
STATUTORY INSTRUMENTS

1998 No. 1215

The Peterhead Harbours Revision Order 1998

PART II

WORKS

Power to carry out works

4.—(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, carry out and maintain the following improvement works in Aberdeenshire, together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No.1 The deepening of a portion of the south entrance channel to the harbours of Peterhead to a depth of 6.7 metres below the level of low water within the area shown as hatched on the deposited plan, commencing at Point G on the deposited plan 223 metres from the fixed point marked in the deposited plan at the centre of the east face of West Pier, extending 94 metres in a north-westerly direction and there terminating.

Work No.2 Land reclamation and a berthing face to be known as “Merchants Quay (North)” commencing at a point 46 metres west of the fixed point marked on the deposited plan, extending in a westerly direction for 201 metres and there terminating, such works to include the demolition and removal of the existing lifeboat shed and slipway.

Work No.3 A pier and breakwater to be known as “Merchants Quay (west)” commencing from the south-east corner of the Smith Embankment at a point 306 metres from the fixed point marked on the deposited plan, extending 101 metres in a south-south-easterly direction and then a further 61 metres in a southerly direction and terminating at a point 162 metres from the point of commencement.

Work No.4 A pier, pontoon and support frame commencing 10 metres north of the north-west corner of West Pier at a point 39 metres from the fixed point marked on the deposited plan extending 36 metres in an easterly direction and there terminating.

Power to deviate

5. Subject to the provisions of this Order, in carrying out the works the trustees 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 shown on the deposited sections 1 metre upwards and to any extent downwards as may be found necessary.

Subsidiary works

6. Subject to the provisions of this Order, the trustees 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 maybe necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the work.

Obstructing works

7. Any person who intentionally obstructs any person acting under the authority of the trustees in setting out the lines of the 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 trustees for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the trustees 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 Article or of any condition or restriction imposed under this Article—

- (a) the Secretary of State may by notice in writing require the trustees to remove the tidal work or any part thereof and restore the site 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 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 trustees.

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 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 Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the trustees 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 trustees either to repair and restore the work or any part thereof, or to remove 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 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 as a debt.

Lights on works during construction

12.—(1) The trustees 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 trustees 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 trustees 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 trustees 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.

Dredged material

14. No materials dredged in the execution of the works shall be deposited below the level of mean high water springs except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.