SCOTTISH STATUTORY INSTRUMENTS

2002 No. 121

HARBOURS, DOCKS, PIERS AND FERRIES

Clydeport (Closure of Yorkhill Basin) Harbour Revision Order 2002

Made - - - -	*11th March 2002*
Coming into force - -	*12th March 2002*

Whereas Clydeport Operations Limited, a company incorporated under the Companies Act 1985(**1**) with the number 134759 has applied in writing for a harbour revision order under section 14 of the Harbours Act 1964(**2**);

And whereas no objections to the application have been made pursuant to paragraph 10(2)(f) of Schedule 3 to the said Act(**3**);

Now, therefore, the Scottish Ministers in exercise of the powers conferred on them by section 14 of the said Act(**4**) and of all other powers enabling them in that behalf and being satisfied that the making of the order is desirable on the grounds that Yorkhill Basin is surplus to the requirements of the Company and would be capable of being put to other beneficial uses in connection with the development and regeneration of the area, hereby make the following Order:

Modifications etc. (not altering text)

C1 Order applied (with modifications) (temp.) (13.10.2021) by The Clydeport (COP 26 etc.) Harbour Revision Order 2021 (S.S.I. 2021/358), arts. 1, **16**, 17 (with art. 18)

(**1**) 1985 c. 6.
(**2**) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.
(**3**) Paragraph 10(2)(f) was inserted by the Harbour Works (Environmental Impact Assessment) Regulations (S.I.1999/3445), Regulation 15(4) and Schedule 3.
(**4**) The Scottish Ministers are the "appropriate Minister" under section 14(7) of the Harbours Act 1964 (c. 46).

PART I

PRELIMINARY

Citation, commencement and extent

1. This Order may be cited as the Clydeport (Closure of Yorkhill Basin) Harbour Revision Order 2002 and shall come into force on 12th March 2002.

Commencement Information
I1 Art. 1 in force at 12.3.2002, see **art. 1**

Interpretation

2. In this Order–

"Company" means Clydeport Operations Limited;

"deposited plan" means the plan prepared in duplicate and signed on behalf of the Scottish Ministers and marked "Plan referred to in Article 2 of the Clydeport (Closure of Yorkhill Basin) Harbour Revision Order 2002" of which one is deposited with the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ, and the other with the harbour office of the Company;

"port" means the port within the limits defined in section 14 (Jurisdiction of Port Authority) of the Clyde Port Authority Order Confirmation Act 1965(**5**);

"Yorkhill Basin" means the area shown coloured blue on the signed deposited plan.

Commencement Information
I2 Art. 2 in force at 12.3.2002, see **art. 1**

PART II

CLOSURE OF YORKHILL BASIN

Closure of Yorkhill Basin

3. Subject to the provisions of this Order, the Company may close Yorkhill Basin.

Commencement Information
I3 Art. 3 in force at 12.3.2002, see **art. 1**

Removal of vessels from Yorkhill Basin

4.—(1) Before exercising the power conferred on them by Article 3 (closure of Yorkhill Basin) of this Order to close Yorkhill Basin the Company shall–

(**5**) 1965 c.xlv.

(a) publish a notice of its intention to do so in Lloyd's List and once in each of two successive weeks in a local newspaper published or circulating in Glasgow with an interval between the dates of publication of not less than six clear days;

(b) display notice thereof in a conspicuous position in the port; and

(c) give notice thereof in writing to the Scottish Ministers.

(2) Each of the notices shall:–

(a) state that the Company intends to close Yorkhill Basin to vessels; and

(b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications, by which all vessels must be removed from Yorkhill Basin.

(3) If the master of any vessel within Yorkhill Basin does not remove the same before the date specified in accordance with paragraph 2(b) above, the harbourmaster may cause that vessel to be removed from Yorkhill Basin and moorland or laid in any other place where it may without injury be moored or laid.

(4) The Company may recover as a debt from the owner or any vessel removed as aforesaid all expenses incurred by it in respect of its removal.

(5) The powers conferred on the Company and the harbourmaster by this Article shall be in addition to and without prejudice to the powers as to the removal of vessels conferred upon them by sections 64 and 65 of the Harbours, Docks and Piers Clauses Act 1847(**6**).

Commencement Information

I4 Art. 4 in force at 12.3.2002, see **art. 1**

As to vessels entering Yorkhill Basin after date of closure

5. If any vessel enters Yorkhill Basin after the date specified in accordance with paragraph (2)(b) of Article 4 (removal of vessels from Yorkhill Basin) of this Order, the harbourmaster may direct the master of such vessel forthwith to remove the vessel from Yorkhill Basin, and if the master of such vessel does not forthwith comply with such directions the provisions of paragraphs (3) to (5) inclusive of the said Article 4 shall apply to and in respect of such vessel as if such vessel had been within Yorkhill Basin before the said date.

Commencement Information

I5 Art. 5 in force at 12.3.2002, see **art. 1**

Rights of navigation on Yorkhill Basin extinguished

6.—(1) After the date specified in accordance with paragraph 2(b) of Article 4 any right of navigation on Yorkhill Basin shall be extinguished.

(2) After the date specified in accordance with paragraph 2(b) of Article 4 any obligation upon the Company to maintain Yorkhill Basin for the purposes of navigation shall be extinguished.

Commencement Information

I6 Art. 6 in force at 12.3.2002, see **art. 1**

(**6**) 1847 c. 27.