
STATUTORY INSTRUMENTS

1993 No. 321 (S.29)

HARBOURS, DOCKS, PIERS AND FERRIES

The Caledonian MacBrayne Limited
(Armadale) Harbour Revision Order 1992

<i>Made</i>	- - - -	<i>11th December 1992</i>
<i>Laid before Parliament</i>		<i>14th December 1992</i>
<i>Coming into force</i>	- -	<i>8th February 1993</i>

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(1), (being the appropriate Minister under section 14(7) of that Act for the purpose of making this Order) and of all other powers enabling him in that behalf, on the application of Caledonian MacBrayne Limited, and being satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, hereby makes the following Order:

PART I
preliminary

Citation and commencement

1.—(1) This Order may be cited as the Caledonian MacBrayne Limited (Armadale) Harbour Revision Order 1992.

(2) This Order shall come into force on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(2).

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the Order of 1991, as applied by article 9 below, have the same respective meanings, and—

(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.
(2) 1945 c. 18 (9 & 10 Geo. 6); 1965 c. 43.

“the Company” means Caledonian MacBrayne Limited being a company incorporated under the Companies Acts;

“the deposited plan and sections” means the plan and sections signed on behalf of the Secretary of State and marked “Plan and sections referred to in the Caledonian MacBrayne Limited (Armadale) Harbour Revision Order 1992” of which copies have been deposited at the office of the Secretary of State for Scotland and with Caledonian MacBrayne Limited, Harbour Office, Armadale;

“the harbour area” means the area referred to in article 7 below;

“the harbourmaster” means the harbourmaster appointed by the Company and includes his authorised deputies and assistants and any person authorised by the Company to act in that capacity;

“the harbour premises” means the quays, piers, landing places and all other works, land and buildings for the time being vested in or occupied or administered by the Company for the purposes of the undertaking as from time to time authorised;

“the Order of 1991” means the Highland Regional Council (Harbours) Order 1991(3);

“the Regional Council” means Highland Regional Council;

“the undertaking” means the harbour undertaking hitherto carried on by the Regional Council at Armadale on the island of Skye including the works together with all lands, buildings, plant and conveniences connected therewith and now vested in the Company by virtue of article 3 below.

(2) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

(3) Except in relation to article 13 below, all dimensions stated in any description of works or lands in this Order shall be construed as if the words “or thereabouts” were inserted after each such dimension.

(4) Any reference in this Order to a work identified by the number of that work shall be construed as a reference to the work of that number authorised by this Order.

PART II

jurisdiction and powers

Transfer of harbour undertaking

3.—(1) On the coming into force of this Order there shall be transferred to and vested in the Company (subject to article 9 below and to the other provisions of this Order) all the powers of the Regional Council in relation to the undertaking vested in them pursuant to the Harbours Act 1964, section 154 of the Local Government (Scotland) Act 1973(4) and the Order of 1991 together with all property heritable and moveable and all rights pertaining thereto vested in the Regional Council and held by them solely for the purposes of the undertaking.

(2) To enable the Company to complete a title to any property transferred to and vested in it by virtue of this article by notice of title or otherwise, this Order shall have effect as if it were a general disposition or assignation, as the case may be, of such property granted by the Regional Council in favour of the Company on the coming into force of this Order.

(3) See Schedule to the [Highland Regional Council \(Harbours\) Order Confirmation Act 1991](#) c.xii.

(4) [1973 c. 65](#); section 154 was amended by the [Local Government and Planning \(Scotland\) Act 1982](#) (c. 43), section 20.

Contracts to be binding

4. All purchases, sales, conveyances, deeds, contracts and agreements entered into or made by the Regional Council and in force at the commencement of this Order shall so far as they relate to the undertaking be as binding and of as full force and effect in every respect against or in favour of the Company as they have heretofore been against or in favour of the Regional Council and may be enforced as fully and effectively as if, instead of the Regional Council, the Company had been a party thereto.

