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STATUTORY INSTRUMENTS

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**1992 No. 3232 (S.261)**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Mallaig Harbour Revision Order 1992**

*Made* - - - - *10th September 1992*  
*Laid before Parliament* *25th September 1992*  
*Coming into force* - - *8th November 1992*

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(1), (being the appropriate Minister under section 14(7) of that Act for the purpose of making this Order) and of all other powers enabling him in that behalf, on the application of the Mallaig Harbour Authority, and being satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, hereby makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Mallaig Harbour Revision Order 1992 and this Order and the Mallaig Harbour Orders 1968 to 1984 may be cited together as the Mallaig Harbour Orders 1968 to 1992.

(2) This Order shall come into force on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(2).

**Interpretation**

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

“the Authority” means the Mallaig Harbour Authority;

“deposited plan and sections” means the plan and sections signed on behalf of the Secretary of State and marked “Plan and sections referred to in the Mallaig Harbour Revision Order 1992” of which copies are deposited at the offices of the Secretary of State for Scotland and with the Authority at Harbour Offices, Mallaig;

“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;

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(1) 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, 12 and 14.  
(2) 1945 c. 18 (9 & 10 Geo. 6); 1965 c. 43.

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

“undertaking” means the undertaking of the Authority as from time to time authorised;

“works” means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to article 4 below.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

(4) Any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order.

### **Power to construct works**

3.—(1) Subject to the provisions of this Order the Authority may in the parish of Glenelg within the Lochaber district and the Highland Region and on the foreshore and in the sea adjoining the same in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections construct, execute and maintain the works hereinafter described with all necessary works and conveniences connected therewith or incidental thereto that is to say:—

#### **Work No.1**

A vehicle assembly area of predominantly rectangular shape constructed by reclamation and infilling faced on its northern side by reinforced concrete or steel sheet piling, commencing at a point at NM6766697157, 83 metres north-north-east of the northern extremity of the Authority office and extending in an east-north-easterly direction for a distance of 67 metres to a point on the western face of the existing steamer pier at NM6773397181 and there terminating.

#### **Work No.2**

An adjustable steel link bridge commencing at a point at NM6773397181, 67 metres east-north-east of the commencement of Work No.1 and extending in an east-north-easterly direction for a distance of 36.7 metres to a point at NM6776897194 and there terminating to form a link between any vessel and Work No.1 and including machinery for lifting and lowering the end adjoining the vessel.

#### **Work No.3**

Two fixed structures of solid construction for guiding the adjustable end of the steel link bridge (Work No.2), and supporting the cables for lifting and lowering the said bridge; the centre of the northern structure being situated adjacent to the existing steamer pier at a point at NM6776097200, 8.5 metres north-west of the termination of Work No.2, the northern structure having a width of 6 metres and a length of 6.5 metres, the northern end being recessed 2 metres into the south-east face of that pier, and the centre of the southern structure being situated at a point at NM6776597182, 10 metres south of the termination of Work No.2, the southern structure having a width of 8.5 metres and a length of 8.5 metres.

#### **Work No.4**

A realignment of part of the south and east sides of the steamer pier of triangular shape constructed by infilling and faced by reinforced concrete or sheet piling, commencing on the southern face of the said pier at a point at NM6774397142, 141.5 metres east-north-east of the northern extremity of the Authority’s office and extending in a north-north-easterly direction for a distance of 12 metres to a point at NM6775297156 on the eastern face of the said pier and there terminating.

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

#### **Power to make subsidiary works**

4. Subject to the provisions of this Order, the Authority may construct and maintain within the limits of deviation all such subsidiary works and conveniences as may be requisite or expedient for or in connection with the works authorised by article 3 above.

#### **Power to deviate**

5. Subject to the provisions of this Order, in the construction of the works authorised by article 3 above, the Authority may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding 3 metres upwards and to any extent downwards.

#### **Tidal works not to be executed without approval of Secretary of State**

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

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

- (a) the Secretary of State may by notice in writing require the Authority at its 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 30 days from the date when the notice is served upon the Authority, it has 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 so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Authority.

#### **Provision against danger to navigation**

7.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Authority shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take other steps for preventing danger to navigation as those Commissioners may from time to time direct.

(2) If the Authority fails to notify the Commissioners of Northern Lighthouses as required by this article or to comply in any respect with a direction given under this article, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

#### **Abatement of works abandoned or decayed**

8.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Authority at its 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 may think proper.

(2) Where a work 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 article.

(3) If on the expiration of 30 days from the date when a notice under this article is served upon the Authority, it has 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 the Secretary of State in so doing shall be recoverable from the Authority.

### **Survey of tidal works**

9. 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 Authority 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 recoverable from the Authority.

### **Lights on tidal works during construction**

10.—(1) The Authority shall at or near a tidal work during the whole time of the construction, reconstruction, execution, renewal or alteration thereof exhibit every night from sunset to sunrise, such lights and take such other steps for the prevention of danger to navigation as the Secretary of State may from time to time direct.

(2) If the Authority fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Permanent lights on tidal works**

11.—(1) After the completion of a tidal work, the Authority shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses may from time to time direct.

(2) If the Authority fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Period for completion of works**

12. If the works are not completed within 10 years from the coming into force of this Order or such extended time as the Secretary of State may on the application of the Authority allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Authority for constructing and maintaining the works shall cease except as to so much thereof as shall then be completed.

### **Works to form part of undertaking and application of byelaws**

13.—(1) The works shall for all purposes form part of the undertaking.

(2) All byelaws and regulations of the Authority for the time being in force relating to the undertaking shall as far as applicable apply to the works and may be enforced by the Authority accordingly.

(3) The works shall be deemed for all purposes to be within the Lochaber district of the Highland Region.

### **Crown rights**

**14.**—(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 Authority to take, use, enter upon or in any manner interfere with, any land or hereditaments (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description—

(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 paragraph (1) above may be given unconditionally, or subject to such conditions and upon such terms as may be considered necessary or appropriate.

St Andrew's House,  
Edinburgh  
10th September 1992

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order authorises the Mallaig Harbour Authority to construct roll-on/roll-off facilities adjacent to the existing steamer pier in the harbour at Mallaig together with a vehicle marshalling area.

The Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedures) Acts 1945 and 1965 determine the date upon which it comes into force. The applicant for this Order is the Mallaig Harbour Authority, Harbour Offices, Mallaig, PH41 4QB.