

**ELIZABETH II**



**1972 CHAPTER liii**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Scrabster Harbour (Vehicle Ferry Terminal &c.).

[30th November 1972]

**W**HEREAS 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 1936 c. 52. Order should be confirmed by Parliament:

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 Scrabster Harbour (Vehicle Ferry Terminal &c.) Order Confirmation Act 1972.

## SCHEDULE

SCRABSTER HARBOUR (VEHICLE FERRY  
TERMINAL &c.)

*Provisional Order to authorise the Trustees of the Harbour of Scrabster to carry out works for the improvement of their harbour undertaking and to increase their power to borrow money; and for other purposes.*

1841 c. 1.

Whereas by an Act passed in the fourth and fifth years of the reign of Her late Majesty Queen Victoria intituled "An Act for making and maintaining a Harbour at Scrabster Roads in the Bay of Thurso and County of Caithness and Road thereto" certain persons were incorporated as the Trustees of the Harbour of Scrabster (hereinafter referred to as "the Trustees") for the purpose of forming and maintaining a harbour at or near Holburnhead or Scrabster Roads in the Bay of Thurso in the county of Caithness (hereinafter referred to as "the harbour"):

And whereas by the Scrabster Harbour Act and Orders 1841 to 1970 further powers were conferred on the Trustees for the administration and improvement of the harbour:

And whereas it is expedient that the Trustees should be authorised to carry out the works hereinafter described for the purpose of providing a vehicle ferry terminal and for the improvement of the harbour:

And whereas it is expedient that the Trustees should be authorised to increase the amount of money they may borrow for the purposes of the said works and of the harbour undertaking:

And whereas it is expedient that the further powers mentioned in this Order should be conferred on the Trustees:

And whereas estimates have been prepared by the Trustees in relation to the following purposes in respect of which they are to be authorised to borrow money and such estimates are as follows:—

Extension of the existing quay as a solid structure by reclamation of the seabed within facing wall and spending slope, together with approach road and vehicle assembly areas, terminal building and cattle pens ... ..	£157,000
A new pier in partly solid and partly open construction with concrete deck including berthing dolphins and bridge ramp and machinery ...	£281,000
A new pier in partly solid and partly open construction with concrete deck on steel columns with fendered berthing face ... ..	£191,000
A groyne of solid rubble construction... ..	£115,000



And whereas plans and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order were duly deposited with the sheriff clerk of the county of Caithness and such plans and sections are respectively called the deposited plans and the deposited sections:

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

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

## PART I

### PRELIMINARY

1.—(1) This Order may be cited as the Scrabster Harbour (Vehicle Ferry Terminal &c.) Order 1972. Short title and citations.

(2) The Scrabster Harbour Act and Orders 1841 to 1970 and this Order may be cited together as the Scrabster Harbour Act and Orders 1841 to 1972.

(3) Except so far as may be inconsistent with or repugnant to the purposes of this Order, the Scrabster Harbour Act and Orders 1841 to 1970 and this Order shall be construed and read together as one Order.

2.—(1) In this Order, unless the context otherwise requires, the following words and expressions have the meanings hereby respectively assigned to them:— Interpretation.

“commencement of this Order” means the date of the Act confirming this Order;

“deposited plans and sections” means the plans and sections deposited in connection with this Order;

“existing” means existing at the commencement of this Order;

“harbour undertaking” means the harbour of Scrabster as authorised by the Scrabster Harbour Act 1841 and the Scrabster Harbour Order 1897 together with the lands, buildings, works, plant, property and conveniences connected therewith or any part thereof as the case may be and includes the works; 1841 c. 1.

“level of high water” means the level of mean high-water springs;

“limits of deviation” means the limits of deviation shown on the deposited plans;

“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;

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PART I  
—cont.

1841 c. 1.

“ Trustees ” means the Trustees of the Harbour of Scrabster as constituted by the Scrabster Harbour Act 1841; and

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

1889 c. 63.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(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.

