SCOTTISH STATUTORY INSTRUMENTS

2000 No. 289

HARBOURS, DOCKS, PIERS AND FERRIES

The Associated British Ports (Troon) Harbour Revision Order 2000

Made - - - -	*18th August 2000*
Coming into force - -	*21st August 2000*

Whereas Associated British Ports has applied in writing for a harbour revision order under section 14 of the Harbours Act 1964(**1**);

And whereas it appeared to the Secretary of State for the Environment, Transport and the Regions in pursuance of paragraph A2 of Schedule 3 to the said Act(**2**), that the application is made in relation to a project which falls within Annex II to Council Directive 85/337/EEC(**3**) on the assessment of the effects of certain public and private projects on the environment and whose characteristics require that it should be made subject to an environmental assessment;

And whereas the Secretary of State has directed the applicant to provide the information referred to in Annex III to the Directive in accordance with that paragraph;

And whereas the Scottish Ministers(**4**) have complied with the requirements of paragraph 3, 3A(**5**) and 4 of Schedule 3 to the said Act;

And whereas an objection to the application was made and not withdrawn and the Scottish Ministers caused an inquiry to be held with respect thereto in terms of paragraph 4 of Schedule 3 to the said Act;

And whereas the Scottish Ministers are satisfied as required by subsection (2)(b) of the said section 14:

Now, therefore, the Scottish Ministers in exercise of the powers conferred upon them by section 14 of the said Act, and of all other powers enabling them in that behalf, hereby make the following Order:–

(**1**) 1964 c. 40: section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14 and by the Transport and Works Act 1992 (c. 42), Schedule, paragraph 1.

(**2**) Schedule 3 as amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and (12) and by the Transport and Works Act 1992, Schedule 3, paragraph 10. Paragraph A2 was inserted by the Harbour Works (Assessment of Environmental Effect) (Amendment) Regulations 1996 (S.I.1996/1946).

(**3**) O.J. No. L 175, 5.7.85, p.40.

(**4**) 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).

(**5**) Paragraph 3A was inserted by the Harbour Works (Assessment of Environmental Effects) Regulations 1998 S.I. 1998/1336 and were extended to Scotland by the Harbour Works (Assessment of Environmental Effects) 1992 S.I. 1992/1421 and amended by S.I.1996/1946.

Citation, commencement and extent

1.—(1) This Order may be cited as the Associated British Ports (Troon) Harbour Revision Order 2000 and shall come into force on 21st August 2000.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order and subject to the provisions of article 3(2) of this Order, the words and expressions assigned meanings by Acts wholly or partly incorporated within this Order shall have those meanings in this Order, and–

"the 1847 Act" means the Harbours, Docks and Piers Clauses Act 1847(**6**);

"A.B. Ports" means Associated British Ports;

"the deposited plan" and "the deposited sections" mean respectively the plan and sections comprising a single sheet prepared in duplicate, signed on behalf of the Scottish Ministers and marked "Plan and sections referred to in the Associated British Ports (Troon) Harbour Revision Order 2000" one copy of which is deposited with the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh, EH6 6QQ and the other with A.B. Ports, Port Office, Ayr, KA8 8AH;

"the harbour master" means A.B. Ports' Harbour Master, at Ayr and Troon;

"the level of high water" means the level of mean high water springs;

"the limits of deviation" means the limits of deviation shown on the deposited plan;

"Troon Harbour" means the undertaking of A.B. Ports at its docks and harbour at Troon the area of which is described in Article 16 of, and Schedule 1 to, this Order;

"tidal work" means so much of any of the works as is on, under or over tidal waters or tidal lands below the level of high water;

"the undertaking" means the undertaking A.B. Ports as authorised from time to time;

"vessel" means every description of vessel, however propelled or moved, and includes hovercraft, any floating manufactured article, anything constructed or used to carry persons or goods by water, and, except for the purpose of levying rates, a seaplane on or in the water; and

"the works" means the works authorised by this Order.

(2) Unless the context otherwise requires, any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order.

(3) All points, directions, distances and lengths as stated in any description of works shall be construed as if the words "or thereabouts" were inserted after each such part, direction, distance and length point on the deposited plan.

Incorporation of the 1847 Act

3.—(1) The 1847 Act, except sections 6 to 9, 11 to 13, 16 to 23, 49, 50, 77 to 79, 80, 84 to 90, 94, 95, 97, 98, 99 and 100 so far as applicable for the purposes of and not inconsistent with this Order, is incorporated with and forms part of this Order.

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

(i) the expression "the special Act" means this Order;

(ii) the expression "the harbour, dock, or pier" means the works;

(**6**) 1847 c. 27(10 & 11 vict.)

(iii) the expression "the harbour master" has the meaning given by article 2 above;

(iv) for the meaning assigned to the word "vessel" by section 3 of the 1847 Act there shall be substituted the definition of the word "vessel" contained in article 2(1) above; and

(v) section 53 of the 1847 Act shall not be construed as requiring the harbour master to serve upon the master of a vessel a notice in writing of his directions but such directions may be given orally or otherwise communicated to such master:

Provided that a notice which is not in writing shall not be deemed to be sufficient unless it was not reasonably practicable to serve a written notice on the master of the vessel.

PART II

Works

Power to carry out works

4.—(1) Subject to the provisions of this Order, A.B. Ports may, in the lines and situations shown on the deposited plan and within the limits of deviation and according to the levels shown on the deposited sections, carry out and maintain the following works on the sea bed adjoining the East Pier in Troon Harbour:–

Work No. 1

A jetty head commencing by a connection with the East Pier at a point 300 metres from the north western end of that pier, extending 50 metres in a northerly direction and then 20 metres in a north westerly direction and terminating in an adjustable shore ramp running parallel to the East Pier for a distance of 40 metres supported at its landward end by the jetty head and at its seaward end by an associated supporting structure.

Work No. 2

A structure consisting of a row of dolphins and associated walkways running parallel to the East Pier for a distance of 110 metres in a north westerly direction from a commencement point 20 metres from the seaward end of the adjustable shore ramp comprised in Work No. 1, and connected to the East Pier by a walkway at a point 100 metres from the north western end of the East Pier.

Work No. 3

A piled protective structure adjoining the north western end of the East Pier on its seaward side and connected to that pier by a walk 15 metres in length.

(2) Subject to the provisions of this Order A.B. Ports may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently, the works.

(3) The works shall for all purposes form part of the undertaking.

Power to carry out subsidiary works

5. Subject to the provisions of this Order A.B. Ports may from time to time within the limits of deviation erect, construct and maintain all such works, conveniences, appliances and apparatus as they from time to time deem necessary or convenient for the purposes of or in connection with or incidental to, the construction and maintenance of the works or the accommodation of vessels including any necessary alterations to the East Pier.