
STATUTORY INSTRUMENTS

1995 No. 3109 (S.229)

HARBOURS, DOCKS, PIERS AND FERRIES

The Mallaig Harbour Revision Order 1995

Made - - - - - *27th November 1995*

Coming into force - - - - - *1st December 1995*

Whereas the Secretary of State has, in pursuance of paragraph 1A of Part I of Schedule 3 to the Harbours Act 1964(1), determined that the application for this Harbour Revision Order is made in relation to a project which falls within Annex II to Council Directive No.85/337/EEC(2) on the assessment of the effects of certain public and private projects on the environment but whose characteristics do not require that it should be made subject to an environmental assessment:

And whereas the making of this Order is not opposed:

Now therefore, the Secretary of State, in exercise of the powers conferred on him by section 14 of said Act, (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

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Mallaig Harbour Revision Order 1995 and shall come into force on 1st December 1995.

Interpretation

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

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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; and by the Transport and Works Act 1992 (c. 42), section 63 and Schedule 3, paragraphs 1 and 10, and Schedule 3 was further amended by regulations 4 to 8 of the Harbour Works (Assessment of Environmental Effects) Regulations 1988 (S.I.1988/1336) as applied and amended in relation to Scotland by the Harbour Works (Assessment of Environmental Effects) Regulations 1992 (S.I. 1992/1421).
- (2) OJ No L175, 5.7.85, p.40.

“the Authority” means the Mallaig Harbour Authority;

“the deposited plans and sections” means the plans and sections signed on behalf of the Secretary of State and marked “Plans and sections referred to in the Mallaig Harbour Revision Order 1995” of which copies are deposited at the office of the Secretary of State for Scotland at St Andrew’s House, Edinburgh, EH1 1DG and with the Authority at Harbour Offices, Mallaig, PH41 4QB;

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

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

“the limit of deviation” means the limits of deviation shown on the deposited plans;

“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;

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

“the 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 6 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.

PART II

WORKS

Power to construct works

3. Subject to the provisions of this Order the Authority may in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, construct, execute and maintain the works hereinafter described, with all necessary works and conveniences connected therewith, in the parish of Glenelg within the Lochaber district and the Highland Region—

Work No.1

Refacing of the existing marshalling area on its eastern side in reinforced concrete or steel sheet piling with infilling and levelling behind, commencing at a point NM6765897188, 98 metres north-north-east of the northern extremity of the Authority’s office and extending in a north-north-westerly direction for a distance of 30 metres to a point at NM6764997217 and there terminating.

Work No. 2

The construction of a sea wall and the reclamation of the seabed and foreshore behind by infilling, levelling and surfacing an area of irregular shape comprising of 0.75 hectares, commencing at the termination of Work No. 1 and extending in a west-north-westerly direction for a distance of 134 metres to a point at NM6723397262 and there terminating.

Work No. 3

A slipway of solid construction at a point at NM6758297256, 76.7 metres north-west of the commencement of Work No. 2 and extending in an east-north-easterly direction for a distance of 125 metres to a point at NM6770197295 and there terminating.

Work No. 4

A breakwater of solid construction bounded on all sides by rock facing commencing at a point at NM6756997295, 40 metres north-north-west of the commencement of Work No. 3 and extending in an east-north-easterly direction for a distance of 113 metres to a point at NM6767697329 and there terminating.

Work No. 5

A breakwater of solid construction commencing at a point at NM6767897326, 4.5 metres south-south-east of the termination of Work No. 4 and extending in an east-north-easterly direction for a distance of 107 metres to a point at NM6778097358, thence in a south-south-easterly direction for a distance of 65 metres to a point at NM6780097298 and there terminating.

Work No. 6

A deepening by means of excavation within the area marked “Limit of dredged area (Work No. 6)” on the deposited plans to a depth of 7 metres below the level of low water commencing at point A and extending in a west-south-westerly direction for a distance of 175.5 metres to point B, thence in a south-south-easterly direction for a distance of 113 metres to point C, thence in an east-north-easterly direction for a distance of 216 metres to point D, thence in a northerly direction for a distance of 99.5 metres to point E, thence in a north-north-westerly direction for a distance of 95 metres to point F, thence in a westerly direction for a distance of 43 metres to point G, and thence in a southerly direction for a distance of 96 metres to the point of commencement.

Work No. 7

A breakwater of solid construction commencing at a point at NM6778297233, 141 metres east-north-east of the commencement of Work No. 1 and extending in a north-north-westerly direction for a distance of 40 metres to a point at NM6778097270 and there terminating.

Power to renew, etc., works

4. Subject to the provisions of this Order, the Authority may, within the limits of deviation, renew, replace, or otherwise alter temporarily or permanently the works.

Power to deviate

5. Subject to the provisions of this Order, in the construction or execution of Works numbered 1 to 5 and 7 authorised by article 3 above, the Authority may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding 2 metres upwards and to any extent downwards as may be found necessary or convenient.

Subsidiary works

6. Subject to the provisions of this Order the Authority for the purposes of or in connection with the works may within the limits of deviation construct, execute and maintain all such subsidiary or incidental works and conveniences as may be necessary or expedient for or in connection with those works.

PART III

MISCELLANEOUS

Incorporation of certain provisions of Order of 1992

7. The following provisions of the Mallaig Harbour Revision Order 1992(3) shall, with necessary modifications, apply to the works as they apply to the works authorised by that Order—

- article 6 (Tidal works not to be executed without approval of Secretary of State);
- article 7 (Provision against danger to navigation);
- article 8 (Abatement of works abandoned or decayed);
- article 9 (Survey of tidal works);
- article 10 (Lights on tidal works during construction);
- article 11 (Permanent lights on tidal works).

Period for completion of works

8. 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

9.—(1) The works shall for all purpose 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

10.—(1) Nothing in this Order affects 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 in this Order authorises 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
27th November 1995

Raymond S Robertson
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.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Mallaig Harbour Authority to construct a new fishery harbour by means of reclamation and infilling and the construction of a new breakwater and slipway. It also authorises dredging in connection with the proposed works.

The applicant for this Order is the Mallaig Harbour Authority, Harbour Offices, Mallaig, PH41 4QB.