

1989 No. 1055

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Lerwick Harbour Revision Order 1989**

<i>Made</i> - - - -	<i>20th April 1989</i>
<i>Laid before Parliament</i>	<i>16th May 1989</i>
<i>Coming into force</i>	<i>27th June 1989</i>

The Secretary of State for Transport and the Secretary of State for Scotland in exercise of the powers conferred by section 14 of the Harbours Act 1964 (a), those powers in the case of the Secretary of State for Transport being now vested in him (b) and of all other powers enabling them in that behalf and on the application of the Trustees of the Port and Harbour of Lerwick, hereby make the following Order:-

**Citation and commencement**

1.—(1) This Order may be cited as the Lerwick Harbour Revision Order 1989 and shall come into force on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 (c).

(2) This Order shall be included among the Acts and Orders which may be cited together as the Lerwick Harbour Acts and Orders 1877 to 1989 (hereinafter referred to as “the Harbour Acts and Orders”).

**Interpretation**

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

“existing harbour limits” means the limits of the port and harbour of Lerwick as described in Part II of the Schedule to the Lerwick Harbour (Miscellaneous Provisions) Order Confirmation Act 1975 (d);

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

“the Trustees” means the Trustees of the port and harbour of Lerwick for the time being acting under the Harbour Acts and Orders.

**Alteration of limits of port and harbour of Lerwick**

3.—(1) As from the coming into force of this Order the limits of the port and harbour of Lerwick and of the area within which the Trustees shall have authority to exercise powers by virtue of any jurisdiction or function conferred or imposed or transferred to them by the Harbour Acts and Orders or by any other enactment shall be extended to include the area to the south of the existing harbour limits comprising the waters of the Sound of Bressay and Voe of Sound including all creeks, inlets and voes bounded by a straight line from the southern extremity of the level of high water of Ness of Sound in the mainland of Shetland in an easterly direction across the Sound of Bressay or Lerwick

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(a) 1964 c.40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4.

(b) S.I. 1981/238.

(c) 1945 c.18 (9 & 10 Geo. 6) and 1965 c.43.

(d) 1975 c.xxv.

Harbour to the western extremity of the level of high water of Whinna Skerry thence proceeding on the same line through Whinna Skerry across the sea to the level of high water on the west coast of the Island of Bressay and by a straight line drawn from Kirkabister Ness (latitude 60° 07.19' N, longitude 01° 07.02' W) 271° (true) across the sea to Trebister Ness (latitude 60° 07.19' N, longitude 01° 10.39' W).

(2) A map showing the harbour limits as extended under this Order and showing the added area hatched red, marked "The Lerwick Harbour Revision Order 1989 – Extended Limits of Lerwick Harbour" has been signed in triplicate on behalf of the Secretary of State for Transport and the Secretary of State for Scotland. Copies of the map have been deposited at the offices of the Secretary of State for Transport, Romney House, 43 Marsham Street, London SW1P 3EB; at the offices of the Secretary of State for Scotland, Department of Agriculture and Fisheries for Scotland, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW; and at the offices of the Shetland Islands Council, Town Hall, Lerwick. The said map shall be available for inspection at these offices at all reasonable hours.

(3) In the event of any discrepancy between the foregoing description in words of the added area and the area hatched red on the said map the description in words shall prevail.

(4) All enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Trustees and all byelaws and regulations made by the Trustees which relate to or are in force in the existing harbour limits shall relate to and have effect in the area added under the terms of article 3(1) of this Order.

(5) Nothing in this Order shall affect the operation within the existing harbour limits of such of the provisions of the Harbours, Docks, and Piers Clauses Act 1847(a) as immediately before the coming into force of this Order were operative within those limits and the said provisions shall extend and apply to the area added under the terms of article 3(1) of this Order.

#### **Costs of Order**

4. The costs, charges and expenses of and incidental to the preparing and obtaining of this Order, and otherwise in relation thereto (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament or any costs incurred in opposing this Order) shall be paid by the Trustees.

8th April 1989

*Paul Channon*  
Secretary of State for Transport

20th April 1989

*Malcolm Rifkind*  
Secretary of State for Scotland

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(a) 1847 c.27 (10 & 11 V).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Trustees of the port and harbour of Lerwick are a competent harbour authority for the purposes of the Pilotage Act 1987 (c.21) and were formerly constituted as the Lerwick Pilotage Authority operating under the Lerwick Pilotage Order 1928 (S.I. 1928/330) as amended by the Lerwick Pilotage (Amendment) Order 1976 (S.I. 1976/1770). Section 2 of the Order of 1928 described the area of the Lerwick Pilotage District. The Lerwick Pilotage District is a greater area than the area of the limits of the port and harbour of Lerwick.

This Order extends the limits of the port and harbour of Lerwick, within which the Trustees of the port and harbour of Lerwick exercise jurisdiction as a harbour authority, in order that those limits should coincide with the area of the former Lerwick Pilotage District.

The applicants for this Order are the Trustees of the port and harbour of Lerwick, Alexandra Buildings, Lerwick.