Highland Regional Council (Uig Pier, Skye) Order Confirmation Act 1984

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ELIZABETH II



1984 CHAPTER xxix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Highland Regional Council (Uig Pier, Skye).

[20th December 1984]

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 Highland Regional Council (Uig Pier, Skye) Order Confirmation Act 1984. Short title.

SCHEDULE

HIGHLAND REGIONAL COUNCIL (UIG PIER, SKYE)

Provisional Order to empower the Highland Regional Council to construct harbour works at Uig in Skye.

WHEREAS—

1973 c. 65. (1) Under the Local Government (Scotland) Act 1973 the Highland Regional Council (hereinafter referred to as "the Council") are the local authority vested with the functions of a regional council in respect of the Highland Region which area includes the island of Skye:

(2) The Scottish Transport Group operate a ferry service between Uig on the island of Skye and Lochmaddy in the island of North Uist and Tarbert in the island of Harris, both in the Western Isles Islands Area:

(3) The Council are the owners of the pier at Uig served by the said ferry:

(4) The vessels which presently ply the said route are equipped only with a hoist for side loading and unloading, which limits the size and weight of vehicles that can be carried and results in lengthy loading and unloading operations:

(5) It is expedient that the pier and facilities at Uig should be improved in order that vessels equipped with a roll-on/roll-off facility may be accommodated, that the Council should be empowered to construct the works authorised by this Order and that the other provisions of this Order should be enacted:

(6) Plans and sections showing the lines or situations and levels of the works proposed to be authorised by this Order, such plans showing also the lands which may be used under the powers of this Order and for the purposes thereof, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of all such lands and describing the lands, have been deposited with the sheriff clerk of the sheriff court district of Portree at Portree:

(7) The purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private
1936 c. 52. Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

PART I
PRELIMINARY

Short title. 1. This Order may be cited as the Highland Regional Council (Uig Pier, Skye) Order 1984.

Interpretation. 2.—(1) In this Order except where the context otherwise requires—

"the Council" means the Highland Regional Council;

PART I —*cont.*

"deposited plans", "deposited sections" and "deposited book of reference" means respectively the plans, sections and book of reference deposited on or before 20th November 1983 in Parliament, with the proper officer of the Council and with the sheriff clerk of the sheriff court district of Portree in connection with the application for this Order;

"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 plans;

"the sheriff" means any of the sheriffs appointed for the sheriffdom of Grampian, Highland and Islands;

"the statutory maximum" has the meaning assigned to it in section 74 (2) of the Criminal Justice Act 1982; 1982 c. 48.

"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 works" means the works (or any of them) described in section 3 (Power to construct works) of this Order and includes such works as renewed, replaced or altered under subsection (2) of that section and any works constructed, executed or placed under section 5 (Subsidiary works) of this Order.

(2) Except in relation to section 4 (Power to deviate) of this Order, all dimensions stated in any description of works or lands in this Order shall be construed as if the words "or thereabouts" were inserted after each such dimension.

(3) Any reference in this Order to a work identified by the number of that work shall be construed as a reference to the work of that number authorised by this Order.

PART II

WORKS

Power to construct works.

3.—(1) Subject to the provisions of this Order, the Council may, in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, construct, execute and maintain the works hereinafter described, with all necessary works and conveniences connected therewith, in the North and West Skye Electoral Division, parish of Snizort in the Highland Region:—

Work No. 1

An extension 5·5 metres wide from the existing southern face of the King Edward Pier of open construction commencing at a point 30 metres west of the seaward face of the pier head and extending in a generally southerly direction for a distance of 47 metres and there terminating:

Work No. 2

A berthing jetty of open construction commencing at a width of 5·5 metres at the termination of Work No. 1 and extending in

PART II —*cont.*

a generally southerly direction to a width of 7·5 metres for a distance of 51·5 metres and there terminating:

Work No. 3

An adjustable steel link bridge commencing at a point 10·5 metres east of the commencement of Work No. 1 by a hinged connection to the existing pier head and extending in a generally southerly direction for a distance of 36 metres and there terminating, to form a link between any vessel and the pier head and including machinery for lifting and lowering the end adjoining the vessel, the width of the bridge being 6 metres at its commencement and 9 metres at its termination:

