
STATUTORY INSTRUMENTS

1998 No. 1221

Scrabster (Forward Supply Base) Harbour Revision Order 1998

PART II

WORKS

Power to carry out works

3.—(1) Subject to the provisions of this Order, the Trust 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 works in the parish of Thurso, county of Caithness, Highland, and on the foreshore and bed of the sea adjacent thereto together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No 1: A quay of solid construction commencing at a point above the level of high water 85 metres east of the existing Terminal Quay and 52 metres south of the existing shoreline at ND 310415 970472 and extending east-northeast for a distance of 400 metres terminating at a point ND 310777 970636, and the construction over part thereof of necessary buildings with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 2: An extension of the existing Terminal Quay as a solid structure commencing at a point on the foreshore above the level of high water 42 metres east of the existing Terminal Quay at ND 310355 970508 and extending south-southeast for a distance of 325 metres terminating at a point at ND 310482 970207, and the construction over part thereof of necessary buildings with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 3: A breakwater quay commencing at a point 29 metres south of the centre line of Work No 1 and 50 metres west of the termination point of the said Work No 1 at a point at ND 310741 970591 extending 153 metres south-southeast and then a further 116 metres south-southwest to terminate at a point at ND 310794 970348, of solid construction bedded on filling placed on the seabed.

Work No 4: A breakwater quay of solid construction commencing from a point 23 metres north of the south end of the existing berthing jetty at ND 310452 970185 and extending 198 metres east-northeast then a further 120 metres north-northeast to terminate at a point ND 310655 970347 together with a reclamation of the seabed by infilling, levelling and surfacing.

Work No 5: Dredging of an area of seabed commencing from the east side of Work No 2 at a point ND 310463 970341 and extending 115 metres east-northeast to terminate at a point ND 310575 970384.

Work No 6: An extension of the existing Harbour Quay as a solid structure commencing at the east face of the existing Outer Quay at a point ND 310089 970361 and extending 120 metres east-northeast to terminate at the west face of the existing Ola Quay at a point ND 310202 970405, with a reclamation of the seabed by infilling, levelling and surfacing.

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

Power to deviate

4. Subject to the provisions of this Order, in carrying out the works the Trust may deviate laterally from the lines or situations thereof as shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

Subsidiary works

5.—(1) Subject to the provisions of this Order, the Trust 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.

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

Power to dredge

6.—(1) Subject to the provisions of this Order, the Trust may from time to time deepen, dredge, scour, 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 Trust may use, appropriate or dispose of any material (other than any wreck within the meaning of Part IX of the Merchant Shipping Act 1995⁽¹⁾) from time to time dredged by them from the harbour.

(3) Subject to the provisions of this Order no materials so dredged shall be deposited below the level of mean high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

Obstructing works

7. Any person who intentionally obstructs any person acting under the authority of the Trust in setting out the lines of or in constructing 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 Trust for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Trust accordingly.

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

9.—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed 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, reconstructed or altered in contravention of this article or of any condition or restriction imposed under this article—

(1) 1995 c. 21.

- (a) the Secretary of State may by notice in writing require the Trust at its 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 Trust it has 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 Trust.

Survey of tidal works

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

Provision against danger to navigation

11.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Trust 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 Trust fails to comply in any respect with the provisions of this article, it 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

12.—(1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State may by notice in writing require the Trust at its 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.

(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 Trust it has 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 Trust.

Lights on tidal works during construction

13.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Trust 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 Trust fails to comply in any respect with a direction given under this article it 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

14.—(1) After the completion of a tidal work the Trust 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 Trust fails to comply in any respect with a direction given under this article it 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.

Period for completion of works

15. If the works are not completed within 10 years from the coming into force of this Order, the powers by this Order granted to the Trust for constructing the works shall cease except as to so much thereof as is then substantially commenced.