

**ELIZABETH II**



**1983 CHAPTER i**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Ullapool Pier (Works). [8th February 1983]

**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 1936 c. 52. Order should be confirmed by Parliament:

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 Ullapool Pier (Works) Order Confirmation Act 1983. Short title.

## SCHEDULE

## ULLAPOOL PIER (WORKS)

*Provisional Order to authorise the construction of works; and for other purposes.*

Whereas the Ullapool Pier Trustees (hereinafter in this Order referred to as "the Trustees") were constituted by the Ullapool Pier Order 1911 for the maintenance and regulation of piers and works at Ullapool in the parish of Lochbroom in the district of Ross and Cromarty in the Highland Region and for other purposes in that Order set forth:

1911 c. clxxxvi.

S.I. 1965/1387.  
1973 c. xv.  
1981 c. xxix.

And whereas by the Ullapool Pier Order 1965, the Ullapool Pier Order 1973 and the Ullapool Pier Order 1981 further powers were conferred on the Trustees for the improvement and better regulation of their undertaking and the extension of their jurisdiction:

And whereas it is expedient that the Trustees should be authorised to carry out the works described in this Order for the improvement of Ullapool Pier and the facilities thereat and to borrow money for the purposes of those works and generally of their undertaking:

And whereas a plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Order with a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees of the lands shown on the said plan which may be used under and for the purposes of this Order have been deposited with the sheriff clerk of the sheriff court district of Dingwall:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

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 Ullapool Pier (Works) Order 1982.

(2) This Order and the Ullapool Pier Orders 1911 to 1981 may be cited together as the Ullapool Pier Orders 1911 to 1982.

Interpretation.

2. In this Order, unless the context otherwise requires—

"the statutory maximum" means the prescribed sum as defined in section 289B of the Criminal Procedure (Scotland) Act 1975;

1975 c. 21.

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

“the Trustees” means the Ullapool Pier Trustees;

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

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 plan and sections, construct and maintain the works hereinafter described, together with all necessary and proper works and conveniences connected therewith or incidental thereto in the parish of Lochbroom, in the district of Ross and Cromarty, in the Highland Region:— Power to construct works.

Work No. 1. A pier or jetty commencing by a junction with the southern end of the existing pier and terminating at a point 41 metres or thereabouts measured in a south-south-easterly direction from the point of commencement;

Work No. 2. A pier or jetty commencing at the termination of Work No. 1 and terminating at a point 50 metres or thereabouts measured in a south-south-easterly direction from the point of commencement.

(2) In the construction of the works, the Trustees may modify and incorporate therewith, or otherwise use or remove, the whole or any part of the existing timber walkway, dolphin and other works and conveniences situate at the southern end of the existing pier.

(3) Subject to the provisions of this Order, the Trustees may from time to time within the limits of deviation shown on the deposited plan renew the works or any part thereof and make minor alterations and additions thereto.

4. 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 plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the level of the works shown on the deposited sections to any extent upward or downward. Power to deviate.

5.—(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 Trustees after giving not less than 10 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 in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House

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1973 c. 65.

of Commons, with the sheriff clerk and with the proper officer (within the meaning of section 235 (3) of the Local Government (Scotland) Act 1973) of the district council 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 Trustees to take the land or a servitude therein (as the case may be) 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.

(5) In this section “the sheriff” means the sheriff principal of and the sheriffs appointed for the Sheriffdom of Grampian, Highland and Islands and “the sheriff clerk” means the sheriff clerk of the sheriff court district of Dingwall.

Application and amendment of existing enactments.

1911 c. clxxxvi.  
S.I. 1965/1387.

6. The provisions of the Ullapool Pier Order 1911 and of the Ullapool Pier Order 1965 shall extend and apply for the purposes of this Order and—

(a) in section 28 (Power to purchase dredgers) of the said Order of 1911, there shall be omitted the words “for the purposes of this Order” where they first occur and the words “of this Order” where they secondly occur;

(b) in section 6 (Further borrowing powers) of the Ullapool Pier Order 1973—

1973 c. xv.

(i) in paragraph (c) for the words “this Order” there shall be substituted the words “any order or other enactment made or confirmed pursuant to any application or petition on the part of the Trustees”;

(ii) at the end of the section there shall be inserted the words “and any works which the Trustees are for the time being authorised to construct under any enactment”.

Tidal works not to be executed without approval of Secretary of State.

7.—(1) A tidal work shall not be constructed, renewed, altered or added to, 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.

(2) If a tidal work is constructed, renewed, altered or added to, in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Trustees at their own expense 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 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.

8. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work constructed by the Trustees or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Trustees.

Survey of tidal works.

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 said Commissioners shall from time to time direct.

Provision against danger to navigation.

(2) If the Trustees fail to comply in any respect with the provisions of this section, 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.

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 at their own expense 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.

Abatement of works abandoned or decayed.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs 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 section.

(3) If, on the expiration of 30 days from the date when a notice under this section 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.

11.—(1) The Trustees shall at or near a tidal work during the whole time of the construction, renewal or alteration thereof or the making of any addition thereto 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 Secretary of State shall from time to time direct.

Lights on works during construction.

(2) If the Trustees fail to comply in any respect with a direction given under this section 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.

12.—(1) After the completion of a tidal work the Trustees shall at the outer extremity thereof every night from sunset to sunrise exhibit

Permanent lights on works.

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 section 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.

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

Saving for  
Town and  
Country  
Planning Acts.  
1972 c. 52.

13. Nothing in this Order affects the operation of the Dumping at Sea Act 1974.

14.—(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 Parliament held during the regnal years 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.

S.I. 1981/830  
(S.86).

(2) In their application to development authorised by this Order, article 3 of, and Class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1981 (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 10 years after the passing of the Act confirming this Order.

Crown rights.

15. Nothing in this Order shall affect prejudicially any estate, right, power, privilege 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 or in any way interfere with any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description—

(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 on behalf of Her Majesty; 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.

Costs of Order.

16. 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.

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# Ullapool Pier (Works) Order Confirmation Act 1983

## CHAPTER i

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