

PURPOSE & EFFECT NOTES Dumfries and Galloway Council (Stranraer) Harbour Revision Order

Article	Nature of Article	Purpose	Effect	Relevant provision within Harbours Act 1964 schedule 2 enabling inclusion of provision in HRO	
Preamble	Preamble	General administrative Requirement.	Narration of stages in application process (Note Stena's control over the Southern section is relinquished in the final section). Also declaring that the Northern section of the loch continues to be managed by the Loch Ryan Statutory harbour Authorities committee and the .	n/a	
1	Citation and Commencement	General administrative provision.	Administrative.	n/a	
2	Interpretation	General administrative provision.	Administrative.	n/a	
3	Incorporation of Harbour, Docks and Piers Clauses Act 1847	Clause 1-4	Administrative	Administrative.	n/a
		Clause 27	To provide a means by which to establish the tonnage of British and other vessels.	Provides a certified weight which can be relied upon in calculating charges to be levied.	4
		Clause 29	To prevent the double charging for vessels returning to port due to adverse weather conditions.	Prevents double charging.	4
		Clause 33	This is the open Harbour provision.	This provision operates for the benefit of all persons who have paid Harbour dues.	4

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	Clause 35	Requirement to report arrival of vessel in Harbour	As entirety of Harbour limits are not visible from Harbour office, this will ensure vessels entering the Harbour limits notify the Harbour Master of their presence or be liable to a penalty.	4
	Clause 36	Master of vessel to produce certificate of registry	To allow determination of vessel details	4
	Clause 52	Powers of Harbour, dock, or pier master	To allow control of vessels within the Harbour and give the Harbour Master power to give directions regarding the Harbour in specified circumstances.	4
	Clause 54	Penalty on Harbour Master for misbehaviour	To allow action to be taken against Harbour Master or any of his assistants if any of them are acting unfairly, unreasonably or without reasonable cause, and be liable to a penalty	4
	Clause 57	Unserviceable vessels to be altogether removed from Harbour	To avoid unserviceable vessels obstructing the Harbour or laid by or unfit vessels being left in the Harbour.er.	4
	Clause 60	Vessels to have their sails lowered when entering and navigating dock	To ensure vessels are under appropriate control within the Harbour.	4
	Clause 61	Vessels to have hawsers, &c. fixed to moorings	To ensure vessels are adequately secured while moored	4
	Clause 62	Penalty for wilfully cutting moorings	To ensure moorings are not damaged or interfered with except by Harbour Master	4
	Clause 63	Penalty on vessels lying near the entrance of Harbour or dock without permission	To ensure access to the Harbour is not obstructed.	4

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	Clause 64	Vessels may be removed for the purpose of repairing Harbour or dock	To ensure access for maintenance and repairing, scouring, or cleansing the Harbour.	4
	Clause 65	Harbour Master may remove such vessel if the master thereof neglects or refuses so to do	To allow Harbour Master to remove a vessel if the vessel master cannot be found or fails or refuses to remove it and expenses to be recovered if vessels are removed by the Harbour Master.	4
4	Harbour jurisdiction	To establish the extent of jurisdiction of the Harbour authority	To set out the limits of the Harbour within which control is exercised.	6
5	Harbour master	Empowers the Authority to employ and appoint a Harbour Master.	To enable the appointment and employment of the Harbour Master.	4
6	General powers and duties in respect of the Harbour	To allow works	Allows the Harbour Authority to improve, maintain, regulate, manage, mark and light the Harbour and provide Harbour facilities.	4
7	Powers with respect to land, buildings, Harbour facilities etc.	Powers to sell or develop land	Allows the Harbour Authority to sell, lease, exchange or otherwise dispose of any land, building and Harbour facilities belonging to it or manage, use or develop land belonging to it	9 and 9A
8	Power to dredge	Power to dredge the bed and foreshore of the Harbour	Allows the Harbour bed and foreshore, and seaward approaches to be dredged to maintain safe access and moorings.	4
9	Declaration of draught, etc. of vessel	Requires Master to declare length overall and draught maximum of his vessel	Allows for appropriate berths to be allocated and penalties if information is not provided by the Master	4
10	Provisions as to damage	To allow recovery of costs following damage	Where a vessel or person has caused damage, this article allows the vessel or property to be detained until the cost of the damage has been paid or security provided	4

