
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 308

The Port of Cairnryan Harbour Empowerment Order 2007

PART 1

PRELIMINARY

Interpretation

2.—(1) In this Order, except where the context otherwise requires—

“Act of 1847” means the Harbours Docks and Piers Clauses Act 1847(1);

“Act of 1995” means the Merchant Shipping Act 1995(2);

“the Company” means Port of Cairnryan Limited;

“deposited plans”, “deposited sections” and “deposited elevations” mean respectively the plans, sections and elevations which have been deposited in connection with this Order, two copies of which have been deposited at the Scottish Executive and one copy of which has been deposited at the offices of the Company;

“government department” includes any part of or any member of the staff of the Scottish Administration which shall have the meaning defined in section 126(6) of the Scotland Act 1998(3);

“harbour master” means any person appointed as such pursuant to section 51 of the Act of 1847;

“land” includes land covered by water, any interest in land and any servitude or right in, to or over land;

“level of high water” means the level of mean high water springs;

“limits of deviation” means the limits of deviation shown on the deposited plans;

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management thereof;

“port” means the port limits and the port premises;

“port limits” means the limits of the port as defined in article 18 (Limits of port) of this Order;

“port premises” means the quays, berths, landing places, and all other works, land and buildings for the time being vested in or occupied or administered by the Company as part of the undertaking;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“undertaking” means the port undertaking for the time being of the Company;

(1) 1847 c. 27.

(2) 1995 c. 21.

(3) 1998 c. 46.

“vessel” means a ship, boat, raft or water craft of any description however propelled or moved, and includes a displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and

“works” means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to article 4 (Power to construct works) or article 6 (Subsidiary works) of this Order.

(2) All areas, directions, distances, lengths, widths and heights as stated in any description of works, powers or lands other than article 5 (Power to deviate) of this Order shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width and any reference in a description of works to a point shall be a reference to that point on the deposited plans.

(3) 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.