



Scrabster Harbour Order Confirmation Act 1989

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ELIZABETH II



1989 CHAPTER v

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Scrabster Harbour. [25th May 1989]

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 Scrabster Harbour Order Confirmation Act 1989. 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, to extend the harbour limits and to increase their power to borrow money; and for other purposes.

WHEREAS—

1841 c. 1.

(1) 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”):

(2) By the Scrabster Harbour Acts and Orders 1841 to 1975 further powers were conferred on the Trustees for the administration and improvement of the harbour:

(3) The harbour is situated in a location of prime importance for the fishing fleets off the north coast of Scotland and it is expedient that the Trustees should be prepared to meet the needs of such fishermen by providing proper marine facilities to accommodate vessels:

(4) 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:

(5) 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:

(6) It is expedient that the harbour limits be extended:

(7) It is expedient that the further powers mentioned in this Order should be conferred on the Trustees:

(8) 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 Reclamation and shore protection	1,900,000
Work No. 2 Fish market quay	1,125,000
Work No. 3 Breakwater—layover berth	1,145,000
Work No. 4 Dredging	305,000
	<hr/> 4,475,000

(9) Plans 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 sheriff court district of Wick and such plans and sections are respectively called the deposited plans and the deposited sections:

(10) 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 1989.

Short title
and citations.

(2) The Scrabster Harbour Acts and Orders 1841 to 1975 and this Order may be cited together as the Scrabster Harbour Acts and Orders 1841 to 1989.

2. 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 plans and sections” means the plans 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. lxxx.

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

1972 c. liii.

“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.

PART II

WORKS

3.—(1) Subject to the provisions of this Order, the Trustees may in the parish of Thurso and district of Caithness in the Highland Region 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 plans and sections construct and maintain the works hereinafter

Power to
construct works.

PART II
—cont.

described, together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 An extension of the existing storage quay as a solid structure of a width of 134 metres commencing at a point on the foreshore above the level of high water 70 metres southward of the existing pier and extending east-north-east for a distance of 193 metres and thence north-east for a distance of 57 metres and there terminating and the construction over part thereof of necessary buildings together with a reclamation of the seabed by infilling, levelling and surfacing.

Work No. 2 An extension of the existing fish quay and outer quay as a solid structure of a width of 13 metres commencing on the north-east face of the new quay Work No. 1 hereinbefore described and 6 metres south-east of the south-east face of the existing quay and extending north-east for a distance of 149.5 metres and there terminating and the construction over part thereof of necessary buildings together with a reclamation of the seabed by infilling, levelling and surfacing.

Work No. 3 A breakwater of solid construction of a width of 8 metres commencing on the north-east face of the new quay Work No. 1 hereinbefore described and 121.5 metres south-east of the south-east face of the existing quay and extending north-east for a distance of 110 metres and there terminating together with a reclamation of the seabed by infilling, levelling and surfacing.

Work No. 4 Dredging of an area of the seabed commencing at a point 10.5 metres north-west of the termination of Work No. 1 and extending north-east for a distance of 130 metres and there terminating.

(2) All areas, directions, distances and widths as stated in any description of works, powers or lands shall be construed as if the words “or thereby” were inserted after each such area, direction, distance and width.

Subsidiary works.

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 subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

Works to be within parish of Thurso.

5.—(1) The works shall for all purposes form part of the harbour undertaking.

(2) The works shall be deemed for all purposes to be within the parish of Thurso and district of Caithness, in the Highland Region.

Incorporation of provisions of Order of 1972.

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

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 the works:

PART II
—cont.

Provided that for the purposes of this Order—

- (a) subsections (1) and (2) of section 8 of the Order of 1972 shall have effect as if the word “enlarged” were omitted;
- (b) sections 10, 12 and 13 of the Order of 1972 shall have effect as if for the words “one hundred pounds” there were substituted the words “the statutory maximum”.

PART III

MISCELLANEOUS

7. The limits within which the Trustees shall exercise jurisdiction as a harbour authority and within which the power of the harbour authority and the power of the harbour master may be exercised shall comprise the area described in the Schedule to this Order.

Harbour limits.

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

Saving for existing Trustees.

9. 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, section 16 of the Order of 1972 and section 12 of the Scrabster Harbour Order 1975 shall be read and have effect as if for the words “one million pounds” wherever the same shall appear there were substituted the words “five million”.

Increase of borrowing powers.
1897 c. lxxx.
S.I. 1970/1094.
1975 c. vii.

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

Penalties relating to byelaws made by Trustees.

(2) Where the Secretary of State proposes to exercise the power conferred on him under subsection (10) of section 202 of the Local Government (Scotland) Act 1973 to confirm with modifications any byelaws submitted by the Trustees for confirmation and a modification 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.

1973 c. 65.

11. 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.

12. 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.

13. Nothing in this Order shall prejudice or derogate from, or in any way alter, affect or interfere with the jurisdiction or authority of the Commissioners of Northern Lighthouses.

Saving for Commissioners of Northern Lighthouses.

PART III

—cont.

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

S.I. 1981/830.

Crown rights.

14.—(1) The Town and Country Planning (Scotland) Act 1972 and any orders, regulations, rules, schemes and directions made or given thereunder and any restrictions or 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.

(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 after the passing of the Act confirming this Order.

15.—(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.

SCHEDULE

Section 7.

LIMITS OF THE HARBOUR

All the waters below the level of high water forming part of Thurso Bay commencing at a point latitude $58^{\circ} 36' 88\text{N}$ and longitude $3^{\circ} 32' 27\text{W}$, thence in a south-south-easterly direction for a distance of 445 metres, thence turning in a southerly direction for a distance of 1,260 metres, thence terminating at a point latitude $58^{\circ} 36' 03\text{N}$ and longitude $3^{\circ} 31' 78\text{W}$ and shall include any water channels, quays, piers, jetties and other works, lands, buildings, wharves and erections which are for the time being vested in or occupied or administered by the Trustees.

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