



Lerwick Harbour Order Confirmation Act 1994

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ELIZABETH II



1994 CHAPTER x

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Lerwick Harbour. [21st July 1994]

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 Order should be confirmed by Parliament: 1936 c. 52.

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.
2. This Act may be cited as the Lerwick Harbour Order Confirmation Act 1994.

Confirmation of Order in Schedule.
Short title.

SCHEDULE

Lerwick Harbour

Provisional Order to extend the limits of the port and harbour of Lerwick, and for connected purposes.

1877 c. cxiv.

Whereas by the Lerwick Harbour Improvements Act 1877 the Trustees of the port and harbour of Lerwick (hereinafter referred to as “the Trustees”) were constituted for the purposes of the management, maintenance and regulation of the port and harbour of Lerwick:

And whereas it is expedient that the limits of the port and harbour of Lerwick should be extended as provided in this Order:

And whereas it is expedient that the Trustees should have powers with respect to the management, regulation and control of development within the harbour limits as extended by this Order:

And whereas it is expedient that the further provisions contained 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:—

Short title and citation.

1.—(1) This Order may be cited as the Lerwick Harbour Order 1994.

(2) This Order and the Lerwick Harbour Acts and Orders 1877 to 1993 may be cited together as the Lerwick Harbour Acts and Orders 1877 to 1994.

Interpretation.

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

“added areas” means the areas by this Order added to the existing area and described in Part I of the Schedule to this Order;

“commencement of this Order” means the date of the passing of the Act confirming this Order;

“existing area” means the area of the limits of the harbour as described in Part II of the Schedule to the Order of 1975 as extended by the Lerwick Harbour Revision Order 1989;

S.I. 1989/1055.

“harbour” means the port and harbour of Lerwick as defined by the Harbour Acts;

“Harbour Acts” means the Lerwick Harbour Acts and Orders 1877 to 1994;

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

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

1975 c. xxv.

“Order of 1975” means the Lerwick Harbour (Miscellaneous Provisions) Order 1975;

“Trustees” means the Trustees of the harbour for the time being acting under the Harbour Acts.

3.—(1) As from the commencement of this Order the limits of the harbour and of the area within which the Trustees have authority to exercise powers by virtue of any jurisdiction or function conferred or imposed on or transferred to them by the Lerwick Harbour Acts and Orders 1877 to 1993 or by any other enactment shall be extended to include the added areas and thereafter the harbour shall comprise the area described in Part II of the said Schedule in lieu of the existing area.

Alteration of limits of harbour of Lerwick.

(2) Subject as hereinafter provided, all enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Trustees including provisions for the protection of any person and all byelaws and regulations made by the Trustees which relate to or are in force in the existing area shall relate to and have effect in the harbour and in all lands and heritable properties from time to time in the ownership or occupation of the Trustees.

(3) Without prejudice to the generality of subsections (1) and (2) above, nothing in this Order shall affect the operation within the existing area of such of the provisions of the Harbours, Docks, and Piers Clauses Act 1847 as immediately before the coming into operation of this Order were operative within that area and the said provisions shall extend and apply to the added areas.

1847 c. 27.

(4) A map showing the limits of the harbour as described in Part II of the Schedule to this Order of which four copies have been signed by Gavin Douglas, Q.C., Senior Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936, shall within one month after the commencement of this Order be deposited as follows, that is to say, one copy at the offices of the Secretary of State in Edinburgh, one copy at the office of the Chief Executive of the Shetland Islands Council, one copy with the Department of Transport and one copy with the Sheriff Clerk of the Sheriff Court District of Lerwick.

1936 c. 52.

(5) In the event of any discrepancy between the description in words of the limits of the harbour as described in Part II of the Schedule to this Order and the limits delineated on the map referred to in subsection (4) above, the description in words shall prevail.

(6) Section 6 of and the Schedule to the Order of 1975 and the Lerwick Harbour Revision Order 1989 are hereby repealed.