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11	Obstruction of Harbour Master etc.	To allow action against persons obstructing the Harbour Master	Allows penalties against persons intentionally obstructing the Harbour Master.	4
12	Boarding of vessels	To allow entry onto vessels	Allows entry on to vessels for the purposes of any enactments relating to the Council or of any byelaw of the Council or to prevent or extinguish fire	4
13	Vessels adrift	To allow action to be taken against the owner or master of a vessel adrift in the Harbour.	Stipulates the fine liable if a vessel is adrift in the Harbour and the defence if the vessel did not come adrift as a result of any neglect or fault of that person	4
14	Power to appropriate parts of the Harbour etc.	To allow appropriation of parts of the Harbour	Allows areas of the Harbour to be set apart for use of certain classes of vessels	4
15	Moorings	To allow moorings to be provided by the Council	Allows the Council to provide, place, lay down, maintain, renew, use or remove moorings, buoys or similar apparatus	4
16	General directions	To allow the Council to give directions	Allows the Council to give directions for specified purposes.	4
17	Publication of general directions	To stipulate where notice of general directions should be published	To ensure stakeholders are aware of any general directions	4
18	Special directions to vessels	To allow Harbour Master to give special directions	Allows Harbour Master to give special directions regarding vessels for specified purposes	4
19	Failure to comply with special directions	To allow action against vessel ignoring special directions	Allows master to be fined if they fail to comply with a direction without reasonable excuse.	4
20	Enforcement of special directions	To allow urgent action against vessel ignoring special directions	Allows the Harbour Master to put persons aboard a vessel to carry out directions and recover reasonable expenses.	4

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21	Masters responsibility in relation to directions	To outlines the Masters responsibilities	Highlights that the Master has ultimate responsibility for their vessel.	4
22	Removal of obstructions other than vessels, vehicles or wrecks	To allow certain obstructions to be removed	Allows the Council to remove obstacles in the Harbour other than a vessel, a vehicle or a wreck and recover expenses.	4
23	Removal of vehicles	To allow vehicles to be removed	Allows unauthorised vehicles to be removed and reasonable costs recovered	4
24	Power to remove goods	To allow the Council to require goods to be removed	Allows the Council to require owner of goods to remove them from the Harbour premises and if not removed allows them to be removed at the expense of the owner.	4
25	Powers to make byelaws, etc.	To allow for byelaws to be made	Allows byelaws to be made for specific purposes related to Harbour operations.	4
26	Confirmation of byelaws	To set out the process for creating byelaws.	Allows full consultation to be carried out prior to the creation of byelaws which bye laws must be confirmed by the Scottish Ministers before coming into operation	4
27	Charges other than ship, passenger and goods dues	To allow for charges against equipment other than ships	Allows charges to be made against equipment such as dracone or floating dock, crane, rig, drilling rig or floating plant, using the Harbour.	11
28	Liability for charges	To identify who is responsible for charges	To avoid any confusion over who should be liable for paying charges	12
29	Power to grant exemptions, rebates, etc. in respect of charges	To allow the Council to offer rebates on charges	Allows Harbour Authority to offer full or partial exemptions, discounts or rebates on charges to attract extra business	11
30	Account of goods	To require production of bill of lading or manifest	Requires the Master of a vessel to produce detail of goods to be unshipped and identifies the penalty on failing to do so.	12

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31	Recovery of charges by seizure, etc.	To allow recovery of charges	Allows seizure and eventual sale of vessel and the tackle and cargo if charges are not paid.	12
32	Security for charges	To allow the Council to require security for charges	Allows the Council to require some payment or guarantee to be made prior to incurring charges in the Harbour.	12
33	Liens for charges	To allow persons to have a lien on goods	Allows persons who have collected charges to be given security for charges over goods in their possession or have retain an interest in those goods until reimbursed.	12
34	Refusal to pay charges for landing places, etc.	To allow use of facilities to be prevented.	Allows prevention of use of Harbour facilities if the Master refuses to pay charges.	12
35	Exemptions from charges	Exempts certain users from charges	Identifies certain Harbour users who are exempt from paying charges	17
36	Conditions as to payment of charges	Allows payment conditions to be specified	Provides that charges shall be payable subject to the terms and conditions that the Harbour Authority may specify in its published list of charges.	12
37	Reserve funds	Specifies conditions for reserve funds	Determines how any reserve funds can be utilised	17
38	Savings for Commissioners of Northern Lighthouses	Saving provision.	Creates a saving provision for Commissioners of Northern Lighthouses.	17
39	Saving for landowner	Saving provision.	Creates a saving provision for foreshore owners	17
40	Saving for Loch Ryan Oyster Fishery Company Limited	Saving provision.	Creates a saving provision for the Loch Ryan Oyster Fishery Company Limited	17

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41	Crown Rights	Ensures that the Act does not prejudice Crown rights	This adopts the standard template to ensure that Crown rights are not prejudiced by the terms of the Order.	17
42	Repeal	Repeal	Repeals existing legislation.	