



# Port Askaig Pier Order Confirmation Act 1975

CHAPTER xxxii

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**ELIZABETH II**



**1975 CHAPTER xxxii**

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
Port Askaig Pier. [12th November 1975]

**W**HEREAS 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 Port Askaig Pier Order  
Confirmation Act 1975. Short title.

## SCHEDULE

### PORT ASKAIG PIER

*Provisional Order to authorise the Strathclyde Regional Council to acquire lands and to carry out works for the improvement of Port Askaig Pier and to borrow money; and for other purposes.*

1904 c. clxxxv. Whereas by the Islay Piers Order 1904 powers were conferred on the undertakers therein named with respect to the improvement, maintenance and regulation of the piers in the Island of Islay therein mentioned including Port Askaig Pier in the parish of Kilarrow and Kilmeny:

And whereas by a Disposition granted in favour of the county council of the county of Argyll (hereinafter called "the county council") by Islay Estates Limited dated Seventeenth May and recorded in the General Register of Sasines for the county of Argyll on Eighth June 1954 the undertaking of the said company in connection with Port Askaig Pier was conveyed to the county council:

1973 c. 65. And whereas by virtue of the Local Government (Scotland) Act 1973 all rights which on 15th May, 1975, were vested in the county council in relation to piers and harbours, all functions relating thereto and all liabilities to which the county council was subject in that connection were transferred to the Strathclyde Regional Council (hereinafter referred to as "the Council"):

And whereas it is expedient that the Council should be authorised to acquire lands and to carry out the works hereinafter described for the improvement of Port Askaig Pier and to borrow money for the purposes of the said works and of the undertaking of the Council in connection with the said pier:

And whereas it is expedient that the further powers mentioned in this Order should be conferred on the Council:

And whereas estimates have been prepared in relation to the following purposes in respect of which the Council are authorised to borrow money and such estimates are as follows:—

Purchase of lands, minerals and permanent rights ...	£ 17,000
For the construction of Works Nos. 1 to 6 ...	£374,000:

And whereas in the month of November, 1974, a plan and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order and a book of reference to such plan, showing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purpose of or under the powers of this Order, were duly deposited with the sheriff-clerk of Argyll at his office at Dunoon and such plan, sections and book of reference are respectively called the deposited plan, sections and book of reference:

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:—

PART I

PRELIMINARY

1. This Order may be cited as the Port Askaig Pier Order 1975 and this Order and the Order of 1904 may be cited together as the Port Askaig Pier Orders 1904 and 1975. Short and collective titles.

2. The Order of 1904, so far as the said Order relates to Port Askaig Pier, and this Order shall be construed and read together as one Order except so far as may be inconsistent with or repugnant to the purposes thereof. Construction of Order.

3.—(1) In this Order unless there be something in the subject or context repugnant to such construction the following words and expressions have the meanings hereby assigned to them, that is to say:— Interpretation.

“ Council ” means the Strathclyde Regional Council;

“ deposited plan ” and “ deposited sections ” mean respectively the plan and sections deposited in connection with this Order;

“ enactment ” means any Act, whether general, local or personal and any order (including this Order) or other instrument made thereunder and any provision in any such Act, order or instrument;

“ existing ” means existing at the commencement of this Order;

“ land ” or “ lands ” includes land covered by water and any interest therein;

“ level of high water ” means the level of mean high-water springs;

“ limits of deviation ” means the limits of deviation shown on the deposited plan;

“ Order of 1904 ” means the Islay Piers Order 1904;

1904 c. clxxxv.

“ pier limits map ” means the map marked “ Port Askaig Pier Limits ” of which five copies have been signed by Gavin Douglas, Q.C., Senior Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936;

1936 c. 52.

“ pier undertaking ” means the undertaking of the Council in connection with the existing pier at Port Askaig and the works together with all lands for the time being belonging to or held, used or enjoyed by the Council in connection therewith;

“ tidal work ” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“ works ” means the works authorised by this Order or, as the case may require, any part thereof.

(2) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

PART I  
—cont.Incorporation  
of  
enactments.  
1847 c. 27.

