



CHAPTER viii.

An Act to confirm a Scheme under the Public Works Facilities Act 1930 relating to Wick Harbour. A.D. 1931.
[27th March 1931.]

WHEREAS the Scheme set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Public Works Facilities Act 1930 and it is requisite that the said Scheme should be confirmed by Parliament : 20 & 21 Geo. 5. c. 50.

Be it therefore enacted by the King'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 Scheme contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Scheme in schedule.

2. This Act may be cited as the Public Works Facilities Scheme (Wick Harbour) Confirmation Act 1931. Short title.

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SCHEDULE.

WICK HARBOUR.

Scheme to authorise the Wick Harbour Trustees to construct works and for other purposes.

WHEREAS by virtue of the Wick Harbour Acts 1879 to 1919 Wick Harbour is vested in the Wick Harbour Trustees (hereinafter referred to as "the Trustees") incorporated by the said Acts :

And whereas by the Wick Harbour Order 1914 the Trustees were authorised to construct works and to borrow moneys :

And whereas owing to circumstances beyond the control of the Trustees the said works were only partly constructed and the period within which the works authorised to be constructed by the said Order of 1914 has now expired :

And whereas in order to meet the trade requirements of the harbour it is expedient that powers should be conferred on the Trustees for the construction of the works hereinafter described for the extension and improvement of the harbour :

And whereas by the Wick Harbour Order 1914 the Trustees were authorised to borrow the sum of two hundred and fifty thousand pounds :

And whereas the Trustees have from time to time borrowed under the authority of the said Order of 1914 the sum of sixty-four thousand seven hundred and seventy-five pounds and the unexhausted borrowing powers of the Trustees under the said Order now amount to the sum of one hundred and eighty-five thousand two hundred and twenty-five pounds :

And whereas it is expedient to authorise the Trustees to apply for the purposes of this Scheme so much of the amount remaining unborrowed under the said Order of 1914 as may be necessary for the purposes of this Scheme :

And whereas it is expedient that the other provisions in this Scheme contained should be enacted :

And whereas plans and sections showing the lines situation and levels of the works authorised by this Scheme were duly deposited with the clerk of the county council of the county of Caithness and are hereinafter respectively referred to as the deposited plans and sections : A.D. 1931.
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Now therefore in pursuance of the powers contained in the Public Works Facilities Act 1930 the Secretary of State makes the following Scheme :—

1. This Scheme may be cited as the Wick Harbour Scheme 1931 and the Wick Harbour Acts 1879 to 1919 and this Scheme may be cited together as the Wick Harbour Acts 1879 to 1931. Short and collective titles.

2. This Scheme shall commence and have effect on and from the date of the passing of the Act confirming the same which date is in this Scheme referred to as “the commencement of this Scheme.” Commencement of Scheme.

3. In this Scheme unless there be something in the subject or context inconsistent with or repugnant to such construction— Interpretation.

(a) The several words and expressions to which meanings are assigned by the recited Acts or by the Acts wholly or partially incorporated therewith or with this Scheme shall subject to the provisions of this Scheme have the same respective meanings; and

(b) The following words and expressions shall have the meanings assigned to them in this section (that is to say) :—

“Recited Acts” means the Wick Harbour Acts 1879 to 1919;

“Harbour” means Wick Harbour as defined by the Order of 1914 and shall include the works authorised by this Scheme;

“Trustees” means the trustees of the harbour.

4. The Harbours Docks and Piers Clauses Act 1847 (with the exceptions and variations specified in the Act of 1879 and the Order of 1914) so far as the same is applicable for the purposes and is not inconsistent with or varied by the provisions of this Scheme is hereby incorporated with and forms part of this Scheme. Incorporation of Act.

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Power to
construct
works.

5. Subject to the provisions of this Scheme the Trustees may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described or some part or parts thereof together with all necessary embankments excavations quays wharves mooring buoys mooring posts cranes shears and other machinery sheds roads approaches beacons lights and gas and water pipes and other works and conveniences :

Provided that nothing in this Scheme shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Description
of works.

