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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 289**

**The Associated British Ports (Troon)  
Harbour Revision Order 2000**

**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.

### **Power to deviate**

6. In constructing Works Nos. 1, 2 and 3, A.B. Ports may deviate laterally from the lines or situations shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three metres upwards and to such extent downwards as may be found necessary or convenient.

### **Power to dredge**

7.—(1) For the purposes of affording uninterrupted means of access to the works and of enabling their use at all states of the tide, A.B. Ports may from time to time deepen, dredge, scour, cleanse, alter and improve a channel within the area shaded grey on the deposited plan to a depth of six metres and may (subject to paragraphs (2) and (3) below) as it thinks fit use, appropriate or dispose of the materials from time to time taken up or collected by it in the course of any such operations.

(2) No materials referred to in this article shall—

- (a) be disposed of in contravention of any enactment relating to the disposal of waste; or
- (b) be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or directed by the Scottish Ministers.

(3) The power to use, appropriate or dispose of materials referred to in this article shall not extend to wrecks (within the meaning of Part IX of the Merchant Shipping Act 1995(1)) found by A.B. Ports.

### **Fine for obstructing works**

8. Any person who intentionally obstructs any person acting under the authority of A.B. Ports in constructing the works or intentionally or recklessly interferes with equipment or materials used in the construction of the works shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Tidal works not to be executed without approval of Scottish Ministers**

9.—(1) A tidal work shall not be constructed, altered, enlarged, replaced, relaid, extended or reconstructed except in accordance with plans and sections approved by the Scottish Ministers and subject to any conditions and restrictions imposed by the Scottish Ministers before the work is begun or while work is still in progress.

(2) If a tidal work is constructed, altered, enlarged, replaced, relaid, extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Scottish Ministers may by notice in writing require A.B. Ports at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and, if on the expiration of 30 days from the date when the notice is served upon A.B. Ports it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice; or
- (b) if it appears to the Scottish Ministers urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition,

and any expenditure incurred by the Scottish Ministers in so doing shall be recoverable from A.B. Ports.

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(1) 1995 c. 21.

### **Provision against danger to navigation**

**10.**—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, A.B. Ports shall as soon as reasonably practicable notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If without reasonable excuse A.B. Ports fails to notify the Commissioners of Northern Lighthouses as required by paragraph (1) above of this article or to comply in any respect with a direction given under the said paragraph it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine.

### **Abatement of works abandoned or decayed**

**11.**—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Scottish Minister may by notice in writing require A.B. Ports at its own expense either to repair and restore the work of any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Scottish Minister thinks proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Scottish Ministers may include that part of the work, or any portion thereof, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon A.B. Ports, it has failed to comply with the requirements of the notice, the Scottish Minister may execute the works specified in the notice and any expenditure incurred by the Scottish Ministers in so doing shall be recoverable from A.B. Ports.

### **Survey of tidal works**

**12.** The Scottish Ministers may at any time, if they deem it expedient, order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Scottish Ministers in any such survey and examination shall be recoverable from A.B. Ports.

### **Permanent lights on tidal works**

**13.**—(1) After the completion of a tidal work A.B. Ports shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If A.B. Ports fails to comply in any respect with a direction given under this article, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for A.B. Ports to prove that all due diligence was used to secure compliance with the direction.

### **Lights on tidal works during construction**

**14.**—(1) A.B. Ports shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If A.B. Ports fails to comply in any respect with paragraph (1) it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for A.B. Ports to prove that all due diligence was used to secure compliance with the direction.

**Marking approaches**

**15.—**(1) A.B. Ports may, with the consent of the Commissioners of Northern Lighthouses, provide, place and erect in such places as it deems proper lightships, lighthouses, buoys, beacons, guiding posts or signs for the guidance of vessels approaching or leaving the works.

(2) A.B. Ports may maintain and repair any lightships, lighthouses, buoys, beacons, guiding posts or signs provided, placed or erected by it under this article.