

ELIZABETH II



1973 CHAPTER XV

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936, relating to
Ullapool Pier. [18th July 1973]

WHEREAS the Provisional Order set forth in the schedule
hereunto annexed has been made by the Secretary of
State under the provisions of the Private Legislation
Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52.
Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto
annexed is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Ullapool Pier Order
Confirmation Act 1973. Short title.

SCHEDULE

ULLAPOOL PIER

Provisional Order to authorise the transfer of certain harbour works to the Ullapool Pier Trustees; to enable the Trustees to borrow money; to confer other powers on the Trustees; and for other purposes.

Whereas the Ullapool Pier Trustees (hereinafter in this Order referred to as "the Trustees") were constituted by the Ullapool Pier Order 1911 for the maintenance and regulation of piers and works at Ullapool in the parish of Lochbroom in the county of Ross and Cromarty and for other purposes in that Order set forth:

And whereas by the Ullapool Pier Order 1965 further powers were conferred on the Trustees for the improvement and better regulation of their undertaking:

1937 c. 28.

And whereas for the urgent improvement of the facilities for berthing vessels at Ullapool and in particular the achievement of better sea communication to the islands of the Outer Hebrides the Trustees have recently, with the authority of the Secretary of State given under section 7 of the Harbours, Piers and Ferries (Scotland) Act 1937, constructed extensions to their pier and jetty works; and other complementary improvements and extensions to the harbour works at Ullapool, with the concurrence of the Trustees, have been constructed by or on behalf of the Scottish Transport Group so as to provide roll-on/roll-off facilities for goods and other vehicles:

1949 c. 74.

And whereas consent in respect of all such improvements and extensions has been granted by the Secretary of State for Trade and Industry under section 34 of the Coast Protection Act 1949:

And whereas it is expedient that provision should be made as in this Order contained for the transfer to the Trustees of the works as so constructed by or on behalf of the Scottish Transport Group and for authorising the Trustees to borrow money for the purposes of the said works and of their undertaking:

And whereas it is expedient that the other provisions in this Order should be enacted:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now, therefore, in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

1.—(1) This Order may be cited as the Ullapool Pier Order 1973. Short title and citations.

(2) This Order and the Ullapool Pier Orders 1911 and 1965 may be cited together as the Ullapool Pier Orders 1911 to 1973.

2.—(1) In this Order, unless the context otherwise requires— Interpretation.

“enactment” means any Act, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of any Act;

“the Order of 1911” means the Ullapool Pier Order 1911 scheduled to and confirmed by the Pier and Harbour Order Confirmation (No. 4) Act 1911; 1911 c. clxxxvi.

“the Order of 1965” means the Ullapool Pier Order 1965;

“the specified works” means the loading ramp for vehicles and the approaches, works and conveniences subsidiary thereto or connected therewith as constructed by the Scottish Transport Group and situate alongside the south-western face of the pier at Ullapool;

“the Trustees” means the Ullapool Pier Trustees incorporated by the Order of 1911.

(2) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment, including this Order.

3.—(1) The Trustees may by agreement with the Scottish Transport Group acquire the specified works together with all servitudes and wayleaves and rights (if any) exercisable by the Group in connection with the specified works upon such terms and conditions as may be agreed between them. Power to acquire works and as to vesting in Trustees.

(2) Upon the acquisition of the specified works by the Trustees those works shall for all purposes be deemed to have been constructed by the Trustees as duly authorised in that behalf and the Trustees shall have power to maintain and from time to time to alter, renew or relay the same.

4.—(1) (a) The provisions of the Order of 1911 shall extend and apply for the purposes of this Order as if— Application of Orders of 1911 and 1965.

(i) in section 3 (1) in the definition of “the works” there were included a reference to the works authorised by the Order of 1965, the specified works and any other works constructed by the Trustees and for the time being authorised by or under any enactment;

(ii) in sections 28, 47 (1) and 48 (2) the references to the Order of 1911, in section 47 (2) the second reference to the Order of 1911, in section 50 the first reference to the Order of 1911 and in section 52 the second reference to the Order of 1911 included references to this Order and the Order of 1965.

(b) Section 20 of the Order of 1965 is hereby repealed.

(2) The provisions of the Order of 1965 shall extend and apply for the purposes of this Order as if in section 3 (1) in the definition of "the undertaking" there were included a reference to the specified works and any other works constructed by the Trustees and for the time being authorised by or under any enactment.

Amendment of section 18 of Order of 1911.

5. In section 18 of the Order of 1911 after the words "for the purpose of" there shall be inserted the words "the construction of works" and for the word "two" there shall be substituted the word "ten".

Further borrowing powers.

6. The Trustees in addition to any other powers of borrowing which they now have may, with the sanction of the Secretary of State, borrow such sums of money as may be necessary for—

(a) the construction of the Trustees' works, the acquisition of lands therefor and the acquisition of the specified works;

(b) the general purposes of the undertaking (as defined by section 3 of the Order of 1911, including all works for the time being vested in the Trustees);

(c) the payment of the costs, charges and expenses of, and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto:

Provided that money so borrowed for purposes (a) or (b) shall be repaid within such period as the Secretary of State may determine and that money so borrowed for purpose (c) shall be repaid within five years from the date of borrowing.

In this section "the Trustees' works" means the extensions to their pier and jetty works constructed or under construction by the Trustees with the authority of the Secretary of State given under section 7 of the Harbours, Piers and Ferries (Scotland) Act 1937.

1937 c. 28.

Costs of Order.

7. All costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

5p net

SBN 10 511573 8