Proceedings not to abate

5. All legal and other proceedings begun before the commencement of this Order and relating to any property or liabilities transferred to the Company under this Order may be carried on with the substitution of the Company as a party to the proceedings in lieu of the Regional Council and any such proceedings may be amended in such manner as may be necessary for that purpose.

Power to make agreements

6. Nothing in this Order shall affect the right of the Regional Council and the Company to enter into an agreement for the purpose of regulating the responsibility as between them selves for any liabilities or obligations transferred to the Company by article 4 or 5 above.

Harbour jurisdiction

7.—(1) The Company shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Harbours Act 1964, and the powers of the harbourmaster shall be exercisable within—

(a) the area lying below the level of high water commencing at a point 46 metres westsouth-west of Armadale Estates Pier on the level of high water latitude 57° 03.964"N, longitude 5° 53.770"W; thence in a south-south-easterly direction for a distance of 53 metres to a point latitude 57° 03.941"N, longitude 5° 53.733"W; thence in an eastnorth-easterly direction for a distance of 128 metres to a point latitude 57° 03.976"N, longitude 5° 53.627"W; thence in an east-south-easterly direction for a distance of 145 metres to a point latitude 57° 03.943"N, longitude 5° 53.498"W; thence in a southsouth-easterly direction for a distance of 113 metres to a point latitude 57° 03.904"N, longitude 5° 53.448"W; thence in a west-south-westerly direction for a distance of 180 metres to a point latitude 57° 03.849"N, longitude 5° 53.606"W; on the level of high water 60 metres south-south-east of the Armadale Pier, and

(b) the harbour premises.

(2) The Company shall, within the harbour area, be a local lighthouse authority within the meaning of section 634 of the Merchant Shipping Act 1894(5).

Power to maintain harbour premises

8. Subject to the provisions of this Order, the Company may maintain the harbour premises.

Application of Order of 1991

9.—(1) The Order of 1991, so far as it is applicable for the purposes and is not inconsistent with or varied by this Order, shall apply to the undertaking subject as provided in paragraph (2) below, and for that purpose is incorporated with this Order.

(2) In its application to the undertaking, the Order of 1991 shall have effect subject to the following modifications:—

- (a) sections 3, 10, 12, 14, 26, 42 and 64 shall not apply;
- (b) for references to “a harbour area”, “any harbour area”, “any of the harbour areas” and “each harbour area” there shall be substituted references to “the harbour area” (as defined in article 2(1) above), and for references to “the Council” there shall be substituted references to “the Company”;
- (c) references to the 1991 Order shall, unless the context otherwise requires, include references to this Order;
- (d) in section 2, the definitions of “the Council”, “harbour area”, “harbourmaster”, “harbour premises” and “the undertaking”, shall be omitted;
- (e) in section 11, subsection (6) shall be omitted;
- (f)
 - (i) in section 32(2), paragraphs (q) and (s) shall be omitted;
 - (ii) in section 32(3)(c), the words “harbour areas, or for different” shall be omitted; and
 - (iii) in section 32, subsection (4) shall be omitted.

Confirmation of byelaws

10.—(1) The provisions of subsections (4) to (8), (10) and (12) of section 202 and section 203 of the Local Government (Scotland) Act 1973 shall apply to any byelaws made by the Company under the Order of 1991 as if the Company were a local authority, and in the application of the provisions of the said Act of 1973 the Secretary of State shall be the confirming authority and all byelaws and regulations which are in force at the undertaking at the date of this Order coming into force shall be deemed to be byelaws and regulations of the Company and shall continue in force until altered.

(2) Where the Secretary of State proposes to exercise the power of modification conferred on him by subsection (10) of the said section 202 and the modification appears to him to be substantial, he shall inform the Company and require it to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Company and by other persons who have been informed of it.

