

Citation and commencement

1. This Order may be cited as the Ardrossan Harbour Revision Order 2020 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the 1864 Act" means The Ardrossan Harbour Consolidation Act 1864(**b**),

"the Company" means Ardrossan Harbour Company Limited, a company originally incorporated by the Ardrossan Harbour (Sale and Transfer) Act 1886(**c**), thereafter registered as a limited company and now registered as such in Scotland under the Companies Acts (registered company number SC045455) having its registered office at 16 Robertson Street, Glasgow, G2 8DS.

Power to grant a lease

3.—(1) The Company may at any time lease or grant for the purposes of the harbour the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour for such period or periods and on such terms and conditions as may be agreed between the Company and the persons taking the same.

(2) Any such lease or grant shall be subject to any existing public rights of way affecting the subject area of such lease or grant.

(3) Any arrangements made under paragraph (1) are, and in their terms must be expressly declared to be, entirely without prejudice to the functions and statutory duties of the Company.

Repeal

4. The enactments mentioned in the first and second columns of the schedule are repealed to the extent specified in the third column of that schedule.

KARL ZACZEK
A member of the staff of the Scottish Ministers

St Andrew's House,
Edinburgh
1st October 2020

(**a**) 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). Schedule 3 is also amended by S.I. 2017/1070, schedule 1, paragraph 8.
(**b**) 1864 c.ccviii.
(**c**) 1886 c.xxxiv.

SCHEDULE

Article 4

REPEALS

Number	*Short title*	*Extent of repeal*
1864 c. ccviii	The Ardrossan Harbour Consolidation Act 1864	Sections 38 and 44

EXPLANATORY NOTE

(This note is not part of the Order)

This Order updates the existing legislation for Ardrossan harbour in line with the current needs of the Ardrossan Harbour Company Limited from the date it comes into force. This Order also gives the Ardrossan Harbour Company Limited the power to grant leases over the harbour.

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