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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 17**

**The Highland Council (Raasay) Harbour Revision Order 2006**

**PART II**

**WORKS**

**Power to carry out works**

4.—(1) Subject to the provisions of this Order, the Council may, in the situations and lines and within the limit of deviation and according to the levels shown on the deposited plans and sections, carry out and maintain the following work on the island of Raasay, Highland, 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—

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Work No. 1:	A breakwater of solid construction commencing at a point NG 154205,836263 extending initially in a south-westerly then southerly direction for a distance of 103 metres to a point NG 154162,836175 and there terminating.
Work No. 2:	An alignment and berthing structure of solid construction commencing at a point NG 154552,836269 and extending in a south south-westerly direction for a distance of 225 metres to a point NG 154426,836083; thence in a westerly direction for a distance of 37 metres to terminate at a point NG 154390,836087.
Work No. 3:	A slipway of solid construction 15.5 metres wide and associated access road and parking commencing at a point NG 154547,836273 and extending in a south south-westerly direction for a distance of 129 metres to a point at NG 154473,836168 and there terminating.
Work No. 4:	Dredging of an area of seabed 50 metres wide commencing at a point NG 154407,836217 and extending in a southerly direction for a distance of 130 metres to terminate at a point NG 154426,836087.

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

### **Power to deviate**

5. 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 plans to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

### **Subsidiary works**

6.—(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 the island of Raasay, Highland.

### **Obstructing works**

7. 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**

8. 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 the Scottish Ministers**

9.—(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 thirty 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**

10. 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**

**11.**—(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**

**12.**—(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 on any portion thereof, in any notice under this article.

(3) If, on the expiration of thirty 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 Trust as a debt.

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

**13.**—(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 lights on works**

**14.**—(1) After completion of 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.

### **Period for completion of works**

**15.** If the works are not completed by 31st December 2014, the powers by this Order granted to the Council for constructing the works shall cease except as to so much thereof as is then substantially commenced.