PART III

works

Power to construct works

11.—(1) Subject to the provisions of this Order, the Company may in the parish of Sleat, district of Skye and Lochalsh in the Highland region and on the foreshore and in the sea adjoining the same in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plan and sections construct, execute and maintain the works hereinafter described with all necessary works and conveniences connected therewith or incidental thereto that is to say:—

Work No.1

A causeway of solid construction providing an access way for vehicular traffic between the existing car park via the adjustable steel linkspan (Work No.2) and any ferry berthed at the existing pier, commencing at a point at NG 6393703800 on the island of Skye and extending through a curve in a generally east-north-easterly direction for a distance of 34.00 metres and there terminating at a point at NG 6396103820, having a width at the level of the metalled

carriageway generally of 10.00 metres but decreasing to 6.00 metres at its commencement with Work No.2 and surrounded on both its seaward faces by a rock-armoured slope.

Work No.2

An adjustable steel linkspan commencing at the termination of Work No.1 by a hinged connection and extending in a generally easterly direction for a distance of 36.00 metres and there terminating at a point at NG 6399403835 to form a link between any vessel and Work No.1 and including machinery for lifting and lowering the end adjoining the vessel, the width of the linkspan being 6.00 metres at its commencement and 8.00 metres at its termination.

Work No.3

Two fixed structures of solid construction for guiding the adjustable end of the steel linkspan (Work No.2) and supporting the cables for lifting and lowering the said linkspan; the centre of the northern structure being situated at a point at NG 6398503840, the northern structure having a maximum width of 5.00 metres and a length of 6.00 metres, and the centre of the southern structure being situated at a point at NG 6399103825, the southern structure having a maximum width of 5.00 metres and a length of 6.00 metres.

Work No.4

A dolphin of solid construction commencing at a point at NG 6401603831 and extending in an east-north-easterly direction for a distance of 10.00 metres and there terminating at a point at NG 6402703835 and having a width of 8.50 metres.

Work No.5

A concrete deck (of open construction supported on piles) connected to Work No.4 and the existing pier head providing pedestrian access between any vessel and the said pier head, commencing at the termination of Work No.4 and extending in an east-north-easterly direction for a distance of 20.00 metres and there terminating at a point at NG 6404403844, and having a width of 6.50 metres.

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

Power to deviate

12. Subject to the provisions of this Order, in the construction or execution of the works authorised by article 11 above the Company may deviate laterally from the lines or situations thereof shown on the deposited plan 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 3 metres upwards and to any extent downwards.

Subsidiary works

13. Subject to the provisions of this Order, the Company, for the purposes of or in connection with the words authorised by article 11 above, may within the limits of deviation construct, execute and maintain all such subsidiary or incidental works and conveniences as may be necessary or expedient for or in connection with those works.

Period for completion of works

14. If the works are not completed within 10 years from the coming into force of this Order or such extended time as the Secretary of State may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for constructing and maintaining the works shall cease except as to so much thereof as shall then be completed.

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

PART IV

miscellaneous

Repeal

15. The description of the limits of the Armadale harbour area contained in Schedule 1 to the Order of 1991 is hereby repealed.

St Andrew's House,
Edinburgh
11th December 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to and vests in Caledonian MacBrayne Limited the Armadale harbour undertaking on the Island of Skye together with all rights, interests and privileges at present vested in or used by Highland Regional Council in relation to that undertaking (including the provisions of the Highland Regional Council (Harbours) Order 1991 so far as applicable to Armadale). Highland Regional Council are the present undertakers at Armadale by virtue of section 154 of the Local Government (Scotland) Act 1973. Provision is made for all conveyances, contracts, agreements or deeds entered into by Highland Regional Council in relation to that undertaking to remain binding and in full force against or in favour of the Company and for all legal or other proceedings in relation to that undertaking to be carried on with the substitution of the Company as a party to the proceedings in lieu of Highland Regional Council. This Order also provides that sections 202 and 203 of the Local Government (Scotland) Act 1973 shall apply to byelaws for the harbour undertaking made by the Company and that byelaws and regulations in force when this Order comes into operation shall continue in force.

The area within which the Company will exercise jurisdiction as a harbour authority will remain as set out in the said Order of 1991.

The Company is also empowered to construct works to enable roll-on/roll-off facilities to be provided at Armadale.

This Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Acts of 1945 and 1965 determine the date upon which it comes into force. The applicants for this Order are Caledonian MacBrayne Limited, The Ferry Terminal, Gourock, PA19 1QP.