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STATUTORY INSTRUMENTS

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**1995 No. 964 (S.80)**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Stornoway (Ferry Terminal) Harbour Revision Order 1995**

*Made* - - - - - *30th March 1995*

*Coming into force* - - - - - *31st March 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 the said Act (being the appropriate Minister(3) 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 written application of the Stornoway Pier and Harbour Commission 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. This Order may be cited as the Stornoway (Ferry Terminal) Harbour Revision Order 1995 and shall come into force on 31st March 1995.

**Interpretation**

2.—(1) In this Order—

“the Commission” means the Stornoway Pier and Harbour Commission;

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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, paragraph 2 to 4, 12 and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraphs 1 and 10 and Schedule 3 was further amended by regulation 4 of the Harbour Works (Assessment of Environmental Effects) Regulations 1988 (S.I.1988/1336).  
(2) OJ No.L175, 5.7.85, p.40.  
(3) The expression the “appropriate Minister” is defined in section 14(7).

“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 Stornoway (Ferry Terminal) Harbour Revision Order 1995”, of which copies have been deposited at the office of the Secretary of State for Scotland at New St Andrew’s House, Edinburgh EH1 3DG and with the Stornoway Pier and Harbour Commission, Amity House, Esplanade Quay, Stornoway, Isle of Lewis, PA87 2XS;

“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;

“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;

“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 5 below.

(2) This Order shall be read as if the words “or thereabouts” were inserted after each distance mentioned in article 3 below.

(3) Unless the context otherwise requires—

- (a) 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;
- (b) map reference points specified in this Order are Ordnance Survey National Grid reference points.

## PART II

### WORKS

#### **Power to construct etc., works**

3.—(1) Subject to the provisions of this Order, the Commission may in the parish of Stornoway, in the Western Isles Islands Area and in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections construct, execute and maintain the works hereafter described, together with all necessary and proper works and conveniences connected with or incidental thereto, that is to say:

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

A storage area of irregular shape, constructed by infilling partly on the foreshore and partly on land adjacent thereto, commencing at a point at NB 42535 32592 and extending in a generally south-easterly direction for a distance of 104.5 metres to a point at NB 42606 32517 and there terminating, having a maximum width of 74 metres and a minimum width of 31 metres and surrounded on its seaward face by a rock armoured slope;

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

A vehicle marshalling area of predominantly rectangular shape, constructed by infilling partly on the foreshore and partly on the seabed adjacent thereto, commencing at a point at NB 42384 32668 and extending in a generally south-easterly direction for a distance of 179.5 metres to a point at NB 42513 32541 and there terminating having an average width of 98 metres and surrounded on its seaward face by a rock armoured slope;

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

A pier of partly solid and partly open construction with concrete deck, commencing at a point on the south-western face of Work No.2 at NB 42379 32600 and extending in a generally

southerly direction for a distance of 152 metres to a point at NB 42350 32449 and there terminating;

**Work No.4**

An adjustable steel link bridge lying to the west of Work No.3 commencing at a point at NB 42360 32602 connected by a hinge to the south-western face of Work No.2 and extending in a generally southerly direction for a distance of 42 metres to a point at NB 42352 32561 and there terminating, to form a link between a vessel and Work No.2 and including machinery for lifting and lowering the end adjoining the vessel, the width of the bridge being 10 metres;

**Work No.5**

A fixed structure of solid construction for guiding the adjustable end of and supporting the mechanism for lifting and lowering the steel link bridge (Work No.4), commencing at a point at NB 42345 32572 and extending in a generally southerly direction for a distance of 10 metres to a point at NB 42343 32562 and there terminating, having a width of 7 metres;

**Work No.6**

A fixed structure of irregular shape, of partly solid and partly open construction to facilitate berthing and mooring of vessels commencing at a point at NB 42345 32419 and extending in a generally southerly direction for a distance of 10 metres to a point at NB 42343 32410 and there terminating, having a maximum width of 20 metres;

**Work No.7**

Demolition of that part of the existing No.1 Wharf comprising a pier of open construction with concrete deck together with the existing steel link bridge and all associated structures shown hatched black on Sheet No.2 of the deposited plans.

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

**Power to deviate**

4. Subject to the provisions of this Order, in the construction or execution of the works the Commission 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 shown on the deposited sections to any extent not exceeding 3 metres upwards and to any extent downwards.

**Subsidiary works**

5. Subject to the provisions of this Order, the Commission, for the purposes of or in connection with the works authorised by article 3 above, 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.

**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 the Secretary of State before the work is begun.

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

(a) the Secretary of State may by notice in writing require the Commission 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 Commission 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 himself 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 Commission.

### **Survey of tidal works**

7. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct and execute the work and any expenditure incurred by him in such survey and examination shall be recoverable from the Commission.

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

8.—(1) The Commission 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, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct.

(2) If the Commission 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**

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

(2) If the Commission 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.

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

10.—(1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State may by notice in writing require the Commission 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 thinks 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 Commission, 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 by him in so doing shall be recoverable from the Commission.

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

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

(2) If the Commission 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.

### **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 Commission 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 Commission for constructing and maintaining the works shall cease except as to so much thereof as shall then be completed.

## **PART III**

### **SAVING**

#### **Crown rights**

**13.**—(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 Commission to take, use, enter upon or in any manner interfere with, any land or hereditament (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 terms and conditions.

St Andrew's House, Edinburgh  
30th March 1995

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

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**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

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## EXPLANATORY NOTE

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

This Order authorises the Stornoway Pier and Harbour Commission to carry out certain works connected with the construction of a ferry terminal at Stornoway Harbour and the removal of part of the existing terminal. The works for which authority is given are set out specifically in Article 3 of the Order. The works are to be carried out in accordance with plans and sections which are deposited at the office of the Secretary of State for Scotland, New St Andrew's House, Edinburgh and at the Commission's office at Amity House, Esplanade Quay, Stornoway, Isle of Lewis.

Article 4 enables the Commission to deviate from the plans and sections within the limits referred to in the Article. Article 5 enables the construction of subsidiary works.

Articles 6 to 11 make provision for the execution of and safety in relation to any of the works which are carried out in tidal waters or tidal lands.

Article 12 provides that if the authorised works are not completed within 10 years from the date of coming into force of the Order or such extended time as may be allowed then the powers granted by the Order will cease.

Article 13 provides a saving for Crown rights.

The applicant for this Order is the Stornoway Pier and Harbour Commission.