



Comhairle Nan Eilean Siar (Eriskay Causeway) Order Confirmation Act 2000

2000 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Comhairle Nan Eilean Siar (Eriskay Causeway). [10th February 2000]

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 Comhairle Nan Eilean Siar (Eriskay Causeway) Order Confirmation Act 2000.

Status: This is the original version (as it was originally enacted).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

SCHEDULE

COMHAIRLE NAN EILEAN SIAR (ERISKAY CAUSEWAY)

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Provisional Order to authorise Comhairle Nan Eilean Siar to construct a causeway for pedestrian and vehicular traffic between the islands of South Uist and Eriskay in na h'Eileanan an Iar; to acquire lands; and for connected purposes.

WHEREAS—

- (1) Under the Local Government etc. (Scotland) Act 1994 Comhairle Nan Eilean Siar (hereinafter called “the Comhairle”) are the local authority vested with the functions of a council in respect of the administrative area known as na h'Eileanan an Iar which includes the islands of South Uist and Eriskay:
- (2) The inhabitants of the island of Eriskay suffer hardship and difficulty due to the lack of proper communication across the Sound of Eriskay between that island and the island of South Uist and accordingly experience difficulty in transporting building materials, equipment, livestock and vehicles to and from the island of Eriskay:
- (3) It is the Comhairle’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) The Comhairle are the body statutorily responsible for the provision of roads in na h'Eileanan an Iar:
- (5) The Comhairle accordingly desire to construct between the islands of South Uist and Eriskay a causeway across waters now lying below the level of low water and related works which will, in their opinion, help to maintain the present population of Eriskay and will also relieve hardship:
- (6) A plan and sections showing the lines or situations and levels of the works proposed to be authorised by this Order, such plan showing also the lands which may be compulsorily acquired or used under the powers of this Order, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of all such lands, have been deposited with the sheriff-clerk of the sheriff court district of Lochmaddy at Lochmaddy:
- (7) 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 Short title

This Order may be cited as the Comhairle Nan Eilean Siar (Eriskay Causeway) Order 2000.

Interpretation

2 Interpretation

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

“the authorised works” means the works (or any of them) authorised by section 4 below and includes such works as renewed, replaced or altered under section 5 below, and any works constructed or executed under section 7 below;

“the Comhairle” means the Comhairle Nan Eilean Siar;

“the deposited plan”, “the deposited sections” and “the deposited book of reference” mean respectively the plan, sections and book of reference duly deposited in Parliament, with the proper officer of the Comhairle 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;

“reference point” means Ordnance Survey National Grid reference point; and

“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 in this Order shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, length and width.

(3) 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.

(4) References in this Order to points identified by letters shall be construed as references to the points so lettered on the deposited plan.

(5) References in this Order to access to any place shall include reference to egress from that place.

Incorporation of Lands Clauses Acts

3 Incorporation of Lands Clauses Acts

The Lands Clauses Acts, except sections 120 to 124 and 127 of the Lands Clauses Consolidation (Scotland) Act 1845, are hereby incorporated with this Order and in construing the provisions so incorporated the expression “the special Act” shall mean this Order.

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PART II

WORKS

Power to construct works, etc

4 Power to construct works, etc

Subject to the provisions of this Order, the Comhairle 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 in the Lochboisdale and Eriskay Electoral Division, parish of South Uist in na h'Eileanan an Iar the works described in Schedule 1 to this Order with all necessary works and conveniences connected therewith.

Power to renew, etc., works

5 Power to renew, etc., works

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

Power to deviate

6 Power to deviate

Subject to the provisions of this Order, in the construction or execution of the authorised works the Comhairle 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

7 Subsidiary works

Subject to the provisions of this Order, the Comhairle, 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 na h'Eileanan an Iar

8 Works deemed to be within na h'Eileanan an Iar

So much of the authorised works constructed or executed pursuant to this Order as are not within na h'Eileanan an Iar shall be deemed for all purposes to be within that area.

Temporary use of land

9 Temporary use of land

The provisions set out in Schedule 2 to this Order shall have effect with respect to the temporary use of land by the Comhairle.