ELIZABETH II

1973 CHAPTER vi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Mallaig Harbour. [23rd May 1973]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has 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 Mallaig Harbour Order Confirmation Act 1973. Short title.

SCHEDULE

MALLAIG HARBOUR

Provisional Order to authorise the Mallaig Harbour Authority to carry out works for the improvement of the harbour of Mallaig and to borrow money; and for other purposes.

Whereas by the Mallaig Harbour Revision Order 1968 (hereinafter referred to as " the Order of 1968 ") the Mallaig Harbour Authority (hereinafter referred to as " the Authority ") was constituted for the purposes of improving, maintaining and managing the harbour undertaking as therein defined:

And whereas it is expedient that the Authority should be authorised to carry out the works hereinafter described for the improvement of the harbour and to borrow money for the purposes of the said works and of the said harbour undertaking:

And whereas it is expedient that the further powers mentioned in this Order should be conferred on the Authority:

And whereas estimates have been prepared by the Authority in relation to the following purposes in respect of which they are to be authorised to borrow money and such estimates are as follows:—

	£
Construction of an extension to the existing Steamer Pier in solid construction	332,000
Widening the north-west and west faces of the existing Steamer Pier part in open and part in solid construction	273,000
Construction of an approach ramp and adjustable steel link bridge together with reinforced concrete support structures forming lifting points for the said bridge together with all necessary lifting machinery	182,000
	£787,000

And whereas plans and sections showing the lines, situation and levels of the works to be constructed under the powers of this Order were duly deposited with the Sheriff Clerk of the county of Inverness and such plans and sections are respectively called the deposited plans and the deposited sections:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936: 1936 c. 52.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

Short title and citations.

1.—(1) This Order may be cited as the Mallaig Harbour Order 1973.

(2) The Mallaig Harbour Revision Order 1968, the Mallaig Harbour Order 1970 and this Order may be cited together as the Mallaig Harbour Orders 1968 to 1973.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

" Act of 1937 " means the Harbours, Piers and Ferries (Scotland) Act 1937; 1937 c. 28.

" the Authority " means the Mallaig Harbour Authority constituted under the Order of 1968;

" deposited plans and sections " means the plans and sections deposited in connection with this Order;

" enactment " means any enactment whether public, general or local and includes any byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

" existing " means existing at the commencement of this Order;

" harbour " has the meaning assigned to it by the Order of 1968 and includes the works authorised by the Order of 1970 and 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;

" Order of 1968 " means the Mallaig Harbour Revision Order 1968;

" Order of 1970 " means the Mallaig Harbour Order 1970;

" 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 undertaking " means the undertaking of the Authority as for the time being authorised;

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

(2) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment, including this Order.

Power to construct works.

3.—(1) Subject to the provisions of this Order the Authority may in the parish of Glenelg in the county of Inverness 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 The demolition of the existing timber construction at the seaward end of the existing steamer pier and the construction of an extension to the said pier in solid construction commencing at a point in the centre of the seaward end of the said steamer pier after such demolition thence extending seaward in a northerly, north-easterly, north-north-easterly, and north-easterly direction for a distance of 334 feet or thereabouts and there terminating.

Work No. 2 A widening of the north-west face of the existing steamer pier by 25 feet or thereabouts to seaward from the present face line in open steel and concrete construction with reinforced concrete deck commencing at a point 175 feet or thereabouts along the north-west face of the steamer pier measured from its commencement on the line of high water and terminating at a point 106 feet or thereabouts from the point of commencement.

Work No. 3 A further widening of the north-west and west faces of the said steamer pier by a maximum distance of 102 feet of solid construction surfaced in part with bituminous macadam and in part with reinforced concrete paving (with facilities for Work No. 4) commencing at the termination of Work No. 2 hereinbefore described thence extending in a north-north-easterly direction for a distance of 180 feet or thereabouts and in a north-easterly direction for a distance of 37 feet or thereabouts and terminating by a junction with the south-western face of the extension of the steamer pier Work No. 1 hereinbefore described.

