



# Scrabster Harbour Order Confirmation Act 1975

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**ELIZABETH II**



**1975 CHAPTER vii**

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
Scrabster Harbour. [22nd May 1975]

**W**HEREAS 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 Scrabster Harbour Order  
Confirmation Act 1975. Short title.

## SCHEDULE

### SCRABSTER HARBOUR

*Provisional Order to authorise the Trustees of the Harbour of Scrabster to carry out works for the improvement of their harbour undertaking and to increase their power to borrow money; and for other purposes.*

1841 c. 1.

Whereas by an Act passed in the fourth and fifth years of the reign of Her late Majesty Queen Victoria intituled "An Act for making and maintaining a Harbour at Scrabster Roads, in the Bay of Thurso and County of Caithness, and Road thereto" (hereinafter referred to as "the Act of 1841") certain persons were incorporated as the Trustees of the Harbour of Scrabster (hereinafter referred to as "the Trustees") for the purpose of forming and maintaining a harbour at or near Holburnhead or Scrabster Roads in the Bay of Thurso in the county of Caithness (hereinafter referred to as "the harbour"):

And whereas by the Scrabster Harbour Act and Orders 1841 to 1972 further powers were conferred on the Trustees for the administration and improvement of the harbour:

And whereas the harbour is situated in a location of potential development as a result of the discovery of oil off the north coast of Scotland and it is expedient that the Trustees should be prepared to meet the needs of such development by providing proper marine facilities to accommodate vessels and for the improvement of communications:

And whereas it is expedient that the Trustees should be authorised to carry out the works hereinafter described for the purpose of providing the said marine facilities and for the improvement of the harbour:

And whereas it is expedient that the Trustees should be authorised to increase the amount of money they may borrow for the purposes of the said works and of the harbour undertaking:

And whereas it is expedient that certain provisions of the Act of 1841 should be amended as provided by this Order:

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

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

Work No. 1

A bund or embankment of solid rubble construction    £224,000

Work No. 2

A jetty of openwork construction with reinforced  
concrete deck supported by steel columns with  
fendered berthing faces    ...    ...    ...    ...    £845,000

Work No. 3

Dredging and reclamation by infilling of area  
impounded by embankment of rubble construc-  
tion ... .. £290,000

And whereas a plan and sections showing the lines, situations 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 Caithness and such plan and sections are respectively called the deposited plan 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:—

PART I

PRELIMINARY

1.—(1) This Order may be cited as the Scrabster Harbour Order 1975. Short title and citations.

(2) The Scrabster Harbour Act and Orders 1841 to 1972 and this Order may be cited together as the Scrabster Harbour Act and Orders 1841 to 1975.

(3) Except so far as may be inconsistent with or repugnant to the purposes of this Order, the Scrabster Harbour Act and Orders 1841 to 1972 and this Order shall be construed and read together as one Order.

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

“ Act of 1841 ” means the Act passed in the fourth and fifth years of the reign of Her late Majesty Queen Victoria intituled “ An Act for making and maintaining a Harbour at Scrabster Roads, in the Bay of Thurso and County of Caithness, and Road thereto ”; 1841 c. 1.

“ deposited plan and sections ” means the plan and sections deposited in connection with this Order;

“ existing ” means existing at the commencement of this Order;

“ harbour undertaking ” means the harbour of Scrabster as authorised by the Act of 1841 and the Scrabster Harbour Order 1897 together with the lands, buildings, works, plant, property and conveniences connected therewith or any part thereof as the case may be and includes the works; 1897 c. 1xxx.

“ 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;

“ Order of 1972 ” means the Scrabster Harbour (Vehicle Ferry Terminal &c.) Order 1972; 1972 c. liii.

PART I  
—cont.

“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 Trustees of the Harbour of Scrabster as constituted by the Act of 1841; and

“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.

PART II

WORKS

Power to  
construct works.

3.—(1) Subject to the provisions of this Order, the Trustees may in the parish of Thurso and county of Caithness and on the foreshore and bed of the sea adjacent thereto and in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan 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 bund or embankment commencing at a point 87 metres (285·43 feet) eastwards of the root of the existing fish quay extending from the said point in a south-easterly direction for a distance of 57 metres (187 feet) thence proceeding in a south-south-easterly direction for a distance of 237 metres (777·56 feet) thence curving to and proceeding in a west-south-westerly direction for a distance of 177 metres (580·71 feet) and terminating by a junction with the seawall below the Scrabster Road at a point 280 metres (918·64 feet) south of the root of the existing fish quay:

Work No. 2 A new pier of open construction with concrete deck commencing on the eastward face of the bund or embankment Work No. 1 hereinbefore described and 110 metres (360·89 feet) or thereabouts southward of the south-east side of the existing fish quay and extending east-north-eastward for a distance of 277 metres (908·79 feet) and there terminating together with berthing faces on the northern and southern sides thereof:

Work No. 3 Dredging of the sea bed on a line which extends east-north-eastward from the east face of the bund or embankment Work No. 1 at a point 161 metres (528·21 feet) from the commencement of and along Work No. 1 such dredging commencing at a point on the said line 77 metres (252·63 feet) eastward of the said east face of Work No. 1 and extending east-north-eastward in continuation of the said line for a distance of 290 metres (951·44 feet) or thereabouts and also extending north-north-eastward

of the said line for a distance of 112 metres (367·45 feet) or thereabouts and south-south-eastward of the said line for a distance of 51 metres (167·32 feet).

PART II  
—cont.

(2) The Trustees may fill in and reclaim from the foreshore and bed of the sea and may hold and use as part of their undertaking so much of the foreshore and seabed as is situated within the limits of deviation and is landward of the bund or embankment Work No. 1.

