



# Western Isles Council (Berneray Causeway) Order Confirmation Act 1996

## 1996 CHAPTER xiii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Western Isles Council (Berneray Causeway).  
[18th December 1996]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen'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 Confirmation of Order in Schedule**

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

### **2 Short title**

This Act may be cited as the Western Isles Council (Berneray Causeway) Order Confirmation Act 1996.

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## SCHEDULE

### WESTERN ISLES COUNCIL (BERNERAY CAUSEWAY)

*Provisional Order to authorise the Western Isles Council to construct a causeway for pedestrian and vehicular traffic between the islands of North Uist and Berneray in the Western Isles Area.*

#### WHEREAS—

- (1) Under the Local Government etc. (Scotland) Act 1994 the Western Isles Council (hereinafter referred to as “the Council”) are the local authority vested with the functions of an islands council in respect of the Western Isles Area which includes the islands of North Uist and Berneray:
- (2) The inhabitants of the island of Berneray experience isolation and hardship due to the lack of convenient communication across the Sound of Berneray between that island and the island of North Uist and accordingly experience difficulty in transporting building materials, equipment, livestock and vehicles to and from the island of Berneray:
- (3) It is the Council’s policy to maintain remote communities and to procure that wherever possible they have reasonable access to the more populated and better provided-for localities within the islands:
- (4) It is also the Council’s policy to improve communications across the Sound of Harris to provide a link between the major population groupings of Lewis and Harris in the north of their area and the Uists in the south:
- (5) The Council are the body statutorily responsible for the provision of roads in the Western Isles Area:
- (6) The Council accordingly desire to construct between the islands of North Uist and Berneray a causeway across waters lying below the level of low water which will, in their opinion, help to maintain the present population of Berneray, relieve their hardship and also facilitate the introduction of a shorter and more frequent ferry service across the Sound of Harris:
- (7) A plan and sections showing the lines, situations and levels of the works proposed to be authorised by this Order have been deposited with the sheriff clerk of the sheriff court district of Lochmaddy at Lochmaddy:
- (8) The purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

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## PART I

### PRELIMINARY

#### *Short title*

- 1 This Order may be cited as the Western Isles Council (Berneray Causeway) Order 1996.

#### *Interpretation*

- 2 (1) In this Order, except where the context otherwise requires—  
“the authorised works” means the works (or any of them) described in, and authorised by, section 3 below and includes such works as renewed, replaced or altered under section 4 below, and any works constructed or executed under section 6 below;  
“the Council” means the Western Isles Council;  
“the deposited plan” and “the deposited sections” mean respectively the plan and sections deposited on or before 20th November 1995 in Parliament, with the proper officer of the Council and with the sheriff clerk of the sheriff court district of Lochmaddy in connection with the application for this Order;  
“the level of high water” means the level of mean high-water springs;  
“the limits of deviation” means the limits of deviation shown on the deposited plan;  
“tidal work” means so much of any of the authorised works as are on, under or over tidal waters or tidal lands below the level of high water.
- (2) All directions, distances, lengths and widths stated in any description of works, powers or lands other than in section 5 below shall be construed as if the words “or thereby” were inserted after each such direction, distance, length and width.
- (3) Map reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

## PART II

### WORKS

#### *Power to construct works*

- 3 Subject to the provisions of this Order, the Council may, in the lines and situations and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections, construct, execute and maintain the work hereinafter described, with all necessary works and conveniences connected therewith in the parishes of North Uist and Harris in the Western Isles Area, that is to say—  
A causeway providing an accessway for pedestrian and vehicular traffic between the islands of North Uist and Berneray commencing at a point at NF9074479389 on the island of North Uist and extending in a generally east-north-easterly direction for a distance of 569 metres and thence through a curve in a generally north-north-easterly direction for a distance of 299 metres and

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there terminating at a point at NF9140379924 on the island of Berneray having a width at the level of the metalled carriageway of 10 metres constructed on a mound of broken rock protected on each seaward face by rock armour.

*Power to renew, etc., works*

- 4 Subject to the provisions of this Order the Council may, within the limits of deviation, renew, replace, or otherwise alter temporarily or permanently the authorised works.

*Power to deviate*

- 5 Subject to the provisions of this Order, in the construction or execution of the authorised works the Council 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 in the deposited sections to any extent not exceeding 3 metres upwards and to any extent downward.

*Subsidiary works*

- 6 Subject to the provisions of this Order the Council, for the purposes of or in connection with the authorised works, may within the limits of deviation construct, execute and maintain all such subsidiary works and conveniences as may be necessary or expedient for or in connection with the authorised works.

*Works deemed to be within Western Isles Area*

- 7 So much of the authorised works constructed or executed pursuant to this Order as are not within the Western Isles Area shall be deemed for all purposes to be within that Area.

### **PART III**

#### **MISCELLANEOUS**

*Tidal works not to be executed without approval of Secretary of State*

- 8 (1) A tidal work shall not be constructed, executed, renewed, replaced or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.
- (2) If a tidal work is constructed, executed, renewed, replaced or altered in contravention of this section—
- (a) the Secretary of State may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
  - (b) if it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;