SCOTTISH STATUTORY INSTRUMENTS

# 1999 No. 200

# HARBOURS, DOCKS, PIERS AND FERRIES

## The Montrose Harbour Revision Order 1999

*Made - - - - 21st December 1999*

*Coming into force - - 1st January 2000*

Whereas the Montrose Port Authority has applied for an Order under section 14 of the Harbours Act 1964(**1**) (hereinafter called "the Act");

And whereas the making of this Order is not opposed;

Now therefore the Scottish Ministers in exercise of the powers conferred upon them by section 14 of the Act(**2**) and of all other powers enabling them in that behalf, hereby make the following Order:–

### Citation and commencement

**1.**—(1) This Order may be cited as the Montrose Harbour Revision Order 1999 and shall come into force on 1st January 2000.

(2) This Order and the Montrose Harbour Acts and Orders 1837 to 1993 may be cited together as the Montrose Harbour Acts and Orders 1837 to 1999.

### Interpretation

**2.** In this Order–

"Authority" means the Montrose Port Authority;

"harbour" has the same meaning as in article 2 of the Order of 1991;

"the harbour undertaking" has the meaning given it by article 2 of the Montrose Harbour Revision Order 1993(**3**);

"the Order of 1991" means the Montrose Harbour Revision Order 1991(**4**).

(**1**) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14; and by the Transport and Works Act 1992 (c. 42), section 63 and Schedule 3, paragraphs 1 and 10.

(**2**) Section 14(7) contains a definition of "the appropriate Minister" relevant to the exercise of the powers under which this Order is made. 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).

(**3**) S.I.1993/1592.

(**4**) S.I. 1991/1745.

### Incorporation of provisions of Commissioners Clauses Act 1847

**3.** Sections 12 to 16 of the Commissioners Clauses Act 1847(**5**) are hereby incorporated in this Order subject to the omission from section 16 of the words "or who for six months in succession is absent from all meetings of the commissioners, and to act in the execution of this and the special Act".

### Amendment of Order of 1991

**4.** The Order of 1991 shall be amended–

(a) by omitting from article 2 the words "'District Council' means the Council of the Angus District of the Tayside Region;" and substituting therefor the words "'Council' means the Angus Council;" and by omitting from that article the words "'Regional Council' means the Council of the Tayside Region;";

(b) by omitting from article 4(3) the words "The Regional Council, the District Council" and substituting therefor the words "The Council shall appoint two members of the Authority" and by omitting the word "each";

(c) by inserting in article 4(4) after the words "chief executive officer" the words "the finance director and the commercial manager" and by omitting the words "a member" and substituting therefor the word "members";

(d) by omitting from article 4(6) the words "Regional Council, the District";

(e) by omitting article 5(1);

(f) by omitting from article 5(2) the words "as aforesaid" and substituting therefor the words "under article 4 of this Order";

(g) by omitting from article 5(2) and (3), wherever they appear, the words "Regional Council, the District";

(h) by omitting from article 7(3) the words "Regional Council, the District".

### General powers and duties in respect of harbour

**5.**—(1) The Authority may take such steps from time to time as they consider necessary or expedient for the improvement, maintenance and management of the harbour and the accommodation and facilities afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of paragraph (1) above, the Authority may–

(a) improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities therein;

(b) subject to obtaining the necessary rights in or over land, construct, alter, demolish and reconstruct structures and works in the harbour;

(c) acquire any undertaking or part of an undertaking;

(d) subscribe for or acquire shares or securities of any body corporate;

(e) lend money to any person for the purposes of any undertaking carried on by him or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate;

(f) maintain such reserve funds as it thinks fit;

(g) invest any sums not immediately required for the purposes of the harbour undertaking;

(**5**) 1847 c. 16.