
STATUTORY INSTRUMENTS

1992 No. 1136

HARBOURS, DOCKS, PIERS AND FERRIES

The Harwich Parkeston Quay Harbour Revision Order 1992

Made - - - - - *19th March 1992*

Coming into force - - - - - *20th March 1992*

Whereas the Secretary of State has, in pursuance of paragraph 1A of Schedule 3 to the Harbours Act 1964(1), determined that the application for this Harbour Revision Order is made in relation to a project whose characteristics require that it should be made subject to an environmental assessment and has directed the applicant to supply him with the information referred to in sub-paragraph (2) of that paragraph;

And whereas he has, in accordance with paragraph 3A of the said Schedule, furnished bodies appearing to him to have environmental responsibilities with the information supplied to him under paragraph 1A of that Schedule and has consulted such bodies;

And whereas he has considered the said information;

And whereas the making of this Order is not opposed;

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

Citation and commencement

1. This Order may be cited as the Harwich Parkeston Quay Harbour Revision Order 1992 and shall come into force on 20th March 1992.

Interpretation

2.—(1) In this Order:

“the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847(3);

“the Act of 1983” means the Parkeston Quay Act 1983(4);

(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; Schedule 3 was also amended by the Harbour Works (Assessment of Environmental Effects) Regulations 1988 (S.I.1988/1336).

(2) S.I. 1981/238.

(3) 1847 c. 27.

(4) 1983 c.vi.

“the Company” means Sealink Harbours Limited;

“deposited plans and sections” means the plans and sections prepared in triplicate, signed by an Assistant Secretary in the Department of Transport and marked “Harwich Parkeston Quay Harbour Revision Order 1992”, of which two copies have been deposited at that Department and one copy has been deposited at the offices of the Company at Parkeston Quay, Harwich, Essex, CO12 4SR;

“harbour authority” has the same meaning as in the Harbours Act 1964;

“the harbour undertaking” means the undertaking of the Company authorised by the Harwich Parkeston Quay enactments;

“the Harwich Parkeston Quay enactments” means the enactments specified in the Schedule to this Order and 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;

“the limits of jurisdiction for Parkeston Quay” means the area of jurisdiction exercised from time to time under the Harwich Parkeston Quay enactments;

“the river” means the river Stour;

“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.

(2) This Order shall be read as if the words “or thereabouts” were inserted after each distance mentioned in article 3 (Power to construct works) of this Order.

(3) Unless the context otherwise requires—

(a) any reference in this Order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Order;

(b) map reference points specified in this Order are Ordnance Survey National Grid reference points.

Power to construct works

3.—(1) Subject to the provisions of this Order the Company may in the district of Tendring and in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections construct and maintain the works hereinafter described, together with all necessary and proper works and conveniences connected with or incidental thereto, that is to say:

Work No. 1

A jetty of open construction of reinforced concrete deck on tubular steel piles with berths and associated facilities for vessels commencing at a point 97 metres north-west of the south-western end of the approach viaduct to Parkeston Quay at a point at TM 2281132695, proceeding thence in a westerly direction for a distance of 236 metres and terminating at a point at TM 2257532695.

Work No. 2

A walkway and pipetrack trestle bridge commencing on the line of high water 55 metres south-west of the south-western end of the approach viaduct to Parkeston Quay at a point at TM 2280432568, proceeding thence in

a north westerly direction for a distance of 188 metres and terminating at a junction with Work No. 1 at a point at TM 2266632695.

(2) The Company may within the limits of deviation alter, replace or re-lay the works.

Period for completion of works

4. If the works are not completed before 1st March 2002 the powers by this Order granted to the Company for constructing the works shall on that day cease except as to so much thereof as is then substantially commenced.

