



Highland Regional Council (Wester Bridge) Order Confirmation Act 1993

1993 CHAPTER xii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Highland Regional Council (Wester Bridge).
[27th July 1993]

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 Highland Regional Council (Wester Bridge) Order Confirmation Act 1993.

Status: This is the original version (as it was originally enacted).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

SCHEDULE

HIGHLAND REGIONAL COUNCIL (WESTER BRIDGE)

Provisional Order to authorise The Highland Regional Council to acquire lands; to construct and maintain a new bridge at Wester in Caithness being part of the A9 Wick to John O'Groats road and to construct other related works; to confer power to close the bridge to traffic; and for other purposes.

“WHEREAS—

- (1) Under the Local Government (Scotland) Act 1973 The Highland Regional Council (hereinafter referred to as “the Council”) are the local authority vested with the functions of a regional council for the area of Highland Region and by virtue of section 133 of the said Act the Council are vested with all the functions of a local roads authority for the said area:
- (2) It is expedient that the Council should be authorised to close the A9 Wick to John O'Groats road at Wester Bridge to the public when necessary to facilitate the operations of Rockwater Limited or their successors from time to time as operators of the pipeline bundle fabrication site at Wester in Caithness district and for that purpose to construct a new bridge and related works as aforesaid and to exercise the other powers conferred on the Council by this Order:
- (3) It is one of the Council's functions to promote and give assistance to industry, and thus to preserve and further the welfare and prospects of employment of the Region's inhabitants:
- (4) It would be of great social and economic benefit to the community if the powers contained in the Order were granted:
- (5) It is expedient that the various powers sought by the Council should be taken and considered together:
- (6) Estimates have been prepared of the cost of acquisition of lands and servitudes for, and the execution of, the works authorised by this Order and such estimates are as follows:—

Purchase of lands and servitudes	£ 10,000
Works	£900,000:

- (7) It is expedient that other powers should be conferred on the Council in relation to the works and the other provisions hereinafter contained should be enacted:
- (8) Plans and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order, with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may have to be taken for the purposes or under the powers of this Order, have been deposited with the sheriff clerk of the sheriff court district of Wick and such plans, sections and book of reference are respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:
- (9) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

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Now, therefore, in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I

PRELIMINARY

Short title

1 Short title

This Order may be cited as the Highland Regional Council (Wester Bridge) Order 1993.

Interpretation

2 Interpretation

(1) In this Order, except where the context otherwise requires—

“A9 road” means the A9 Wick to John O’Groats road;

“Council” means The Highland Regional Council;

“deposited plans” and “deposited sections” mean respectively the plans and sections deposited in connection with this Order showing the lines, situations and levels of the works to be constructed under the powers of 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 plans;

“new bridge” means the new bridge to be constructed and more particularly described in Work No. 2;

“sheriff” means any of the sheriffs appointed for the Wick sheriff court district;

“sheriff clerk” means the sheriff clerk of the Wick sheriff court district;

“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;

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

“footpath”, “footway”, “road”, “traffic” and “telecommunication apparatus” have the same meanings respectively as in the Roads (Scotland) Act 1984.

(2) All directions, distances, lengths and widths stated in any description of works, powers or lands other than in section 18 (Power to deviate) of this Order shall be construed as if the words “or thereby” were inserted after each such direction, distance, length and width.

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Incorporation of Acts

3 Incorporation of Acts

- (1) The following Acts, so far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order, are incorporated with this Order, that is to say:—

the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845).

- (2) In construing, for the purposes of this Order the enactments incorporated with this Order—
- (a) this Order shall be deemed to be the special Act;
 - (b) the Council shall be deemed to be the promoters of the undertaking or the company, as the case may be.

PART II

LANDS

Power to take lands

4 Power to take lands

Subject to the provisions of this Order, the Council may enter upon, take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works, including the improvement and development of any lands fronting or abutting on or adjacent to any road or for the purposes of recoupment, reinstatement or exchange or for any other purposes of this Order.

Power to acquire servitudes compulsorily in certain cases

5 Power to acquire servitudes compulsorily in certain cases

Notwithstanding anything in this Order or in any Act wholly or partly incorporated herewith, the Council may, instead of acquiring any land that they are authorised to acquire compulsorily under this Order, purchase and acquire compulsorily such servitudes or rights over or in any such lands as they may require for the purpose of constructing, maintaining, renewing and using or removing the works or for the purpose of obtaining access to the works without the Council being obliged or compelled to purchase any greater interest in, under or over the same, and the provisions of the Lands Clauses Acts shall extend and apply to such servitudes and rights as if the same were lands within the meaning of those Acts.

Persons under disability may grant servitudes, etc

6 Persons under disability may grant servitudes, etc

- (1) Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may, if they think fit, subject to the provisions of those Acts and of this Order, grant to the Council any servitude, right or privilege, (not being a servitude, right or privilege

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of water in which persons other than the grantors have an interest) required for any of the purposes of this Order in, over or affecting any such lands.

- (2) The provisions of the said Acts with respect to lands and feuduties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes, rights and privileges as aforesaid respectively.

Extinction of rights of way over lands acquired

7 Extinction of rights of way over lands acquired

- (1) All rights of way and rights of access over any lands which may under the powers of this Order be acquired compulsorily shall as from the date of such acquisition whether compulsorily or by agreement be extinguished.
- (2) The Council shall make compensation to all parties interested in respect of any such rights.
- (3) Such compensation, in the case of difference, shall be determined in accordance with the provisions of the Land Compensation (Scotland) Act 1963.

Power of entry on lands compulsorily acquired

8 Power of entry on lands compulsorily acquired

Subject to the provisions of this Order, where the Council are by this Order authorised to purchase land compulsorily then at any time after notice to treat has been served, they may, after giving to the owner and occupier of the land not less than 14 days' notice in writing enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with provisions of sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845, but subject to payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable had those provisions been complied with.

Set-off of betterment against compensation

9 Set-off of betterment against compensation

In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Order in a case where—

- (a) he has an interest in any other land contiguous with or adjacent to the land so acquired, and
- (b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Order or any of them,
- the amount of the enhancement in value shall be set off against the compensation or purchase money.

Agreements with owners of property

10 Agreements with owners of property

Notwithstanding anything in this Order, the Council may, subject to the provisions of this Order, in connection with the powers granted to them thereby, enter into and carry into effect agreements with any owners of property or other persons interested in lands or property any part of which is shown on the deposited plans, with respect to the