PART II

WORKS

Power to  
construct  
works.

3. Subject to the provisions of this Order, the Trustees may in the parish of Thurso and county of Caithness and on the foreshore and bed of the sea adjacent thereto and in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections construct and maintain the works hereinafter described, together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 An extension of the existing quay as a solid structure commencing at a point on the line of mean high-water springs on the sea wall 170 feet or thereabouts eastward of the existing pier and extending south-south-eastward for a distance of 255 feet or thereabouts and there terminating in a spending bank and the construction over part thereof of an approach road, traffic marshalling lanes, cattle pens and other necessary buildings together with a reclamation of the seabed by infilling and levelling and surfacing and the necessary facing walls.

Work No. 2 A new pier of partly solid and partly open construction with concrete deck commencing on the south-south-eastward face of the new quay Work No. 1 hereinbefore described and 387 feet or thereabouts eastward of the east face of the existing pier and extending south-south-eastward for a distance of 520 feet or thereabouts and there terminating together with an adjustable steel link bridge 125 feet or thereabouts in length and 16 feet or thereabouts in width with a hinged connection to form a link between any ferry ship and the said pier including all machinery for lifting and lowering the end adjoining the ferry ship.

Work No. 3 An extension of the said pier Work No. 2 of partly solid and partly open construction with concrete deck on steel columns commencing at a point 40 feet or thereabouts eastward of the termination of Work No. 2 and extending south-south-eastward for a distance of 330 feet or thereabouts and there terminating together with a berthing face on the western side thereof.



Work No. 4 A groyne of solid rubble construction to form a wave spending slope commencing at a point 50 feet westwards of a point on the south-east side of the existing fish quay on the prolongation southwards of the west side of the inner basin thence extending seawards in a south-easterly direction for a distance of 600 feet or thereabouts and there terminating.

PART II  
—cont.

4.—(1) Subject to the provisions of this Order the Trustees in connection with the works may within the limits of deviation construct or place and maintain and use all such permanent or temporary quays, wharves, stairs, dolphins, piles, transit sheds, silos, warehouses, buildings, offices, refreshment and other rooms, washrooms, sanitary conveniences, dockyards, cranes, transporters, elevators, conveyors, lifts, gantries, weighing facilities, lighting and other masts, approaches, roads, road junctions, railways, tramways, sidings, viaducts, bridges, storage places, parking places, caissons, gates, wind, sand and other screens, sewers, drains, culverts, sluicing apparatus, pumping arrangements, tanks, mains, pipes, cables, wires, electricity substations, fences, boundary, river and other walls and embankments, staithes, jetties, stages, slips, pontoons, floating and other fenders, booms, moorings, mooring and other chains, shipping-places, landing-places, buoys, beacons, landmarks, lights, radio and radar stations and other works and conveniences as may be expedient or desirable.

Subsidiary works.

(2) Any electrical works or equipment constructed or placed and maintained and used pursuant to the powers conferred by this section shall be so constructed or placed and so maintained and used that any electricity generated or conveyed by or used in or in connection with any such works or equipment does not cause interference (whether by induction or otherwise) with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Post Office or with telecommunication by means of any such line.

1878 c. 76.

5. Subject to the provisions of this Order, the Trustees may from time to time maintain, renew, enlarge, alter and reconstruct, temporarily or permanently, the works or any part thereof:

Maintenance and improvement of works.

Provided that nothing in this section shall authorise the Trustees to deviate laterally beyond the limits of deviation.

6. Subject to the provisions of this Order, in constructing the works the Trustees 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 10 feet upwards and to such extent downwards as may be found necessary or convenient.

Power to deviate.

7.—(1) Any person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works, 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

Fine for obstructing works.

PART II  
—cont.

such offence be liable to a fine not exceeding five pounds and shall in addition be liable to repay to the Trustees any expenses incurred by them in making good such damage.