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

Subsidiary  
works.

5. Subject to the provisions of this Order, the following provisions of the Order of 1972 are incorporated with and form part of this Part of this Order, that is to say:—

Incorporation  
of provisions  
of Order of  
1972.

- Section 5 (Maintenance and improvements of works);
- Section 6 (Power to deviate);
- Section 7 (Fine for obstructing works);
- Section 8 (Tidal works not to be executed without approval of Secretary of State);
- Section 9 (Survey of tidal works);
- Section 10 (Provision against danger to navigation);
- Section 11 (Abatement of works abandoned or decayed);
- Section 12 (Lights on tidal works during construction);
- Section 13 (Permanent lights on tidal works);
- Section 14 (Power to alter and improve bed and foreshore) save that for references in the said section to Works Nos. 1, 2 and 3 there shall be substituted references to Works Nos. 1, 2 and 3 of this Order;
- Section 15 (Works to form part of harbour undertaking and application of byelaws);
- Section 17 (Crown rights);
- Section 18 (Saving for Town and Country Planning Acts).

6. The works shall for all purposes be deemed to be within the parish of Thurso and in the county of Caithness.

Works to be  
within the  
parish of  
Thurso.

7. For the protection of the Holbornhead Salmon Fishing Company (hereinafter called "the company") the following provisions shall, except as may be otherwise agreed in writing between the company and Trustees, apply and have effect:—

For protection  
of Holbornhead  
Salmon Fishing  
Company.

- (1) If at any time before the end of the fifth year after the completion of the works it is claimed by the company that they have sustained loss or damage by reason or in consequence of the exercise by the Trustees of the powers of this Order or of the Order of 1972 the Trustees shall pay to the company compensation for such loss or damage:
- (2) The amount of any compensation to be paid by the Trustees to the company under this section shall, failing agreement between them, be determined by an arbiter appointed by

PART II  
—cont.

both parties by agreement or, failing such agreement, by the chairman for the time being of the Thurso District Salmon Fishing Board.

PART III

MISCELLANEOUS

Power to provide parking places and to make charges.

8. The Trustees may, on any land for the time being belonging to or held by them, provide and maintain parking places at which vehicles may be left and may make reasonable charges in respect of any vehicle left at any such parking places.

Execution of deeds by Trustees and authentication of documents.

9.—(1) A deed to which the Trustees are a party shall be validly executed on their behalf if it is sealed with the common seal and signed by three Trustees or two Trustees and the clerk to the Trustees.

(2) Any notice, licence or other document given or issued by the Trustees under any enactment shall, unless the contrary intention is expressed in the enactment in question, be sufficiently authenticated if signed by the clerk to the Trustees and need not be sealed.

(3) Without prejudice to the generality of subsection (2) of this section all documents relating to goods at the harbour or to the management of the business at the harbour shall be sufficiently authenticated if signed by a duly authorised officer or by the clerk to the Trustees.

Amendment of Act of 1841.

10. The provisions of the Act of 1841 specified in the Schedule to this Order shall have effect subject to the amendments set out in the said Schedule.

Saving for existing Trustees.

11. Nothing contained in this Order shall prejudice, alter or in any way affect the appointment, right, privilege or authority of any Trustee holding office at the commencement of this Order.

Increase of borrowing powers.  
1897 c. lxxx.

12.—(1) As from the commencement of this Order, section 41 of the Scrabster Harbour Order 1897, as amended by section 8 of the Scrabster Harbour Revision Order 1970 and section 16 of the Order of 1972, shall be read and have effect as if for the words “three hundred thousand” wherever the same shall appear there were substituted the words “one million pounds”.

(2) A person lending money to the Trustees on any form of security or taking or holding any such security shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or nonapplication of any such money.

Saving for Harbours Act 1964.  
1964 c. 40.

13. Nothing in this Order shall exempt the Trustees or any other person from the provisions of sections 9 and 10 of the Harbours Act 1964.

Saving for Dumping at Sea Act 1974.  
1974 c. 20.

14. Nothing in this Order shall affect the operation of the Dumping at Sea Act 1974.

Costs of Order.

15. 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 Trustees.

SCHEDULE

AMENDMENTS OF ACT OF 1841

1. Section I (Appointment of Trustees) shall have effect as if the words "and also every Person who shall contribute and lend to and be a Creditor of the said Undertaking of the sum of One hundred pounds or upwards" were omitted.

2. For Section III (Creditors of £10 and upwards entitled to vote in the election of Trustees) there shall be substituted the following section:—

"Creditors  
entitled to vote  
in election of  
Trustees.

III. Any person who shall lend One hundred pounds and upwards to the Trustees hereby appointed for the use of the said harbour or shall acquire and have right to any security granted under the authority of this Act for money so advanced shall be entitled to vote in the election of Trustees to supply vacancies under this Act."

3. In Section VII (Trustees not to hold Offices of Emolument, nor be concerned in Contracts) there shall be inserted at the end thereof—

"Provided that a Trustee shall not be guilty of contravening this enactment and shall not be disqualified from holding the office of Trustee under this section if he shall at the meeting at which the contract is the subject of consideration have disclosed any pecuniary interest direct or indirect in any such contract and shall not have taken part in the consideration or discussion of or voted on any question with respect thereto."

4. Section XCIX (Power to make Bye Laws) shall have effect as if after the word "Ballast," there were inserted the words "for regulating the use of parking places at which vehicles may be left" and as if for the words "Five Pounds Sterling" there were substituted the words "Fifty Pounds Sterling".

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