
STATUTORY INSTRUMENTS

1997 No. 1472

HARBOURS, DOCKS, PIERS AND FERRIES

The Lerwick Harbour Revision Order 1997

Made - - - - *4th June 1997*

Coming into force - - *17th June 1997*

Whereas the Trustees of the Port and Harbour of Lerwick have applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas the Secretary of State for Transport has, in pursuance of paragraph A2 of Schedule 3 to the said Act(2), determined that the application is made in relation to a project which falls within Annex II to Council Directive 85/337/EEC(3) 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 no objection to the application has been made pursuant to paragraph 3(a) of the said Schedule 3;

And whereas the Secretary of State is satisfied as mentioned in subsection (2)(b) of the said section 14;

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(4), in exercise of the powers conferred by that section and now vested in him(5), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and Commencement

1.—(1) This Order may be cited as the Lerwick Harbour Revision Order 1997 and shall come into force on 17th June 1997.

(2) The Lerwick Harbour Acts and Orders 1877 to 1994 and this Order may be cited together as the Lerwick Harbour Acts and Orders 1877 to 1997 (hereinafter referred to as “the Harbour Acts and Orders”).

(1) 1964 (c. 40); section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.
(2) Paragraph A2 was inserted by the Harbour Works (Assessment of Environmental Effects) (Amendment) Regulations 1996 (S.I.1996/1946), regulation 2. Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992, Schedule 3, paragraph 10.
(3) OJ No. L175, 5.7.85, p.40.
(4) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
(5) S.I. 1981/238.

Interpretation

2.—(1) In this Order—

“deposited plans” and “deposited sections” mean respectively the plans and sections contained in one document prepared in duplicate, signed by the Head of Ports Division in the Department of Transport and marked “Plans and sections referred to in Article 2 of the Lerwick Harbour Revision Order 1997” of which one is deposited at the offices of the Department of Transport and one at the principal office of the Trustees;

“harbour” means the port and harbour of Lerwick as defined by the Harbour Acts and Orders and shall include the works authorised by this Order;

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

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

“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;

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

“undertaking” means the undertaking of the Trustees as for the time being authorised;

“works” means the works authorised by this Order or, as the case may require, any part thereof.

(2) All distances and lengths stated in any plan or description of the works, powers or lands shall be construed as if the words “or thereby” were inserted after each such distance and length.

Power to construct works

3.—(1) Subject to the provisions of this Order, the Trustees may in the Shetland Islands Area 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 works hereinafter described together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 A quay wall comprising a reinforced concrete deck on reinforced concrete piles commencing at Point A on the plan of Work No. 1 at the corner of the south and east faces of the existing sea wall proceeding in an easterly direction a distance of six metres to point B on the plan, thence proceeding in a northerly direction a distance of three hundred and eighty one metres to point C on the plan, thence proceeding in a northeasterly direction a distance of two hundred and seventeen metres to point D on the plan, thence proceeding in a northwesterly direction six metres terminating at point E on the plan at the corner of the southeast and northeast faces of the existing sea wall.

Work No. 2 An embankment formed of stone rubble and commencing at a point at the southeast corner of Work No. 1 (point B on the plan of Works Nos 1, 2 and 3), thence proceeding in a southerly direction for a distance of one hundred and fifty metres terminating at Point F on the plan where it meets the level of high water.

Work No. 3 A quay wall comprising a reinforced concrete deck on reinforced concrete piles commencing at a point on the southeast corner of Work No. 1 (point B on the plan of Works Nos. 1, 2 and 3), thence proceeding in a southerly direction a distance of one hundred and fifty metres and terminating at a point where it meets with the level of high water (Point F on the plan of Works Nos. 1, 2 and 3).

Work No. 4 A quay wall comprising a reinforced concrete deck on reinforced concrete piles commencing at a point on the existing quay eighty metres northwesterly in a straight line from the east corner of Gremista Pier (Point A on the plan of Work No. 4), proceeding in a northeasterly direction for a distance of eighteen metres to a point B on the plan, thence

proceeding in a northwesterly direction for a distance of seventy metres to point C on the plan, thence in a northeasterly direction for a distance of eighteen metres to point D on the plan on an existing stone revetment.

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

Power to reclaim Lands

4.—(1) The Trustees may—

- (a) by means of Works Nos. 1 and 4 authorised by this Order reclaim so much of the bed of the sea lying between the said Works Nos. 1 and 4 and the existing sea walls shown on the deposited plans as areas of land to be reclaimed;
- (b) by Work No. 2 reclaim so much of the foreshore and bed of the sea lying to the west of and enclosed by Work No. 2 and shown on the deposited plans as the area of land to be reclaimed; and
- (c) reclaim such of the foreshore and bed of the sea as may remain unreclaimed lying between Work No. 2 and Work No. 3.

(2) In connection with the provisions of the foregoing paragraph the Trustees may carry out works including granular infilling for the purpose of levelling up and surfacing the lands reclaimed under the provisions of this section and may demolish or incorporate and surface over all existing quays within the area to be reclaimed.

Incorporation of provisions of the Order of 1971

5.—(1) Subject to paragraph (2) below the following provisions of the Lerwick Harbour Order 1971⁽⁶⁾ are incorporated with and form part of this Order:—

- Section 4 (Subsidiary works);
- Section 6 (Fine for obstructing works);
- Section 7 (Tidal works not to be executed without approval of Secretary of State);
- Section 8 (Survey of tidal works);
- Section 9 (Provision against danger to navigation);
- Section 10 (Abatement of works abandoned or destroyed);
- Section 11 (Lights on tidal works during construction);
- Section 12 (Permanent lights on tidal works).

(2) For the purposes of this Order the said Order of 1971 shall have effect subject to the modification that—

- (a) in subsection (1) of section 6, after the words “five pounds” there are substituted the words “Level 3 on the standard scale”;
- (b) in subsections (1) and (2) of sections—
 - (i) after the word “constructed” there is inserted the word “reconstructed”; and
 - (ii) the word “enlarged” is omitted;
- (c) in subsection (1) of section 11—
 - (i) after the word “construction” there is added the word “reconstruction”; and
 - (ii) the word “enlargement” is omitted;

⁽⁶⁾ Confirmed by 1971 c.xxxix.

- (d) in subsection (2) of section 9, subsection (2) of section 11 and subsection (2) of section 12, for the words “one hundred pounds” there are substituted the words “the statutory maximum and on conviction on indictment to a fine”.

Power to deviate

6. —Subject to the provisions of this Order, in the construction of the works the Trustees may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation and may deviate vertically from the level of the works shown on the deposited sections to any extent not exceeding 2 metres upward or downward.

Crown Rights

7.—(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 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 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 such conditions and upon such terms as shall be considered necessary or appropriate.

Signed by authority of the Secretary of State for Transport

4th June 1997

S K Reeves
Head of Ports Division
Department of Transport

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 Trustees of the Port and Harbour of Lerwick to extend and improve the existing North Quay and South Quay of an oil service facility at North Harbour, Lerwick, to reclaim seabed and construct a new quay adjoining the extended and improved South Quay and to construct a new quay adjoining Gremista Pier, all in Lerwick Harbour.