S.I. 1989/1055.

4.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the Trustees or any licensee of the Trustees to take, use, enter upon or in any manner interfere with any land or interest in land, or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown rights.

(a) belonging to Her Majesty in right of her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or

(b) 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 that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to terms and conditions.

Section 3.

SCHEDULE

PART I

ADDED AREA (NORTH)

An area of sea lying to the north-east of the existing area and bounded by an imaginary line commencing at the north-eastern extremity of the level of high water at Hawks Ness in the mainland of Shetland (latitude 60° 13.43' north, longitude 01° 09.95' west); thence due east (090° true) across the sea and foreshore to the position latitude 60° 13.43' north, longitude 01° 03.98' west; thence due south (180° true) across the sea and foreshore to the north-eastern extremity of the level of high water of the Island of Outer Score (latitude 60° 11.63' north, longitude 01° 03.98' west); thence north-westward (306° true) across the sea and foreshore to the northern extremity of the level of high water of the Island of Green Holm; thence west-north-westward (297° true) across the sea and foreshore to the point of commencement.

ADDED AREA (SOUTH)

An area of sea including all creeks, inlets and voes lying to the south of the existing area and bounded by an imaginary line commencing at the southern extremity of the level of high water of Kirkabister Ness in the Island of Bressay (latitude 60° 07.19' north, longitude 01° 07.15' west); thence due south (180° true) across the foreshore to the point of the level of low water at Kirkabister Ness; thence south-eastward along the line of low water mark passing the Ord and Maatruf to the southern extremity of the level of low water mark at Bard Head (latitude 60° 06.19' north, longitude 01° 04.24' west); thence west-south-westward (259° true) across Bressay Sound to a point at the eastern extremity of the level of low water of The Skeo on the mainland of Shetland (latitude 60° 05.42' north, longitude 01° 12.30' west); thence north-westward then north-eastward along the line of low water of Pund Geo, East Voe of Quarff, Wick of Burland, Burland to Ness of Setter; thence north-westward, northward and south-eastward along the line of low water of Gulber Wick and crossing the foreshore to the southern extremity of the level of high water at Ness of Trebister (latitude 60° 07.18' north, longitude 01° 10.39' west); thence due east (89° true) across Bressay Sound to the point of commencement at Kirkabister Ness.

PART II

LIMITS OF HARBOUR OF LERWICK

An area bounded by an imaginary line commencing at the level of high water on the south-east corner of The Breakwater, 15.24 metres or thereby east of the south-east corner of the Old Tolbooth; thence northward passing along the building line on the west side of South Esplanade and the west side of the Harbour Trust Offices and continuing northward following the building line on the west side of North Esplanade to the north-east extremity of the property formerly belonging to Messrs. J. & J. Tod Limited; thence westward along the northern boundary of the said property to the wall on the east side of Commercial Road opposite Fort Charlotte; thence northward along the said building line and the wall on the east side of the road leading to Northness to the south-western extremity of the property belonging to Malakoff Limited; thence eastward along the southern boundary of the said property to the level of high water of Lerwick harbour; thence northward along the level of high water passing Northness, the docks and pier belonging to Hay & Co. (Lerwick) Limited and the piers and docks

