
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 288

**The Rosyth International Container
Terminal (Harbour Revision) Order 2013**

PART 5

MISCELLANEOUS AND GENERAL

Sedimentation – remedial action

23.—(1) This paragraph applies to the extent that in the opinion of the Scottish Ministers any part of the Forth becomes subject to sedimentation, or scouring, which—

- (a) is during the period beginning with the commencement of the construction of any tidal work or capital dredging undertaken for the purposes of this Order and ending with the expiration of 10 years after the date on which all the tidal works and capital dredging constructed under or for the purposes of this Order are completed, wholly or partly caused by a tidal work or such dredging; and
- (b) for the safety of navigation or the protection of works in the Forth, should be removed or made good.

(2) The Company must either—

- (a) carry out the necessary dredging at its own expense and subject to the prior approval of the Scottish Ministers (such prior approval not to be unreasonably withheld or delayed) within such period as Ministers may specify; or
- (b) defray any additional expense reasonably incurred by Forth Ports in dredging the river to remove the sedimentation or in making good the scouring, so far as (in either case) it is caused by the tidal work.

(3) The Company shall defray any additional expenses incurred by the Scottish Ministers in carrying out surveys or studies in connection with the implementation of this article.