4.—(1) For the purposes of the application to the pier undertaking of the Harbours, Docks and Piers Clauses Act 1847, the said Act shall be read as if—

- (a) in section 23, there were omitted the words from “ provided that ” to the end of the section;
- (b) in section 63, for the words from “ penalty ” to the end of the section, there were substituted the words “ a penalty not exceeding £20 ”;
- (c) in section 69, for the words from “ the sum ” to the end of the section there were substituted the words “ a sum not exceeding £10.”.

1845 c. 19.

(2) (a) The Lands Clauses Acts (with the exception of sections 120 to 126 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands) are hereby incorporated with this Order.

(b) For the purposes of the incorporation of the said Acts the expression “ the special Act ” in those Acts shall mean this Order.

## PART II

## WORKS

Power to  
carry out  
works.

5.—(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 sections, carry out the following works in the parish of Kilarrow and Kilmeny in the Island of Islay and the Argyll and Bute District and on the foreshore and in the sea adjoining the same:—

Work No. 1 A strengthening of the existing quay wall by means of a breastwork consisting of a line of steel sheet piles driven parallel to and 2 metres (6·56 feet) or thereabouts seaward of the said existing quay wall face at deck level together with concrete infill between the said steel sheet piles and the said existing quay wall commencing at the north end of the said existing quay wall at a point 76 metres (249·34 feet) or thereabouts north-eastwards of the intersection point formed by the face line of the existing quay wall meeting the north face line of the existing spur jetty and terminating at the north-east face of the spur jetty aforementioned together with the regrading and resurfacing of the quay area between the said breastwork and the existing buildings situate on the quay.

Work No. 2 Fixed solid structures for guiding the adjustable end of the link bridge (Work No. 3) and supporting the jacks for lifting and lowering the said link bridge commencing at the line of steel sheet piles of Work No. 1 at a point 12·8 metres (41·99 feet) or thereabouts north-eastwards of the intersection point formed by the face line of the existing quay wall meeting the north face line of the existing spur jetty and terminating at a point at right angles to and distant 15·5 metres (50·85 feet) or thereabouts from the said line of steel sheet piles and



consisting of an extension of 3.0 metres (9.84 feet) or thereabouts of the face of the quay and of a dolphin of 5.3 metres (17.39 feet) in length and 6.3 metres (20.67 feet) in width on the south-east side of the said link bridge.

Work No. 3 An adjustable steel link bridge commencing by means of a hinged connection with Work No. 4 hereinafter described at a width of 5.5 metres (18.04 feet) at a point 1 metre (3.28 feet) or thereabouts northwards from the north-east face of the existing spur jetty and 6.5 metres (21.33 feet) or thereabouts south-eastwards of the intersection point formed by the face line of the existing quay wall meeting the north face line of the existing spur jetty and extending north-eastwards for a distance of 15.2 metres (49.87 feet) or thereabouts and to a width of 6.7 metres (21.98 feet) to form a link between any ferry ship and the said Work No. 4 and including all machinery for lifting and lowering the end adjoining the ferry ship.

Work No. 4 Reclamation of the area of the foreshore and seabed shown hatched on the deposited plan to the south-west of the existing fixed ramp by means of a reinforced concrete wall retaining infilling forming an approach to Work No. 3 commencing at a point on the existing sea wall at the junction of the said sea wall with the kerb of the roadway and extending 44.8 metres (146.98 feet) or thereabouts north-eastwards to the commencement of Work No. 3 including all necessary road connections approaching the said work.

Work No. 5 A concrete boat slip 2.4 metres (7.87 feet) wide commencing at a point on the existing sea wall adjacent to the commencement of Work No. 4 and extending 13.7 metres (44.95 feet) or thereabouts north-eastwards parallel to and contiguous with the retaining wall of the said Work No. 4 together with all necessary road connections to the said boat slip.

Work No. 6 A vehicle marshalling area mainly excavated from the hinterland and partly on regraded ground, all shown dot hatched on the deposited plan, including the demolition of the existing buildings thereon.

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

6. 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 shown on the said plan and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 3.0 metres (9.84 feet) upwards and to any extent downwards.

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

PART II  
—cont.Fine for  
obstructing  
work.

8.—(1) Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall for every such offence be liable to a fine not exceeding fifty pounds.

(2) Proceedings for any offence under this section or for the recovery of any fine thereunder may be brought in any court of summary criminal jurisdiction.

Powers to  
cease in  
certain events.

