

ELIZABETH II



1979 CHAPTER v

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936, relating to
Shetland Islands Council. [4th April 1979]

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 Shetland Islands Council Short title.
Order Confirmation Act 1979.

SCHEDULE

SHETLAND ISLANDS COUNCIL

Provisional Order (as modified) to amend the Zetland County Council Act 1974; and for related purposes.

Whereas—

1973 c. 65. (1) The Shetland Islands Council (hereinafter called “ the Council ”) have, by virtue of the provisions of section 1 of the Local Government (Scotland) Act 1973, succeeded the county council of the county of Zetland as the local authority for the area now known as the Islands Area of Shetland:

1974 c. viii. (2) The Zetland County Council Act 1974 (hereinafter called “ the Act ”) imposed and conferred upon the county council certain duties and powers, principally in respect of the status of that council as a harbour authority:

(3) The said duties and powers, and the other provisions of the Act, relate generally to the coastal area as defined in the Act, and more particularly to harbour areas also so defined:

1964 c. 40. (4) The Act expressly excludes from the coastal area the area from time to time within the jurisdiction of the Blacksness Pier Trust (which area at present is a marine work as defined in section 57 of the Harbours Act 1964) and also excludes any marine work as defined in the said section 57:

(5) The Act defines the expression “ harbour area ” as including two specific areas described in Schedule 1 to the Act, neither of these being the Blacksness Pier area:

1937 c. 28. (6) The Trustees of the Blacksness Pier Trust by Minute of Agreement between them and the Council executed on various dates in January and February, 1977, and pursuant to section 1 of the Harbours, Piers and Ferries (Scotland) Act 1937, agreed with effect from 1st February, 1977, to transfer to the Council the whole of their undertaking, together with its assets, funds, property, powers, duties, obligations, rights and revenues, subject to certain undertakings given on the part of the Council including an undertaking to extend and improve the harbour facilities:

(7) For the proper administration, development and regulation of the Blacksness Pier area it is expedient that the provisions of the Act be applied to it and that the said area be included in the coastal area as a harbour area within the meaning of the Act:

(8) It is expedient that the expression “ dangerous goods ” in the Act be re-defined, and that the other provisions of this Order be passed into law:

*Shetland Islands Council Order Confirmation
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c. v

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(9) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

1936 c. 52.

Now therefore in pursuance of the powers conferred by the said Act of 1936, the Secretary of State hereby orders as follows:—

1. This Order may be cited as the Shetland Islands Council Order Short title. 1979.

2. In this Order “the Act” means the Zetland County Council Interpretation. Act 1974.

1974 c. viii.

3.—(1) Section 3 (1) of the Act is amended—

Blacksness Pier
area.

(a) by inserting therein the following definition:—

“ ‘Blacksness Pier’ means the works and property formerly vested in the Trustees of the Blacksness Pier Trust at the harbour of Scalloway and transferred to the Shetland Islands Council as at 1st February, 1977 ”;

(b) in the definition of “the coastal area”—

(i) by the deletion, in paragraph (a) thereof, of the words “the Blacksness Pier Trust”;

(ii) by adding at the end of paragraph (b) thereof the words “(other than Blacksness Pier)”.

(2) Paragraph (a) of section 6 of the Act is amended by substituting for the words “the Sullom Area and the Baltasound Area” the words “the areas”.

(3) Schedule 1 to the Act is amended by adding at the end thereof the following description:—

“BLACKSNESS PIER AREA

The area adjacent to Blacksness Pier bounded on the north and east by the line of low water of Mainland, on the south partly by the bridge over Clift Sound between Trondra and Mainland and partly by the line of low water on Trondra, and on the west by an imaginary straight line between the northern extremity of Trondra Ness and the southern extremity of Maa Ness.”

4. Section 3 (1) of the Act is amended—

Dangerous
goods.

by substituting for the definition of “dangerous goods” the following definition:—

“ ‘dangerous goods’ any goods defined as dangerous goods by rules for the time being in force under section 23 of the Merchant Shipping (Safety Convention) Act 1949; ”; 1949 c. 43.

Harbour areas
to be within
the Shetland
Islands Area.

5. There shall be substituted for section 71 of the Act the following section:—

“Harbour
areas to be
within the
Shetland
Islands
Area.

71. So much of any harbour area as is not within the Shetland Islands Area shall be deemed for all purposes to be within that Area.”.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR BERNARD M. THIMONT

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

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

20p net

ISBN 0 10 510579 1