(2) Proceedings for any offence under this section or for the recovery of any fine thereunder may be brought in any court of summary jurisdiction.

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

8.—(1) A tidal work shall not be constructed, reconstructed, renewed, enlarged 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.

(2) If a tidal work is constructed, reconstructed, renewed, enlarged 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 Trustees 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 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 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 a debt due from the Trustees to the Crown and shall be recoverable accordingly.

Survey of  
tidal works.

9. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work constructed by the Trustees or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be a debt due from the Trustees to the Crown and shall be recoverable accordingly.

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 section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.



PART II  
—cont.

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 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.

Abatement of works abandoned or decayed.

(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 thirty days from the date when a notice under this section 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 a debt due from the Trustees to the Crown and shall be recoverable accordingly.

12.—(1) The Trustees shall at or near a tidal work during the whole time of the construction, reconstruction, renewal, enlargement 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.

Lights on tidal works during construction.

(2) If the Trustees 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 one hundred pounds and on conviction on indictment to a fine.

13.—(1) After the completion of a tidal work, the Trustees 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.

Permanent lights on tidal works.

(2) If the Trustees 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 one hundred pounds and on conviction on indictment to a fine.

14. The Trustees may from time to time alter and improve the bed and foreshore within the limits of deviation so far as relating to Works Nos. 1, 2 and 3 and any material taken up or collected in the course of such operations shall be the property of the Trustees and may be used, sold, removed, deposited or otherwise disposed of as the Trustees may think fit:

Power to alter and improve bed and foreshore.

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PART II  
—cont.

Provided that no such material shall be laid down or deposited in any place below the level of high water except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

Works to form part of harbour undertaking and application of byelaws.

15.—(1) The works shall for all purposes form part of the harbour undertaking.

(2) All byelaws and regulations for the time being in force relating to the harbour undertaking shall as far as applicable apply to the works and may be enforced by the Trustees accordingly.

(3) The works shall be deemed for all purposes to be within the parish of Thurso and in the county of Caithness.

PART III

MISCELLANEOUS

Increase of borrowing powers.

16. As from the commencement of this Order, section 41 of the Scrabster Harbour Order 1897, as amended by section 8 of the Scrabster Harbour Revision Order 1970, shall be read and have effect as if for the words “one hundred thousand” wherever the same shall appear there were substituted the words “three hundred thousand”.

Crown rights.

17. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the Trustees to take, use or in any way interfere with any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary, or any land, heritages, subjects or rights of whatsoever description—

(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 on behalf of Her Majesty first had and obtained for that purpose; 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.

Saving for Town and Country Planning Acts. 1972 c. 52.

18.—(1) Section 274 of the Town and Country Planning (Scotland) Act 1972 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of Parliament held during the regnal years 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Order as if it had been passed during that session; and accordingly the Town and Country Planning (Scotland) Act 1972 and Orders, Regulations, Rules, Schemes and directions made or given thereunder shall apply to development authorised by this Order.



(2) In their application to development authorised by this Order, article 3 of, and Class XI in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1950 (which permit development authorised by any local or private Act or by any Order approved by both Houses of Parliament, being an Act or Order designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Order were limited to development begun within five years after the passing of the Act confirming this Order.

(3) In this section the reference to article 3 of and Class XI in Schedule 1 to the Town and Country Planning (General Development) (Scotland) Order 1950 includes a reference to corresponding provisions of any general order superseding that Order made under section 21 of the Town and Country Planning (Scotland) Act 1972 or any 1972 c. 52. corresponding provision of an Act repealing that section.

19. All costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees. **Costs of Order.**



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# Scrabster Harbour (Vehicle Ferry Terminal &c.) Order Confirmation Act 1972

CHAPTER liii

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### SCHEDULE

SCRABSTER HARBOUR (VEHICLE FERRY TERMINAL &c.)

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