9.—(1) If the works are not substantially commenced within five years from the commencement of this Order, or such extended time as the Secretary of State may in the circumstances by order direct, the powers granted to the Council by this Order for the construction of the works shall cease.

(2) If the execution of the works after having been substantially commenced is virtually suspended for twelve consecutive months, the said powers shall cease except as to so much of the works as is then completed unless the Secretary of State by order directs that the said powers shall continue and remain in force but, subject to the foregoing provision as to completion, the said powers shall cease in any event within eight years from the commencement of this Order.

(3) A certificate of the Secretary of State to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall, for the purposes of this section, be conclusive evidence of the facts stated in such certificate.

Works to be  
deemed part  
of pier  
undertaking.

10.—(1) The works shall be deemed for all purposes to be part of the pier undertaking, and all byelaws, rules and regulations of the Council for the time being in force relating to the pier undertaking shall be applicable and shall apply to the works and may be enforced by the Council accordingly.

(2) The works shall be deemed for all purposes to be within the parish of Kilarrow and Kilmeny and within the Strathclyde Region and the Argyll and Bute District.

Tidal works  
not to be  
executed  
without  
approval of  
Secretary of  
State.

11.—(1) A tidal work shall not be constructed, renewed, enlarged or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, renewed, enlarged or altered in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Council 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 thirty days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or



(b) if it appears to the Secretary of State urgently necessary to do so, he may himself remove the tidal work or part of it and restore the site to its former condition;

PART II  
—cont.

and any expenditure incurred by the Secretary of State in so doing shall be a debt due from the Council to the Crown and shall be recoverable accordingly.

12. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work constructed by the Council or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be a debt due from the Council to the Crown and shall be recoverable accordingly. Survey of tidal works.

13.—(1) In 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. Provision against danger to navigation.

(2) If the Council fail to comply in any respect with the provisions of this section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

14.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State 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 Secretary of State thinks proper. Abatement of works abandoned or decayed.

(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 Secretary of State may include that part of the work or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be a debt due from the Council to the Crown and shall be recoverable accordingly.

15.—(1) The Council shall at or near a tidal work during the whole time of the construction, renewal, enlargement or alteration 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 Secretary of State shall from time to time direct. Lights on works during construction.

PART II  
—cont.

(2) If the Council fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent  
lights on works.

16.—(1) After the 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 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 fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

## PART III

## BORROWING

Power to  
borrow money  
for purposes  
of works, etc.  
1937 c. 28.

17. The power to borrow money conferred on local authorities by section 21 of the Harbours, Piers and Ferries (Scotland) Act 1937 shall extend and apply with respect to the works, and with regard to the exercise by the Council of the powers conferred on them by this Order, in the same way as if the works were works authorised by a Provisional Order made under section 4 of the said Act of 1937, and as if the exercise of the powers conferred on the Council by this Order were purposes of the said Act of 1937.

Further  
borrowing  
powers.

18. The Council 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 general purposes of the pier undertaking;

(b) 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 purpose (a) shall be repaid within such period as the Secretary of State may determine and that money so borrowed for purpose (b) shall be repaid within five years from the commencement of this Order.

Application  
of moneys  
borrowed.

19. All moneys borrowed by the Council under this Order shall be applied only to the purposes for which such sums are authorised to be borrowed and to which capital is properly applicable.

Saving for  
control on  
borrowing.

20. It shall not be lawful to exercise the powers of borrowing conferred by this Order, other than the power of borrowing to pay the costs, charges and expenses of this Order, except in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946, or of section 259 of the Local Government (Scotland) Act 1947.

1946 c. 58.  
1947 c. 43.



PART IV

POWER TO ACQUIRE LANDS

21.—(1) Subject to the provisions of this Order, the Council may enter upon, take and use such of the lands shown on the deposited plan and described in the deposited book of reference as may be required for the purposes of this Order. Power to acquire lands.

(2) The powers of the Council for the compulsory purchase of lands under this Order shall cease on 31st December, 1980.

22. Notwithstanding anything in this Order or in any Act wholly or partly incorporated herewith, the Council may purchase and acquire such servitudes or rights as they may require for the purposes of this Order without the Council being obliged or compellable to purchase any greater interest in, under or over the lands to which they relate, and the provisions of the Lands Clauses Acts shall extend and apply to such servitudes and rights as if they were lands within the meaning of those Acts. Power to acquire servitudes compulsorily in certain cases.

