
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 485

The Mallaig Harbour Revision Order 2004

PART II

WORKS

Power to carry out works

3.—(1) Subject to the provisions of this Order the Authority may in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections, construct the following works in the area of the Highland Council, 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 breakwater of solid construction commencing at a point 167760,797360 extending in a northerly direction for a distance of 250 metres to a point 167780,797610 and there terminating.
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(2) The Authority 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 Authority may deviate laterally from the lines or situations thereof as shown on the deposited plans 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 Authority may within the limits of deviation from time to time construct 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 area of Highland Council.

Obstructing works

6. Any person who intentionally obstructs any person acting under the authority of the Authority in setting out the lines of or in constructing 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

7. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Authority for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Authority accordingly.

Incorporation of certain provisions of Order of 1992

8. The following provisions of the Mallaig Harbour Revision Order 1992(1) shall, with necessary modifications, apply to the works as they apply to the works authorised by that Order:—

article 6 (Tidal works not to be executed without approval of Secretary of State);

article 7 (Provision against danger to navigation);

article 8 (Abatement of works abandoned or decayed);

article 9 (Survey of tidal works);

article 10 (Lights on tidal works during construction);

article 11 (Permanent lights on tidal works).

Period for completion of works

9. If the works are not completed by 31st December 2013, the powers by this Order granted to the Authority for constructing the works shall cease except as to so much thereof as is then substantially commenced.

(1) S.I.1992/3232 (s.261).