
STATUTORY INSTRUMENTS

1995 No. 1527

The Fraserburgh Harbour Revision Order 1995

PART II

WORKS

Power to carry out works

3.—(1) Subject to the provisions of this Order, the Commissioners may, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections, carry out and maintain the following improvement works in the parish of Fraserburgh, Banff and Buchan district, Grampian Region, together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No.1A.

A refacing of the quay wall in Balaclava Harbour to a width of 4 metres commencing at Point A at the eastern end of Provost Park's Jetty, thence extending to Points B and C at Bisset's Quay and to Point D at the north-east corner of Provost Anderson's Jetty and terminating at Point E at the south-east corner of Provost Anderson's Jetty.

Work No.1B.

A refacing of the quay wall in Balaclava Harbour to a width of 4 metres commencing at Point F at the western end of Baillie Dickson's Jetty, thence extending to Points G and H at Balaclava Pier and to Point I at the north-west corner of Abernethy Jetty and terminating at Point J at the south-west corner of Abernethy Jetty.

Work No.1C.

A refacing of the quay wall in Balaclava Outer Harbour to a width of 4 metres commencing at Point K at the north side of North Pier and terminating at Point L at the north side of North Pier.

Work No.2A.

Underpinning in Balaclava Outer Harbour for 2 metres in width commencing at Point L at the north side of North Pier and terminating at Point M at the north-east corner of North Pier.

Work No.2B.

Underpinning in Balaclava Outer Harbour for 2 metres in width commencing at Point N at the south side of Steamboat Quay and terminating at Point O at the south-west of Steamboat Quay.

Work No.2C.

Underpinning at Balaclava Outer Harbour for 2 metres in width commencing at Point E at the south-east corner of Provost Anderson's Jetty and terminating at Point Q at the south side of Provost Anderson's Jetty.

Work No.2D.

Underpinning in Balaclava Outer Harbour for 2 metres in width commencing at Point J at the south-west corner of Abernethy Jetty and terminating at Point P at the south side of Abernethy Jetty.

Work No.2E.

Underpinning in Balaclava Harbour for 2 metres in width commencing at Point A at the south-east corner of Provost Park's Jetty and terminating at Point R at the north-east corner of Provost Park's Jetty.

Work No.2F.

Underpinning in Balaclava Harbour for 2 metres in width commencing at Point F at the south-west corner of Baillie Dickson's Jetty and terminating at Point S at the western end of Baillie Dickson's Jetty.

Work No.3.

A deepening by means of excavation of the Entrance Channel to the harbour and Balaclava Outer Harbour to a depth of 8 metres below the level of low water within the area commencing at Point P, extending westwards to Point Q, southwards to Point K, south-eastward to Points M and U, north-eastward to Point T, north-westwards to Point P and there terminating.

Work No.4.

Demolition to seabed level of the eastern end of Provost Anderson's Jetty for a length of 8 metres; deepening by means of excavation of Balaclava Harbour to a depth of 8 metres below the level of low water within the area commencing at Point E, extending northwards to Point D, westwards to Point C, northwards to Point B, eastwards to Point A, northwards to Point R, eastwards to Point S, southwards to Point F, eastwards to Point G, southwards to Point H, westwards to Point I, southwards to Point J and there terminating.

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

Power to deviate

4. Subject to the provisions of this Order, in carrying out the works the Commissioners may deviate laterally from the lines or situations thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on the said plan and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 1 metre upwards or 2 metres downwards.

Subsidiary works

5. Subject to the provisions of this Order, the Commissioners may within the limits of deviation from time to time erect, construct, maintain and operate, 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.

Power to dredge

6.—(1) Subject to the provisions of this Order the Commissioners may from time to time deepen, dredge, scout, cleanse, alter and improve the harbour for the purpose of affording uninterrupted means of access to the harbour or any part of it or the accommodation of vessels thereat.

(2) The Commissioners may use, appropriate or dispose of any material (other than a wreck within the meaning of Part IX of the Merchant Shipping Act 1894(1)) from time to time dredged by them from the harbour.

(1) 1894 c. 60.

Obstructing Works

7. Any person who intentionally obstructs any person acting under the authority of the Commissioners in setting out the lines of the authorised works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Works to be deemed part of harbour undertaking

8. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Commissioners for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Commissioners accordingly.

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

9.—(1) A tidal work shall not be demolished, constructed, renewed or altered 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 or while work is still in progress.

(2) If a tidal work is demolished, constructed, renewed or altered 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 Commissioners 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 Commissioners 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 himself 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 Commissioners.

Provision against danger to navigation

10.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Commissioners 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 Commissioners of Northern Lighthouses shall from time to time direct.

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

Abatement of works abandoned or decayed

11.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Commissioners 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.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water 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 article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Commissioners, 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 Commissioners as a debt.

Lights on works during construction

12.—(1) The Commissioners shall at or near a tidal work during the whole time of the demolition, construction, renewal or alteration thereof exhibit, every night from sunset to sunrise, such lights as will clearly warn seafarers of the presence of that work.

(2) If the Commissioners fail to comply with paragraph (1) above 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.

Permanent lights on works

13.—(1) After the completion of a tidal work the Commissioners shall at the outer extremity thereof every night from sunset to sunrise exhibit 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 Commissioners fail to comply in any respect with a direction given under this article 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.