Work No. 4 A fixed ramp of 15 feet or thereabouts in width commencing on the surface of Work No. 3 hereinbefore described and at a point thereon 76 feet or thereabouts from the commencement of Work No. 3 and 112 feet or thereabouts from the commencement of Work No. 1 and extending on a descending line in a generally north-easterly direction for a distance of 75 feet or thereabouts and there terminating.

Work No. 5 An adjustable steel link bridge commencing at a width of 15 feet or thereabouts at the termination of Work No. 4 by a hinged connection with that Work and extending east-north-eastwards for a distance of 121 feet or thereabouts and to a width of 22 feet or thereabouts to form a link between any ferry ship and the fixed ramp Work No. 4 including all machinery for lifting and lowering the end adjoining the ferry ship.

Work No. 6 Fixed structures of reinforced concrete construction for guiding the adjustable end of the link bridge Work No. 5 and supporting the jacks for lifting and lowering the link bridge commencing at a point on the south-east face of the extension to the steamer pier Work No. 1 and 62 feet or thereabouts in a straight line from the commencement thereof and terminating at a point 76 feet or thereabouts in a south-easterly direction from the point of commencement and consisting of an extension by a length of 12 feet or thereabouts and a width of 10 feet or thereabouts of the south-east face of the said Work No. 1 and on the south-east side of the link bridge a dolphin of 42 feet or thereabouts in length and 43 feet or thereabouts in width.

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

Incorporation of provisions of Order of 1970.

4. The following provisions of the Order of 1970 are incorporated with and shall with all necessary modification form part of this Order:—

Section 4 (Subsidiary works):

Provided that for the purposes of this Order the said section as incorporated shall be deemed to include the provision of loading ramps;

Section 5 (Power to deviate):
Section 6 (Application of Article 3 (1) of Order of 1968):
Section 8 (Temporary closure of harbour):
Section 9 (Removal of vessels from harbour):
Section 10 (Fine for obstructing work):
Section 11 (Tidal work not to be executed without approval of Board of Trade):
Section 12 (Survey of tidal works):
Section 13 (Provision against danger to navigation):
Section 14 (Abatement of works abandoned or decayed):
Section 15 (Lights on tidal works during construction):
Section 16 (Permanent lights on tidal works):
Section 18 (Works to form part of undertaking and application of byelaws):

Provided that for references in any of the said sections to "the Board of Trade" there shall be substituted references to "the Secretary of State".

Application of section 7 of Act of 1937. 1972 c. 29.

5. The provisions of section 7 of the Act of 1937, as amended by the Harbours, Piers and Ferries (Scotland) Act 1972, shall apply to the harbour together with the works authorised to be carried out by this Order as if it were a marine work to which Part III of the Act of 1937 applied.

Power to borrow money for purposes of Order.

6.—(1) In addition to any existing powers of borrowing which they may have by virtue of the terms of any enactment the Authority may borrow for the purposes of this Order a sum not exceeding five hundred

thousand pounds and with the sanction of the Secretary of State such further sum or sums as may from time to time be required for the purposes of the undertaking.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this Order except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

For protection of North of Scotland Hydro-Electric Board.

1882 c. 56.

1899 c. 19.

7.—(1) Nothing in this Order shall extend to or authorise any interference with any electric lines or other works of the North of Scotland Hydro-Electric Board (in this section referred to as "the Board") except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899, and such provisions shall be deemed for the purposes of this section to extend to and include any electric line or work of the Board whether or not such line or work is under any street or place authorised to be broken up by the Board and whether such line or work is placed below, upon or above the level of the ground.

(2) In this section the expressions "electric lines" and "works" have the same respective meanings as in the Electricity (Supply) Acts 1882 to 1936.

Crown rights.

8. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any channel, river, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for Town and Country Planning Acts.

1972 c. 52.

9.—(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 notwithstanding that provision is made by any local Act passed before or during the Session of Parliament held during the regnal year 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 Schedule 1 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 the Act confirming this Order.

(3) In this section the reference to article 3 of, and class XI in, Schedule 1 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. 1972 c. 52.

10. All costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Authority. Costs of Order.

PRINTED IN ENGLAND BY OYEZ PRESS LTD.
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

10½p net

SBN 10 510673 9

Mallaig Harbour Order Confirmation Act 1973

CHAPTER vi

ARRANGEMENT OF SECTIONS