6. The works hereinbefore referred to and authorised by this Scheme are :—

Work No. 1 A quay wall commencing at a point ten feet or thereabouts north-east of the corner of the parapet wall in line with Martha Terrace and opposite the junction of the said terrace with Harbour Quay at the landward end of the North Pier extending thence in a south-easterly direction and terminating at a point on the north face of the said North Pier four hundred feet or thereabouts from the point of commencement;

Work No. 2 The deepening of the river harbour to a depth of eleven feet or thereabouts below the level of low water of ordinary spring tides and for a width of three hundred feet or thereabouts the said work commencing at a point in the river harbour one hundred and thirty-five feet or thereabouts north-east of the corner of the parapet wall in line with Martha Terrace and opposite the junction of the said terrace with Harbour Quay at the landward end of the North Pier extending thence in a south-easterly direction and terminating at a point one hundred and twenty feet or thereabouts south of the northern end of the South River Pier.

All which intended works will be situated within the burgh and parish of Wick and county of Caithness and

on the foreshore and in the sea adjacent thereto provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

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7. If the works by this Scheme authorised are not completed within three years from the commencement of this Scheme then on the expiration of that period the powers by this Scheme granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

8. The following provisions of the Act of 1899 and the Order of 1914 shall extend and apply to the works authorised by this Scheme as if the same were with all necessary modifications expressly re-enacted in this Scheme (that is to say):—

Application of provisions of Act of 1899 and Order of 1914.

Act of 1899—

- Section 22 (Penalty for obstructing works);
- Section 26 (Accesses to and from shore &c.).

Order of 1914—

- Section 10 (Power to alter roads &c.);
- Section 11 (Limits of deviation);
- Section 12 (Trustees may shut up part of harbour during execution of works);
- Section 13 (Alteration of plans);
- Section 15 (New works to form part of harbour for all purposes).

9.—(1) The Trustees may apply to the purposes of this Scheme (being purposes to which capital is properly applicable) any money which they have already borrowed under the Order of 1914 so far as the same is not required for the purposes of that Order.

Borrowing powers.

(2) The Trustees may exercise for the purposes of this Scheme (being purposes to which capital is properly applicable) the powers to borrow and raise money and to grant security for such borrowed money contained in the Order of 1914 in so far as the said powers have not already been exercised.

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(3) The money to be applied or borrowed and raised under this section shall not without the consent of the Secretary of State exceed in all the sum of twenty-five thousand pounds.

(4) The provisions of the recited Acts in respect of moneys borrowed and to be borrowed and the security therefor (including the provisions as to collateral security for borrowed moneys) shall apply to the money to be borrowed under the provisions of this section. Provided that any money applied or borrowed and raised under this section shall be repaid within thirty years from the date of borrowing the same.

Works
below high-
water mark
to be sub-
ject to
approval of
Board of
Trade.

10.—(1) Subject to the provisions of this Scheme any work authorised by this Scheme shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Lights on
works
during con-
struction.

11.—(1) The Trustees shall at or near such part of the works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning 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 require or approve.

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on

summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail. A.D. 1931.
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12.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those commissioners for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Trustees fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

13.—(1) Where any work constructed by the Trustees under the powers of this Scheme and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Trustees at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper. Abatement of work abandoned or decayed.

(2) If during the period of thirty days from the date when the notice is served upon the Trustees they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Trustees and the amount of such expense shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

[Ch. viii.] *Public Works Facilities* [21 GEO. 5.]
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A.D. 1931.
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Survey of
works by
Board of
Trade.

14. If at any time the Board of Trade deems it expedient for the purposes of this Scheme to order a survey and examination of any work constructed by the Trustees under the powers of this Scheme which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Application
of provisions
of Telegraph
Act 1878.

15. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.

Crown
rights.

16. Nothing in this Scheme shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of
Scheme.

17. All costs charges and expenses of and incident to the preparing for obtaining and confirmation of this Scheme or otherwise in relation thereto shall be paid by the Trustees out of the revenues of their undertaking or out of moneys to be borrowed by the Trustees Provided that if the said costs charges and expenses be paid out of borrowed money the same shall be repaid within five years from the commencement of this Scheme.

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