

**ELIZABETH II**



**1973 CHAPTER xxxv**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Clyde Port Authority (Hunterston Ore Terminal).

[19th December 1973]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said order should be confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Clyde Port Authority (Hunterston Ore Terminal) Order Confirmation Act 1973. Short title.

## SCHEDULE

### CLYDE PORT AUTHORITY (HUNTERSTON ORE TERMINAL)

*Provisional Order to authorise the Clyde Port Authority to construct works and acquire land; and for other purposes.*

Whereas—

1965 c. xlv.

(1) By the Clyde Port Authority Order 1965 the Clyde Port Authority (hereinafter called “the Port Authority”) was incorporated for the purpose of maintaining and improving the port of Clyde and for other purposes set forth in that Order:

(2) It is expedient that the Port Authority should be authorised to carry out the works hereinafter described for the improvement of the said port and to facilitate their use for the handling of ore and coal but the Port Authority are willing that they be operated also as a marine terminal for the handling of other commodities compatible with such use:

(3) It is expedient that the other provisions of this Order be enacted:

(4) A plan and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order and a book of reference to the plan showing the names of the owners or reputed owners, and of the occupiers, of the lands required or which may be taken for the purposes of or under the powers of this Order were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the sheriff-clerk of the county of Ayr, and such plan, sections and book of reference are respectively called the deposited plan, sections and book of reference:

1936 c. 52.

(5) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act of 1936 the Secretary of State orders as follows:—

Short title  
and citation.

1.—(1) This Order may be cited as the Clyde Port Authority (Hunterston Ore Terminal) Order 1973.

(2) The Clyde Port Authority Orders 1965 to 1972 and this Order may be cited together as the Clyde Port Authority Orders 1965 to 1973.

Interpretation.

2.—(1) In this Order—

“enactment” means any Act, any order, scheme, byelaw or other instrument made under an Act, and any provision in an Act or in such order, scheme, byelaw or instrument;

“ the limits of deviation ” means the limits prescribed by section 6 (Power to deviate) of this Order;

“ the Port Authority ” means the Clyde Port Authority;

“ the sheriff ” means the Sheriff Principal, and includes the sheriffs, of Ayr and Bute;

“ the works ” means the works authorised by section 5 (Power to carry out works) of this Order.

(2) This Order shall be read as if the words “ or thereabouts ” were inserted after each distance and dimension mentioned in section 5 (Power to carry out works) of this Order.

(3) Except where the context otherwise requires, references in this Order to any enactment shall be read as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment including this Order.

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

3.—(1) Subject to the provisions of this Order the Port Authority may enter upon, take and use such of the lands shown on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or for any other purposes of this Order. Power to acquire land.

(2) Any notice of intention to acquire lands compulsorily under this section which is served under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be served not later than 1845 c. 19. 31st December, 1976.

4.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Port Authority, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff for the correction thereof. Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the sheriff that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited at the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the sheriff-clerk of the county of Ayr, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Port Authority to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

c. xxxv *Clyde Port Authority (Hunterston Ore Terminal)  
Order Confirmation Act 1973*

Power to carry  
out works.

5.—(1) Subject to the provisions of this Order, the Port Authority may construct and place in the river or Firth of Clyde and on the bed, banks and shores thereof, in the situations and lines and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections, 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 An approach jetty of open construction 45 feet wide, commencing at a point in the river or Firth of Clyde 6,600 feet south-west of the south-western corner of Fairlie Pier and 3,600 feet north-west of the centre of Black Rock on Southannan Sands, extending in a north-westerly direction for a distance of 1,200 feet:

Work No. 2 A berthing jetty or jetty head of open construction 140 feet wide, connected to the termination of Work No. 1, commencing 86 feet west of that termination, and extending in a north-easterly direction for a distance of 1,500 feet:

Work No. 3 A pile mooring dolphin of open construction, having a deck plan within 50 feet square, the centre thereof being situated 300 feet south-west of the commencement of Work No. 2, linked to the commencement of Work No. 2 by a walkway of open construction supported on piles:

Work No. 4 Two pile mooring dolphins of open construction, each having a deck plan within 50 feet square, the centres thereof being situated respectively 300 feet and 600 feet north-east of the termination of Work No. 2, being linked to each other and to the termination of Work No. 2 by a walkway of open construction supported on piles.

(2) The Port Authority may from time to time within the limits of deviation maintain, renew, enlarge or alter temporarily or permanently the works.

Power to  
deviate.

6. Subject to the provisions of this Order, in carrying out the works the Port Authority may deviate laterally from the lines thereof as shown on the deposited plan to the extent of the limits of deviation marked thereon, and may deviate vertically from the levels of the works shown on the deposited sections to any extent not exceeding 10 feet.

Subsidiary  
works.

