
STATUTORY INSTRUMENTS

1993 No. 2087

HARBOURS, DOCKS, PIERS AND FERRIES

The Lerwick Harbour Revision Order 1993

Made - - - - *1st September 1993*
Coming into force - - *22nd September*
1993

Whereas the Trustees of the Port and Harbour of Lerwick have applied for a harbour revision order under section 14 of the Harbours Act 1964(1) (hereinafter called “the Act”);

And whereas there were no objections to the application for the Order:

Now, therefore, the Secretary of State (being the appropriate Minister under section 14(7) of the Act(2) for the purpose of making this Order), in exercise of the powers conferred by section 14 of the Act and now vested in him(3) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Lerwick Harbour Revision Order 1993 and shall come into force on 22nd September 1993.

(2) The Lerwick Harbour Acts and Orders 1877 to 1989 and this Order may be cited together as the Lerwick Harbour Acts and Orders 1877 to 1993 (hereinafter referred to as “the Harbour Acts and Orders”).

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively—

“deposited plan” and “deposited sections” mean respectively the plan and sections contained in one document prepared in duplicate signed by an Assistant Secretary in the Department of Transport and marked “I certify that this is the plan and sections referred to in Article 2 of the Lerwick Harbour Revision Order 1993” of which one is deposited at the offices of the Department of Transport and one at the principal office of the Trustees;

(1) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14 and by the Transport and Works Act 1992 (c. 42), section 63 and Schedule 3, paragraphs 1 and 10.
(2) For the definition of “Minister” (mentioned in section 14(7)), see section 57(1).
(3) S.I.1981/283.

“harbour” means the port and harbour of Lerwick as defined by the Harbour Acts and Orders and shall also include the works authorised by this Order;

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

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

“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 Trustees” means the Trustees of the harbour for the time being acting under the Harbour Acts and Orders;

“undertaking” means the undertaking of the Trustees as for the time being authorised;

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

Power to construct works

3.—(1) Subject to the provisions of this Order the Trustees may in the Shetland Islands Area in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and deposited 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:—

The demolition of the existing timber pier at Heogan on the Island of Bressay, a regrading of the existing and adjoining breastwork structure and the construction of a new pier of open work construction forty metres in length and constructed of tubular steel piling and a deck of steel reinforced concrete commencing at a point A1 on the said plan at the concrete faced breastwork at Heogan in the Island of Bressay. From A1 the pier proceeds in a westerly direction for a distance of 25 metres or thereabouts to point A2, thence in a south westerly direction for a distance of 7 metres or thereabouts to point A3, thence in a southerly direction for a distance of 5 metres or thereabouts to point A4, thence in a westerly direction for a distance of 10 metres or thereabouts to point A5, thence in a northerly direction for a distance of 30 metres or thereabouts to point A6, thence in an easterly direction for a distance of 10 metres or thereabouts to point A7, thence in a southerly direction for a distance of 5 metres or thereabouts to point A8, thence in a south easterly direction for a distance of 7 metres or thereabouts to point A9, thence in an easterly direction for a distance of 25 metres or thereabouts to the termination point at A10. A line of steel fender piles between points A5 and A6 shall be installed.

(2) The Trustees may within the limits of deviation reconstruct, renew or alter temporarily or permanently the works.

Incorporation of provisions of the Order of 1971

4.—(1) Subject to paragraph (2) below the following provisions of the Lerwick Harbour Order 1971⁽⁴⁾ are incorporated with and form part of this Order:—

Section 4 (Subsidiary works);

Section 6 (Fine for obstructing works);

Section 7 (Tidal works not to be executed without approval of Secretary of State);

Section 8 (Survey of tidal works);

Section 9 (Provision against danger to navigation);

Section 10 (Abatement of works abandoned or decayed);

(4) Confirmed by [1971 c.xxxix](#).

Section 11 (Lights on tidal works during construction); Section 12 (Permanent lights on tidal works).

(2) For the purposes of this Order the said Order of 1971 shall have effect subject to the following amendments—

- (a) in subsection (1) of section 6 after the word “exceeding” there shall be added the words “level 3 on the standard scale” and the words “five pounds” shall be deleted;
- (b) in subsections (1) and (2) of section 7 after the word “constructed” there shall be added the word “reconstructed” and the word “enlarged” shall be deleted;
- (c) in section 11(1) after the word “construction” there shall be added the word “reconstruction” and the word “enlargement” shall be deleted;
- (d) at the end of sections 9, 11 and 12 there shall be deleted the words “one hundred pounds” and there shall be added the words “the statutory maximum and on conviction on indictment to a fine”.

Power to deviate

5. Subject to the provisions of this Order, in the construction of the works the Trustees may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the level of the work shown on the deposited sections to any extent not exceeding 2 metres upward or downward.

Crown rights

6.—(1) Nothing in this Order shall affect 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 herein contained shall authorise the Trustees or any licensee of the Trustees to take, use, enter upon or in any manner interfere with any land or interest 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 the 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.

Signed by authority of the Secretary of State for Transport

1st September 1993

Caithness
Minister of State,
Department of Transport

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Trustees of the Port and Harbour of Lerwick to demolish the existing pier at Heogan on the Island of Bressay and replace it with a modern and slightly larger pier.