23. All private rights of way over any lands which, under the powers of this Order, are acquired compulsorily shall, as from the date of such acquisition, be extinguished: Extinction of private rights of way.

Provided that the Council shall make compensation to all persons interested in respect of any such rights and the compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

24.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land, the Council, after giving ten days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff for the correction thereof. Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the sheriff that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons, and with the sheriff-clerk of North Strathclyde at his office at Dunoon, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.



PART IV  
—cont.  
Servitudes, etc.,  
by agreement.

25. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may, if they think fit, subject to the provisions of those Acts and of this Order, grant to the Council any servitude, right or privilege (not being a servitude, right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in, over or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as they are applicable in this behalf shall extend and apply to such grants and to such servitudes, rights and privileges as aforesaid respectively.

Set-off of  
betterment  
against  
compensation.

26. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Order in a case where—

- (a) he has an interest in any other land contiguous with or adjacent to the land so acquired; and
- (b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Order or any of them;

the amount of the enhancement in value shall be set off against the compensation or purchase money:

Provided that any such enhancement in value of an interest in land shall be estimated on the assumption that planning permission in respect of that land would be granted under the Town and Country Planning (Scotland) Act 1972 for the operations or uses specified in Schedule 6 to that Act but not for any other development.

1972 c. 52.

PART V

MISCELLANEOUS

For protection  
of North of  
Scotland  
Hydro-Electric  
Board.

27. For the protection of the North of Scotland Hydro-Electric Board (in this section referred to as "the board") the provisions of this section shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

"adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously;

"apparatus" means electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the board;

"in" in a context referring to apparatus includes under, over, across, along or upon;

"plan" includes a section and description;

"situation" includes depth;

1882 c. 56.

“ specified work ” means any work or thing done under the powers of this Order (not being a work or thing to which section 26 of the Public Utilities Street Works Act 1950 applies).

PART V  
—cont.

1950 c. 39.

- (2) Notwithstanding anything in this Order or shown on the deposited plan the Council shall not, under the powers of this Order, acquire any apparatus otherwise than by agreement.
- (3) If the Council in the exercise of the powers conferred upon them by this Order acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the board to use, maintain, repair, renew, extend or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation.
- (4) (a) If the Council, for the purpose of the execution of any specified work, require the alteration, protection or removal of any apparatus, they shall give to the board written notice of such requirement with a plan of the proposed work and, if it is agreed between the Council and the board, or in default of agreement determined by arbitration, that the removal of the apparatus is reasonably required and that it should be removed, the following provisions of this paragraph shall have effect;  
(b) If it is so agreed or determined that any apparatus should be removed, or if in consequence of the execution of any specified work the board shall require to remove any apparatus, the Council shall, to the reasonable satisfaction of the board, afford to the board the necessary facilities and rights including rights of access for the laying or construction of adequate alternative apparatus in other lands of the Council and thereafter for the maintenance, repair, renewal and inspection of such apparatus:  
Provided that if the alternative apparatus or any part thereof is to be laid or constructed elsewhere than in other lands of the Council and the Council are unable to afford such facilities and rights as aforesaid the board shall forthwith make every reasonable effort to assist the Council to obtain the necessary facilities and rights.
- (5) (a) Any alternative apparatus to be laid or constructed in lands of the Council in pursuance of paragraph (4) of this section shall be laid or constructed in such manner and in such line or situation as may be agreed between the board and the Council or, in default of agreement, settled by arbitration;  
(b) The board shall, after the manner of laying or construction and the line and situation of any alternative apparatus have been agreed, or settled by arbitration as aforesaid, and after the grant to the board of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all

PART V  
—cont.

reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section.

- (6) Where in accordance with the provisions of this section the Council afford to the board facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Council of alternative apparatus in substitution for apparatus to be removed as aforesaid, such facilities and rights shall be granted upon such terms and conditions as may be agreed between the Council and the board or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid or constructed across or through a specified work the arbiter shall—

(i) give effect to all reasonable requirements of the Council for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work and also to all reasonable requirements of the board for ensuring the safety and efficient operation of the alternative apparatus; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the Council for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Council in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbiter, less favourable on the whole to the board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbiter shall make such provision for payment of compensation by the Council to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case.

