

**ELIZABETH II**



**1987 CHAPTER xxvi**

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
Lerwick Harbour. [10th December 1987]

**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 Lerwick Harbour Order Short title.  
Confirmation Act 1987.

## SCHEDULE

## LERWICK HARBOUR

*Provisional Order to authorise the Trustees of the port and harbour of Lerwick to carry out works for the improvement of the harbour and the facilities thereat; including a dry dock; to make charges for the use of the dry dock; to make further provision for parking places; and for other purposes.*

1877 c. cxiv.

Whereas by the Lerwick Harbour Improvements Act 1877 (hereinafter referred to as "the Act of 1877") the Trustees of the port and harbour of Lerwick (hereinafter referred to as "the Trustees") were constituted for the purposes of the management, maintenance and regulation of the port and harbour of Lerwick:

And whereas it is expedient that the Trustees should be authorised to carry out the works hereinafter described for the improvement of the harbour:

And whereas estimates have been prepared by the Trustees in relation to the construction of the works authorised by this Order and such estimates are as follows:—

|  |                  |
|--|------------------|
|  | £                |
| Purchase of land and permanent rights . . . . .  | 25,000           |
| Construction of pier walls, berthing faces and dry dock walls, the provision of a reinforced concrete dock floor, steel dock gate, pumphouse and plant, mooring facilities and ancillary work (Work No. 1) . . . . . | 5,150,000        |
| Dredging of formed basin (Work No. 2) . . . . .  | 250,000          |
| Total  | <u>5,425,000</u> |

And whereas a plan and sections showing the lines, situations and levels of the work to be constructed under the powers of this Order were on or before 20th March 1986 deposited with the sheriff clerk of the sheriff court district of Lerwick and with the chief executive of the Shetland Islands Council:

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

1936 c. 52.

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:

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 Lerwick Harbour Order Short title.  
1987.

(2) This Order and the Lerwick Harbour Acts 1877 to 1985 may be cited together as the Lerwick Harbour Acts 1877 to 1987 (hereinafter referred to as “the Harbour Acts”).

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

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

“harbour” means the port and harbour of Lerwick as defined by the Harbour Acts and shall also 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 plan;

“Order of 1952” means the Lerwick Harbour Order 1952; 1952 c. liii.

“Order of 1971” means the Lerwick Harbour Order 1971; 1971 c. xxxix.

“Order of 1985” means the Lerwick Harbour Order 1985; 1985 c. iv.

“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 for the time being acting under the Harbour Acts;

“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.

PART II

WORKS

3.—(1) Subject to the provisions of this Order the Trustees may in Power to the Shetland Islands Area in the situations and lines and within the construct works. 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 pier, constructed from steel sheet piling and infilled with quarried rockfill and paved with concrete slabs, commencing at a point A1 on the plan at the intersection of

PART II  
—cont.

Shearers Pier and the Ice Jetty. From A1, the pier proceeds in a north-north-easterly direction for 117 metres or thereabouts to point A2, thence west-north-westerly for 42 metres or thereabouts to A3, thence north-north-easterly for 20 metres or thereabouts to A4, thence east-south-easterly for 103 metres or thereabouts to A5, thence south-south-westerly for 173 metres or thereabouts to A6, thence south-south-easterly for 17 metres or thereabouts to the termination point at A7. The pier incorporates within its structure a dry dock, composed of steel sheet piling, concrete floor and steel gate, and of dimensions 90 metres long and 20 metres wide or thereabouts:

Work No. 2 Dredging within Morrison Dock, bounded by a line commencing at point B1 on the plan, thence proceeding west-north-west for 68 metres or thereabouts to B2, thence north-north-east for 44 metres or thereabouts to B3, thence east-south-east for 70 metres or thereabouts to B4 and thence south-south-west for 51 metres or thereabouts to terminate at B1.

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

Incorporation of provisions of Order of 1971.

4. The following provisions of the Order of 1971 are incorporated with and form part of this Order:—

- Section 4 (Subsidiary works);
- Section 6 (Fine for obstructing work);
- 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 decayed);
- Section 11 (Lights on tidal works during construction);
- Section 12 (Permanent lights on tidal works):

Provided that for the purposes of this Order—

- (a) in subsections (1) and (2) of section 7 of the Order of 1971 after the word “constructed” there shall be added the word “reconstructed” and the word “enlarged” shall be deleted;
- (b) in section 11 (1) after the word “construction” there shall be added the word “reconstruction” and the word “enlargement” shall be deleted;
- (c) at the end of sections 9, 11 and 12 of the Order of 1971 there shall be deleted the words “one hundred pounds” and there shall be added the words “the statutory maximum and on conviction on indictment to a fine”.

Power to deviate.

5. 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 work shown on the deposited sections to any extent not exceeding 2 metres upward or downward.

PART III

MISCELLANEOUS

6. The Trustees may levy for the use of the dry dock constructed under the powers of this Order and for any services provided thereat such reasonable charges as they think fit. Charges for use of dry dock, etc.

7.—(1) The Trustees may provide facilities (including shelters) within or in the vicinity of the harbour for the parking of vehicles and vessels and for that purpose may erect barricades or fencing with related offices, waiting rooms and other facilities and may make reasonable charges for the use of such facilities. Parking places and repeal.

(2) Subsection (1) of section 36 of the Order of 1952 is hereby repealed.

8. In the Order of 1985 after section 20 there shall be inserted the following new section:— Amendment of Order of 1985.

“Further provisions as to byelaws.

20A.—(1) A person offending against any byelaw made by the Trustees under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Byelaws made under this Order shall not have effect until confirmed by the Secretary of State, and the provisions of sections 202 and 204 of the Local Government (Scotland) Act 1973 shall have effect in relation to such byelaws as if they were byelaws made under section 201 of that Act. 1973 c. 65.

(3) Where the Secretary of State proposes to exercise the power conferred on him under subsection (1) of section 202 of the Local Government (Scotland) Act 1973 to confirm with modifications any byelaws submitted by the Trustees for confirmation and where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Trustees and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Trustees, and by other persons who have been informed of it.”.

9. Nothing in this Order shall exempt the Trustees or any other person from the provisions of Part I of the Coast Protection Act 1949. Saving for Coast Protection Act 1949. 1949 c. 74.

10. Nothing in this Order shall affect the operation of the Food and Environment Protection Act 1985. Saving for Food and Environment Protection Act 1985. 1985 c. 48.

PART III  
—cont.  
Saving for Town  
and Country  
Planning Act  
1972.  
1972 c. 52.

11.—(1) The Town and Country Planning (Scotland) Act 1972 and any orders, regulations, rules, schemes and directions made or given thereunder and any restrictions of powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is authorised by this Order.

S.I. 1981/830.

(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 shall have effect as if the authority to develop given by this Order were limited to development begun within 10 years.

Crown rights.

12.—(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 of 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 subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

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# Lerwick Harbour Order Confirmation Act 1987

CHAPTER xxvi

## ARRANGEMENT OF SECTIONS

*Section*

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2. Short title.

### SCHEDULE

#### LERWICK HARBOUR

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PART III

MISCELLANEOUS

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