Work No. 4

Two fixed structures of open construction for guiding the adjustable end of the steel link bridge (Work No. 3), and supporting the cables for lifting and lowering the said bridge, the centre of the eastern structure being situated at a point 5 metres north-east of the southernmost extremity of the existing pier head the structure being recessed 5 metres into the western face thereof and being 3·3 metres in width and 6 metres in length, the centre of the western structure being situated at a point 14·75 metres west of the centre of the eastern structure, being of irregular shape and having an area of 23·4 metres:

Work No. 5

An extension in open construction of the existing northern and north-western faces of the pier head commencing at a point 11 metres north-east of the commencement of Work No. 3 extending in a generally west-north-westerly direction for a distance of 42 metres and there terminating:

Work No. 6

The partial demolition of the existing pier approach structure and its incorporation in and replacement by a new approach structure of solid construction 6·75 metres wide commencing at the termination of Work No. 5 and extending in a west-north-westerly direction for a distance of 89 metres and there terminating.

(2) The Council may, within the limits of deviation, renew, replace or otherwise alter temporarily or permanently the works authorised by this section.

(3) As early as possible, and in any event not less than 28 days before any of the works authorised by this section are started, the Council shall give notice in writing to British Telecommunications or the successor company to British Telecommunications of the intended works.

PART III

MISCELLANEOUS

Power to deviate.

4. Subject to the provisions of this Order, in the construction or execution of the works authorised by section 3 (Power to construct

works) of this Order, or any part of those works, the Council may deviate laterally from the lines or situations thereof shown on the deposited plans 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 3 metres: PART III —*cont.*

Provided that in relation to Work Nos. 1 and 2 nothing in this section shall authorise the Council to deviate laterally in a westerly direction from the lines of the works shown on the deposited plans for a distance of more than 30 metres.

Subsidiary works.

5. Subject to the provisions of this Order the Council, for the purposes of or in connection with the works, may within the limits of deviation construct, execute, place and maintain all such subsidiary works and conveniences as they may find necessary or expedient for or in connection with the works.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land, the Council, after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff for the correction thereof.

(2) If on any such application it appears to the sheriff that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof respectively in the Private Bill Office, House of Commons, and with the sheriff clerk and with the proper officer of the Council within the meaning of section 235 of the Local Government (Scotland) Act 1973, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Council to take the land or a servitude therein (as the case may be) and execute the works in accordance with the certificate. '1973 c. 65.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

(5) In this section "the sheriff clerk" means the sheriff clerk of the sheriff court district of Portree.

Works deemed to be within Highland Region.

7. So much of any works constructed or executed pursuant to this Order as is not within the Highland Region, and any alteration of such works, shall be deemed for all purposes to be within that region.

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

8.—(1) A tidal work shall not be constructed, executed, renewed, replaced 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.

PART III —*cont.*

(2) If a tidal work is constructed, executed, renewed, replaced 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 Council 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 30 days from the date when the notice is served upon the Council 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 so to do, 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 Council.

Lights on tidal works during construction.

9.—(1) The Council shall at or near a tidal work during the whole time of the construction, execution, renewal, replacement or alteration 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 Secretary of State shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this section 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.

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 constructed or executed by the Council or of the site upon which it is proposed to construct or execute the work, and any expenditure incurred by him in such survey and examination shall be recoverable from the Council.

Permanent lights on tidal works.

11.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, 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 Council fail to comply in any respect with a direction given under this section 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.

Provision against danger to navigation.

12.—(1) In the case of injury to or destruction or decay of a tidal work or any part thereof the Council 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 Council fail to notify the Commissioners of Northern Lighthouses as required by this section or to comply in any respect

with a direction given under this section 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. PART III —*cont.*

Abatement of works abandoned or decayed.

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

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Council, 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 Council.

Saving for Dumping at Sea Act 1974.

14. Nothing in this Order affects the operation of the Dumping at Sea Act 1974.

1974 c. 20.

Saving for Coast Protection Act 1949.

15. Nothing in this Order shall exempt the Council from the provisions of Part I of the Coast Protection Act 1949.

1949 c. 74.

Crown rights.

16.—(1) Nothing in this Order affects 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 in this Order authorises the Council to take, use, enter upon or in any manner interfere with any land or interests 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.

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