at Garthspool, taking in the piers and jetties constructed after the date of the passing of the Lerwick Harbour Improvements Act 1877; thence northward along the level of high water on the east side of the mainland of Shetland passing Holmgarth and Gremista to the eastern extremity of the level of high water at Green Head (now incorporated and forming part of a new quay); thence westward, then northward along the line of high water to a point at the western extremity of the central line of the foreshore between the mainland of Shetland and the tidal islet of Easter Rova Head; thence eastward along the said centre line of foreshore to a point where it joins with the islet of Easter Rova Head; thence along the line of high water around the said islet in an anti-clockwise direction returning to the point of junction with the said centre line of foreshore; thence westward retracing the said centre line of foreshore to its point of departure from the mainland of Shetland; thence westward, then southward, then northward, along the line of high water of Bight of Vatsland to the northern extremity of the level of high water of Kebister Ness; thence south-westward, then north-eastward along the line of high water of Dales Voe passing Doos Cove, Kebister, Muckle Ayre, Dale Burn, South Califf, North Califf and Breiwick to the northern extremity of the level of high water of Fora Ness; thence westward, then northward along the line of high water of Foraness Voe, Brim Ness, Bight of Brimness to the north-eastern extremity of the level of high water of Hawks Ness (latitude $60^{\circ} 13.43'$ north, longitude $01^{\circ} 09.95'$ west); thence due east (090° true) across the sea and foreshore to the position latitude $60^{\circ} 13.43'$ north, longitude $01^{\circ} 03.98'$ west; thence due south (180° true) across the sea and foreshore to the northern extremity of the level of high water of the Island of Outer Score (latitude $60^{\circ} 11.63'$ north, longitude $01^{\circ} 03.98'$ west); thence south-westward along the line of high water to the south-western extremity of the level of high water of the Island of Outer Score; thence in a straight line south-westward across the sea and foreshores to the north-eastern extremity of the level of high water of the Island of Inner Score; thence south-westward, then southward along the line of high water to the southern extremity of the level of high water of the Island of Inner Score; thence westward in a straight line across the sea and foreshores to the northern extremity of the level of high water of Aith Ness in the Island of Bressay; thence south-westward and southward, then generally westward along the line of high water of the north coast of the Island of Bressay passing Aith Voe, Sweyn Ness, Ness of Beosetter, Baa Berg, White Ayre, Scarfi Taing to the north-west extremity of the line of high water of Turra Taing; thence southward along the line of high water on the west coast of the Island of Bressay to the south-western extremity of the level of high water of the Point of Hogan (or Heogan); thence following the line of high water southward passing Cruster and Gardie to the southern extremity of the level of high water of Leira Ness taking in the piers and jetties constructed after the passing of the Lerwick Harbour Improvements Act 1877; thence in a straight line in a south-easterly direction across the sea and foreshores to the south extremity of the level of high water of Holm of Mel; thence in a straight line in a south-easterly direction across the sea and foreshores to the north-eastern extremity of Mel Pier; thence southward along the line of high water on the west coast of the Island of Bressay to the north-western extremity of the level of high water of the Head or Taing of Ham; thence southward along the line of high water to the southern extremity of the level of high water of Kirkabister Ness; thence continuing southward to the level of low water of Kirkabister Ness; thence south-eastward along the level of low water on the south-east coast of the Island of Bressay passing The Ord and Maatruf to the southern extremity of the level of low water of Bard Head (latitude $60^{\circ} 06.19'$ north, longitude $01^{\circ} 12.24'$ west); thence westward (259° true) across the sea to the eastern extremity of the level of low water of The Skeo on the mainland of Shetland (latitude $60^{\circ} 05.42'$ north, longitude $01^{\circ} 12.30'$ west); thence north-westward then north-eastward along the line of low water of Pund Geo, East Voe of Quarff, Wick of Burland, Burland to Ness of Setter; thence north-westward, northward and south-eastward along the line of

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1877 c. cxciv.

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low water of Gulber Wick and crossing the foreshore to the southern extremity of the level of high water of Ness of Trebister; thence northward, eastward and southward to the southern extremity of the level of high water of Ness of Sound; thence northward along the level of high water of Ness of Sound to the Bight of Clickimin; thence eastward and south-eastward along the level of high water at Bight of Clickimin and Breiwick to the southern extremity of the level of high water of the Horse of the Knab; thence northward, north-eastward and north-westward along the line of high water of the Knab, South Ness, Twageos to the point of commencement at the south-east corner of The Breakwater.

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