Forth Ports Authority Order Confirmation Act 1970

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ELIZABETH II



1970 CHAPTER xxxii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to the Forth Ports Authority. [23rd July 1970]

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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title.

2. This Act may be cited as the Forth Ports Authority Order Confirmation Act 1970.

SCHEDULE

FORTH PORTS AUTHORITY

Provisional Order to authorise the Forth Ports Authority to construct additional works; and for other purposes.

Whereas the Forth Ports Authority were constituted by the Forth Harbour Reorganisation Scheme 1966 for the purpose of improving, maintaining and managing the harbours of Burntisland, Grangemouth, Granton, Kirkcaldy, Leith and Methil, and the river and firth of Forth:

And whereas by the Forth Ports Authority Order 1969 further powers were conferred on the Port Authority:

And whereas it is expedient that the Port Authority should be authorised to construct further works as by this Order provided:

And whereas a plan and sections showing the line, situation and level of the work to be constructed under the powers of this Order, and a book of reference to such plan containing the name of the owner and lessee or reputed owner and lessee and of the occupier of the land required for the purposes of this Order, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and with the sheriff clerk of the county of Stirling and such plan, sections and book of reference are respectively called the deposited plan, sections and book of reference:

And whereas these purposes cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936: 1936 c. 52.

Now therefore, in pursuance of the powers conferred in the last-mentioned Act, the Secretary of State hereby orders as follows:—

Short and collective titles.

1. This Order may be cited as the Forth Ports Authority Order 1970, and the Forth Ports Authority Scheme and Order 1966 to 1969 and this Order may be cited as the Forth Ports Authority Orders 1966 to 1970.

Interpretation.

2.—(1) In this Order, unless the subject or context otherwise requires—

" the Authority " means the Forth Ports Authority;

" enactment " means any enactment, whether public, general or local, and any order made thereunder and any provisions in any Act or in any such order;

" the authorised work " means the work authorised by paragraph (*b*) of subsection (1) of section 3 (Power to remove jetty and to construct work) of this Order, or any part thereof;

" Grangemouth Docks " means the harbour of Grangemouth transferred to and vested in the Authority by the Forth Harbour Reorganisation Scheme 1966;

" the level of high water " means the level of mean high-water springs;

" the limits of deviation " means the limits of deviation shown on the deposited plan;

" the Minister " means the Minister of Transport;

" the proposed new entrance lock " means Work No. 1 authorised by article 4 (Power to construct, etc., works) of the Grangemouth Docks Revision Order 1967;

" 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;

" the undertaking " means the undertaking of the Authority as for the time being authorised;

" the works " means the works authorised by this Order or, as the case may require, any part thereof.

(2) This Order is to be read as if the words " or thereabouts " were inserted after each distance mentioned in paragraph (*b*) of subsection (1) of section 3 (Power to remove jetty and to construct work) of this Order.

(3) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment, including this Order.

Power to remove jetty and to construct work.

3.—(1) Subject to the provisions of this Order, the Authority may—

(*a*) remove that part of the timber jetty on the west side of the proposed new entrance lock which is marked on the deposited plan " Part of existing jetty to be removed "; and

(*b*) construct and place in the river Forth and on the lands belonging to them in the situation and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections the following work in the burgh of Grangemouth in the county of Stirling, that is to say:—

A lead in jetty of open construction commencing at the west termination of the proposed new roundhead jetty (Work No. 3) authorised by article 4 of the Grangemouth Docks Revision Order 1967, extending in a north-westerly direction for 363 feet and terminating by a junction with the timber jetty on the west side of the new entrance lock at a point 60 feet downstream of the riverward knuckle of the existing timber jetty.

(2) The Authority may within the limits of deviation extend, enlarge, alter and replace the authorised work.

Subsidiary works.

4. Subject to the provisions of this Order the Authority in connection with the authorised work may within the limits of deviation construct or place and maintain all such works, railways, culverts, conveniences, appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the works or for the purposes of the undertaking.

Power to deviate.

5. Subject to the provisions of this Order, in constructing the authorised work the Authority may deviate laterally from the lines or situations thereof shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 10 feet upwards and to such extent downwards as may be found necessary or convenient.

Fine for obstructing the work.

6. Any person who wilfully obstructs any person acting under the authority of the Authority in setting out the lines of the authorised work, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall for every such offence be liable to a fine not exceeding five pounds.

Tidal works not to be executed without approval of Board of Trade.

7.—(1) A tidal work shall not be constructed, extended, enlarged, altered or replaced except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered or replaced in contravention of this section or of any condition or restriction imposed under this section—

(*a*) the Board of Trade may by notice in writing require the Authority at their 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 thirty days from the date when the notice is served upon the Authority they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

(*b*) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Authority as a civil debt.

Provision against danger to navigation.

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

(2) If the Authority fail to notify the said Commissioners as required by this section, or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement of works abandoned or decayed.

9.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Authority at their 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 Board of Trade think 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 Board of Trade may include that part of the work, or any portion thereof, in any notice under this paragraph.

(3) If on the expiration of thirty days from the date when a notice under this section is served upon the Authority they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Authority as a civil debt.

Survey of tidal works.

10. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Authority as a civil debt.

Permanent lights on tidal works.

11.—(1) After the completion of a tidal work the Authority shall at the outer extremity thereof exhibit every night from sunset to sunrise 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 Authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Lights on tidal works during construction.

12.—(1) The Authority shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration or replacement thereof and during the removal of the existing timber jetty, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

(2) If the Authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Works to form part of undertaking and application of byelaws.

13.—(1) The works shall for all purposes form part of the undertaking and be deemed to form part of Grangemouth Docks.

(2) All byelaws, rules and regulations for the time being in force relating to Grangemouth Docks shall be deemed to apply to the works and may be enforced by the Authority accordingly.

Saving for Harbours Act. 1964 c. 40.

14. Nothing in this Order shall exempt the Authority from the provisions of section 9 of the Harbours Act 1964 in relation to the works authorised by this Order.

Crown rights.

15. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained authorises the Authority to take, use or in any manner interfere with any portion of the shore or bed of any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description 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 on behalf of Her Majesty first had and obtained for that purpose.

For protection of Minister of Posts and Telecommunications.

16. Notwithstanding anything in this Order, the Authority shall not install or use any apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act 1949.

1949 c. 54.

For protection of the Post Office.

17.—(1) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used by the Authority in pursuance of powers conferred by this Order shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line.

1878 c. 76.

(2) "Telegraphic line" has the same meaning as in the Telegraph Act 1878.

Costs of Order.

18. All costs, charges and expenses of and incident to the preparing and obtaining of this Order or otherwise in relation thereto shall be paid by the Authority and may in whole or in part be defrayed out of revenue.

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