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STATUTORY INSTRUMENTS

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**1996 No. 2755 (S.212)**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Peterhead Harbours Revision Order 1996**

*Made* - - - - *18th October 1996*

*Coming into force* - - *15th November 1996*

Whereas the trustees of the harbours of Peterhead have applied for a harbour revision order under section 14 of the Harbours Act 1964<sup>(1)</sup>;

And whereas the Secretary of State has, in pursuance of paragraph 1A of Schedule 3 to the said Act<sup>(2)</sup>, determined that the application is made in relation to a project which falls within Annex II to Council Directive 85/337/EEC<sup>(3)</sup> 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 Secretary of State is 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;

Now, therefore, the Secretary of State for Scotland, in exercise of the powers conferred by section 14 of the said Act and of all other powers enabling him in that behalf, hereby makes the following Order:

PART I

PRELIMINARY

**Citation and commencement**

1.—(1) This Order may be cited as the Peterhead Harbours Revision Order 1996 and shall come into force on 15th November 1996.

(2) The Peterhead Harbours Orders 1985 to 1992 and this Order may be cited together as the Peterhead Harbours Orders 1985 to 1996.

**Interpretation**

2.—(1) In this Order—

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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), Schedule 3, paragraphs 1 and 10.  
(2) Paragraph 1A was inserted by the Harbours Works (Assessment of Environmental Effects) Regulations 1992 (S.I.1992/1421).  
(3) OJNo. L175, 5.7.85, p.40.

“area of works” means the area within the limits of deviation or any part of that area;

“deposited plans and sections” means the plans and sections prepared in duplicate and signed on behalf of the Secretary of State and marked “Plans and sections referred to in Article 2 of the Peterhead Harbours Revision Order 1996” of which one is deposited at the offices of the Secretary of State for Scotland and the other at the harbour office of the trustees;

“harbours” means the harbours of Peterhead as defined in section 32 of the Order of 1992;

“harbour undertaking” means the undertaking of the trustees in connection with the harbours;

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

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

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

“Order of 1992” means the Order confirmed by the Peterhead Harbours Order Confirmation Act 1992(4);

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

“trustees” means the body corporate known as the trustees of the harbours of Peterhead;

“works” means the works authorised by article 3 (Power to carry out works) of this Order or, as the case may require, any part thereof.

(2) All areas, directions, distances, lengths and widths as stated in any description of works, powers or lands other than article 4 (Power to deviate) of this Order shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width and any reference in a description of works to a point shall be a reference to that point on the deposited plans.

## PART II

### WORKS

#### Power to carry out works

**3.**—(1) Subject to the provisions of this Order, the trustees may, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections, construct and maintain the following works in the Parish of Peterhead, Aberdeenshire together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No.1 A reclamation in North Harbour, consisting of a pier and a dry dock, constructed of reinforced concrete commencing at Point A 26 metres south-south west of the north-east corner of Scott’s Pier, thence extending to Points B, C, D, E and F and terminating at Point G 21 metres south-east of the south-east corner of Scott’s Pier.

Work No.2 Dredging in North Harbour to a depth of 5.4 metres below the level of low water within the area commencing at Point A and terminating at Point J 27 metres south-east of the north-east corner of Scott’s Pier.

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

#### Power to deviate

**4.** Subject to the provisions of this Order, in carrying out the works the trustees may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on the said plans and may deviate vertically from the levels

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(4) 1992 c.xii.

of the works as shown on the deposited sections to any extent not exceeding 1 metre upwards and to such extent downwards as may be found necessary.

### **Subsidiary works**

5. Subject to the provisions of this Order, the trustees may within the limits of deviation from time to time erect, construct, maintain and operate, whether temporarily or permanently, all such subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of, or in connection with, the construction, maintenance and use of the works.

### **Obstructing works**

6. Any person who intentionally obstructs any person acting under the authority of the trustees in setting out the lines of the authorised works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Works to be deemed part of harbour undertaking**

7. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the trustees for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the trustees accordingly.

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

8.—(1) A tidal work shall not be demolished, constructed, 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 or while work is still in progress.

(2) If a tidal work is demolished, constructed, 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 trustees 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 trustees they have 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 to do so, 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 trustees.

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

9.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the trustees 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 trustees fail to comply in any respect with the provisions of this article, they 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 trustees 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 authorised by this Order and 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 trustees, they have 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 him in so doing shall be recoverable from the trustees.

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

11.—(1) During or after the completion of a tidal work the trustees shall at the outer extremity 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 Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the trustees fail to comply in any respect with a direction given under this article they 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 works**

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

(2) If the trustees fail to comply in any respect with a direction given under this article they 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.

## **PART III**

### **MISCELLANEOUS**

#### **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 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)—

- (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.

Scottish Office  
18th October 1996

*Raymond S Robertson*  
Parliamentary Under Secretary of State,

**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 empowers the trustees of the harbours of Peterhead to construct a dry dock alongside Scott's Pier and to dredge within North Harbour.

The Order also gives the trustees ancillary powers in relation to the works.