7. Subject to the provisions of this Order, the Port Authority may from time to time, for the purposes of or in connection with the works authorised by this Order, execute, place and keep either temporarily or permanently, within the limits of deviation on, under or over tidal waters or tidal lands below the level of mean high-water springs all such caissons, coffer dams, piles, quays, walls, abutments, embankments, booms, dolphins, buoys, beacons, landing places, access works, fenders, moorings, pontoons, cranes, winches, gantries, conveyors, stagings, pipes, cables, mains, sewers, drains, pumping arrangements, tanks, electricity sub-stations, transporters, transporter tracks, transfer towers, buildings, offices, refreshment and other rooms, wash rooms,

sanitary conveniences, lighting and other masts, storage places, parking places, landmarks, lights and radio and radar stations as they may find necessary or expedient.

8. Any person who wilfully obstructs a person acting under the authority of the Port Authority in setting out the lines of the works or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be liable to a fine not exceeding five pounds.

Offence to obstruct works.

9. The Port Authority shall so construct the works as to enable them to be used not only for the handling of iron ore and coal but also for the handling of other commodities compatible with such use.

Mode of construction of works.

10.—(1) Before constructing the works, and from time to time thereafter, the Port Authority shall consult environmental experts as to the best practicable measures that may be taken to reduce the emission of noise and dust from any plant or machinery operated at the works, and as to such effective measures as can be taken by screening the works, by the provision of earth embankments, by the planting of trees or otherwise so as to reduce any nuisance caused by such emission, and shall implement or cause to be implemented such measures.

Control of noise and dust.

(2) The Port Authority shall as soon as possible after the 31st day of December in each year make to the Secretary of State a report on the implementation of measures pursuant to subsection (1) of this section during the period of twelve months ending with that day.

(3) If at any time the Secretary of State is not satisfied as to the adequacy of the measures taken pursuant to subsection (1) of this section he shall give such directions with a view to the fuller implementation of the provisions of that subsection as (after consultation with such persons and bodies as he considers to be principally affected) he shall deem necessary; and the Port Authority shall secure compliance with any such direction.

11. Subject to any necessary modifications, the following provisions of the undermentioned orders are incorporated with and form part of, and shall apply in respect of, this Order:—

The Clyde Port Authority Revision Order 1968—

Article 8 (Tidal works not to be executed without approval of Board of Trade);

Article 9 (Provision against danger to navigation);

Article 10 (Abatement of works abandoned or decayed);

Article 11 (Lights on tidal works during construction);

Article 12 (Permanent lights on tidal works);

Article 13 (Survey of tidal works);

Paragraph (3) of article 14 (For protection of Postmaster General):

The Clyde Port Authority Order 1965—

Section 118 (Crown rights);

Section 127 (Saving for Harbours Act 1964).

c. xxxv *Clyde Port Authority (Hunterston Ore Terminal)  
Order Confirmation Act 1973*

Works to be part of undertaking and within parish of West Kilbride.

12. Any works constructed under the powers of this Order shall be deemed for all purposes to be part of the undertaking of the Port Authority and to be within the parish of West Kilbride and county of Ayr, and all byelaws, rules and regulations of the Port Authority for the time being in force relating to the docks and works defined in section 5 (Interpretation) of the Clyde Port Authority Order 1965 shall so far as applicable apply to such works and may be enforced by the Port Authority accordingly.

Saving for town and country planning. 1972 c. 52.

13.—(1) Section 274 of the Town and Country Planning (Scotland) Act 1972 (which for the avoidance of doubt declares that the provisions of that Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply to land notwithstanding that provision is made by any local Act passed before or during the Session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Order as if it had been passed during that Session; and accordingly the Town and Country Planning (Scotland) Act 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Order.

(2) In their application to development authorised by this Order, article 3 of, and class XI in the First Schedule to, the Town and Country Planning (General Development) (Scotland) Order 1950 (which permit development authorised by any local or private Act or by any Order approved by both Houses of Parliament being an Act or Order designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Order were limited to development begun within five years after the passing of this Order.

(3) In this section the reference to article 3 of, and class XI in the First Schedule to, the Town and Country Planning (General Development) (Scotland) Order 1950 includes a reference to corresponding provisions of any general order superseding that Order made under section 21 of the Town and Country Planning (Scotland) Act 1972 or any corresponding provision of an Act repealing that section.

Costs of Order.

14. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order and otherwise in relation thereto shall be paid by the Port Authority out of the revenues of their undertaking.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

9p net

ISBN 0 10 513573 9



# Clyde Port Authority (Hunterston Ore Terminal) Order Confirmation Act 1973

## CHAPTER XXXV

### ARRANGEMENT OF SECTIONS

#### Section

1. Confirmation of Order in schedule.
2. Short title.

#### SCHEDULE

##### CLYDE PORT AUTHORITY (HUNTERSTON ORE TERMINAL)

1. Short title and citation.
2. Interpretation.
3. Power to acquire land.
4. Correction of errors in deposited plan and book of reference.
5. Power to carry out works.
6. Power to deviate.
7. Subsidiary works.
8. Offence to obstruct works.
9. Mode of construction of works.
10. Control of noise and dust.
11. Incorporation of enactments.
12. Works to be part of undertaking and within parish of West Kilbride.
13. Saving for town and country planning.
14. Costs of Order.