
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 172

The Macduff Harbour Revision Order 1999

PART II

WORKS

Power to carry out works

3.—(1) Subject to the provisions of this Order, the Council may, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and section, carry out and maintain the following works in Aberdeenshire, and on the foreshore and bed of the sea adjacent thereto together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No. 1	A land reclamation and a breakwater extension constructed of reinforced concrete and a rock armour revetment commencing at Point A marked on the deposited plan 25 metres north-east of the fixed point marked on the deposited plan at the north-west corner of Slipway Yard, thence extending west 110 metres to Point B marked on the deposited plan and there terminating, such works to include the demolition and removal of the existing breakwater parapet.
Work No. 2	A reclamation and reconstruction in the Princes Royal Basin, consisting of a pier and a dry dock, constructed of reinforced concrete within the area shown hatched black on the deposited plan commencing at Point C marked on the deposited plan 17 metres south of the fixed point marked on the deposited plan, thence extending to Points D, E, F, G and H respectively marked on the deposited plan and terminating at Point J marked on the deposited plan 60 metres west of the fixed point marked on the deposited plan.
Work No. 3	The deepening by means of excavation of the Princess Royal Basin to a depth of 5.2 metres below the level of low water within the area shown cross-hatched black on the deposited plan commencing at Point H marked on the deposited plan 48 metres west of the fixed point

	marked on the deposited plan and terminating at Point K marked on the deposited plan 233 metres south west of the fixed point marked on the deposited plan.
Work No. 4A	The construction of an underpinning in the Princess Royal Basin of width 1 metre commencing at Point J marked on the deposited plan 60 metres west of the fixed point marked on the deposited plan and terminating at Point K marked on the deposited plan 233 metres south-west of the fixed point marked on the deposited plan.
Work No. 4B	The construction of an underpinning in the Princess Royal Basin of width 1 metre commencing at Point L marked on the deposited plan 36 metres south-west of the fixed point marked on the deposited plan and terminating at Point M marked on the deposited plan 93 metres west-south-west of the fixed point marked on the deposited plan.
Work No. 4C	The construction of an underpinning in the Princess Royal Basin of width 1 metre commencing at Point N marked on the deposited plan 48 metres south-south-west of the fixed point marked on the deposited plan and terminating at Point P marked on the deposited plan 220 metres south-west of the fixed point marked on the deposited plan.
Work No. 5	The construction of a spending slope in the Princess Royal Basin, consisting of rock armour stones within the area shown hatched black on the deposited plan commencing at Point R marked on the deposited plan 42 metres south-west of the fixed point marked on the deposited plan and terminating at Point S marked on the deposited plan 33 metres south-south-west of the fixed point marked on the deposited plan, such works to include the demolition of the existing revetment.

(2) The Council may, within the limits of deviation, maintain, renew, reconstruct and alter temporarily or permanently the works.

(3) Subject to the provisions of this Order no material dredged at Work No. 3 shall 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 prescribed by Scottish Ministers.

Power to deviate

4. Subject to the provisions of this Order, in carrying out the works the Council may deviate laterally from the lines or situations thereof as shown on the deposited plan to any extent not

exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited section to any extent not exceeding 1 metre upwards and to such extent downwards as may be found necessary or convenient.

Subsidiary works

5.—(1) Subject to the provisions of this Order, the Council may within the limits of deviation from time to time erect, construct, maintain and operate, whether temporarily or permanently, all such subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

(2) The works shall be deemed for all purposes to be within Aberdeenshire.

Obstructing works

6. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of or in constructing the authorised works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Works to be deemed part of harbour undertaking

7. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Council for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Council accordingly.

Tidal works not to be executed without approval of Scottish Ministers

8.—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed or altered 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 demolished, constructed, renewed, reconstructed or altered 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 the Council at its 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 the Council 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 to do so, they may themselves 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 the Council as a debt.

Survey of tidal works

9. The Scottish Ministers may at any time, if they deem it expedient, order a survey and examination of a tidal work or a site upon which it is proposed to construct the work and any expense incurred by them in such a survey and examination shall be recoverable from the Council as a debt.

Provision against danger to navigation

10.—(1) In the case of injury to or destruction or decay of a tidal work or any part thereof, the Council shall forthwith 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 the Council fails to comply in any respect with the provisions of this article, they 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.

Abatement of works abandoned or decayed

11.—(1) Where a tidal work is abandoned or suffered to fall into decay the Scottish Ministers may by notice in writing require the Council at their own expense either to repair and restore the work or 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 Ministers think proper.

(2) Where a work authorised by this Order and 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 the Council they have failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Council as a debt.

Lights on tidal work during construction

12.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Council shall at the outer extremity thereof every night from sunset to sunrise exhibit 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 the council 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.

Permanent light on works

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

(2) If the Council 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.

Period for completion of works

14. If the works are not completed by 31st December 2010, the powers conferred on the Council for constructing the works under this Order shall cease to have effect except as to so much thereof as is then substantially commenced.