- (7) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to, or is likely to affect, any apparatus the alteration, protection or removal of which has not been required by the Council under paragraph (4) of this section or the maintenance of any such apparatus the Council shall submit to the board a plan of the work to be executed;

(b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such measures as may reasonably be required by the board for the alteration or otherwise for the protection of the apparatus, or for



securing access thereto, and the board shall be entitled by their officer to watch and inspect the execution of such work:

PART V  
—cont.

Provided that—

(i) if the board, within fourteen days after the submission to them of any such plan, shall, in consequence of the work proposed by the Council, reasonably require the alteration, protection or removal of any apparatus and give written notice to the Council of such requirement, the foregoing provisions of this section shall apply and have effect as if the alteration, protection and removal of such apparatus had been required under paragraph (4) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Council from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;

(c) The Council shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give notice to the board forthwith and shall furnish the board with a plan of the work as soon as is reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as is reasonably practicable in the circumstances.

(8) If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed, the Council shall provide such alternative means of access to that apparatus as is required by the board for the effective discharge of their statutory functions.

(9) The Council shall repay to the board the costs, charges and expenses incurred by the board in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of apparatus or the provision and laying or construction of new apparatus under any of the provisions of this section;

(b) the cutting off of apparatus from any other apparatus; and

(c) any other work or thing reasonably necessary in consequence of any operation referred to in this paragraph.

(10) (a) Any difference which may arise between the Council and the board under this section shall be referred to and determined by an arbiter to be mutually agreed upon between the Council and the board, or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Electrical Engineers;

(b) In settling any difference under this section the arbiter shall have regard to the statutory duties or obligations of the board in respect of any apparatus and may require the Council to

PART V  
—cont.

execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

## Pier limits.

28.—(1) The limits within which the Council shall exercise in relation to the pier undertaking the powers conferred on them by the Order of 1904 and this Order shall comprise the existing pier and the works and so much of the sea as is included within the area marked “ Port Askaig Pier Limits ” on the pier limits map (hereinafter referred to as “ the pier limits ”).

(2) In relation to the pier undertaking subsection (1) of section 5 (Limits) of the Order of 1904 shall have effect as if references therein to Port Askaig Pier were omitted therefrom and subsection (2) of the said section shall have effect as if the limits therein referred to were the pier limits.

(3) Within one month after the commencement of this Order copies of the pier limits map shall be deposited as follows, that is to say, one copy with the sheriff-clerk of North Strathclyde at his office at Dunoon, one copy at the office of the chief executive of the Argyll and Bute District Council, one copy at the office of the chief executive of the Council, one copy with the Department of Trade and one copy with the Department of the Environment.

Saving for  
town and  
country  
planning.  
1972 c. 52.

29.—(1) Section 274 of the Town and Country Planning (Scotland) Act 1972 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session of Parliament held during the regnal years 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Order as if it had been passed during that session; and accordingly the Town and Country Planning (Scotland) Act 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Order.

1975 No. 679  
(S. 107).

(2) In their application to development authorised by any provision of this Order, article 3 of, and class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1975 (which permit development authorised by any local or private Act or by any order approved by both Houses of Parliament, being an Act or order designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by such provision were limited to development begun within five years after the coming into force of that provision.

(3) In this section the reference to article 3 of, and class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1975 includes a reference to corresponding provisions of any general order superseding that order made under section 21 of the Town and Country Planning (Scotland) Act 1972 or any corresponding provision of an Act repealing that section.



30. Nothing in this Order shall affect the operation of the Dumping at Sea Act 1974.

PART V  
—cont.

Saving for  
Dumping at  
Sea Act 1974.  
1974 c. 20.

31. Nothing in this Order shall exempt the Council or any other person from the provisions of Part I of the Coast Protection Act 1949.

Saving for  
Coast  
Protection Act  
1949.  
1949 c. 74.

32. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing in this Order shall authorise the Council to take, use or interfere with any land or rights—

Crown rights.

(i) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty; or

(ii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

without the consent in writing of the Crown Estate Commissioners or, as the case may be, that department.

33. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order and otherwise in relation thereto, shall be paid by the Council.

Costs of Order.

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