Subsidiary works

5. Subject to the provisions of this Order, the Company may from time to time within the limits of deviation, construct and maintain all such necessary works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

Power to deviate

6. In constructing the works the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards.

Power to dredge

7.—(1) The Company may, subject to the consent required by article 10 (Crown rights) of this Order from time to time deepen, dredge, scour, cleanse, alter and improve the bed, channel and foreshore of the river in the vicinity of the works and the approaches thereto and blast any rock therein, for the purpose of constructing and maintaining the works and obtaining, preserving and improving uninterrupted access to and from the works.

(2) Any materials taken up or collected in the course of such operation shall (subject to the consent required by the said article 10) be the property of the Company and may be used, sold, removed, deposited or otherwise disposed of as the Company may think fit:

Provided that no such materials shall be deposited below the level of high water except in accordance with—

- (a) such conditions and restrictions as may be approved by the Secretary of State; and
- (b) Part II of the Food and Environment Protection Act 1985(5)

Application of works provisions of Act of 1983

8.—(1) The following provisions of the Act of 1983 shall, with the necessary modifications, apply to the works as they apply to the works authorised by that Act:

- Section 11 (Tidal works not to be executed without approval of Secretary of State);
- Section 12 (Survey of tidal works);
- Section 13 (Lights on tidal works during construction, etc.);
- Section 14 (Permanent lights on tidal works);

Section 15 (Abatement of works abandoned or decayed);

Section 16 (Provision against danger to navigation);

Section 17 (Defence of due diligence).

(2) Section 29 (For protection of conservancy and navigation in Harwich Harbour) of the Act of 1983 shall apply for the purposes of this Order subject to any necessary modifications, including the substitution, for the references therein to sections 5, 6 and 18 of the Act of 1983, of references to articles 5, 7 and 9 of this Order.

(3) In the provisions of the Act of 1983 as applied by this article “tidal work ” has the meaning given by article 2 of this Order.

Extent of Parkeston Quay and limits of jurisdiction

9.—(1) The works shall form part of Parkeston Quay and the provisions of the Great Eastern Railway Act 1874⁽⁶⁾ and all other provisions of the Harwich Parkeston Quay enactments shall (so far as the same are applicable and are not inconsistent with the provisions of this Order) apply as if the works had been the quay and connected works authorised by the said Act of 1874.

(2) The limits of jurisdiction for Parkeston Quay shall be extended to include the area specified in paragraph (3) below.

(3) In its application to the harbour undertaking the expression “the prescribed limits ” in the Act of 1847 shall include, in addition to the areas specified in section 9(3) of the Harwich Parkeston Quay Act 1988⁽⁷⁾ the area shown on the deposited plans and sections and marked “Limit of additional area of jurisdiction ”.

Crown rights

10.—(1) Nothing in this Order affects 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 in this Order authorises the Company to take, use, enter upon or in any manner interfere with any land or hereditaments (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her 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 paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Signed by authority of the Secretary of State for Transport

19th March 1992

H. B. Wenban-Smith
An Under Secretary in the
Department of Transport

(6) 1874 c.cxxviii.

(7) 1988 c.xxviii.

SCHEDULE

Article 2(1)

THE HARWICH PARKESTON QUAY ENACTMENTS

Chapter	Title of Act	Enactments
1874 c.cxxviii	Great Eastern Railway Act 1874.	Section 2 so far as it incorporates the Act of 1847, section 4 so far as it applies to the quay and connected works and operations thereby authorised, and sections 8, 13, 64 to 68 and 81 to 84.
1904 c.cviii.	Great Eastern Railway (General Powers) Act 1904.	Section 2 so far as it incorporates the Act of 1847, section 3, section 4 so far as it applies to Work (A) thereby authorised, and sections 5 and 7 to 18.
1931 c.xcii.	London and North Eastern Railway Act 1931.	Section 2, section 3 so far as it incorporates the Act of 1847, and sections 18 to 23, 26 and 47.
1966 c.xvii.	British Railways Act 1966.	Section 2, section 4 so far as it applies to Work No. 5 thereby authorised, sections 7 to 9 and 22 to 28.
1981 c.xxxv.	British Railways (No. 2) Act 1981.	Part V.
1983 c.vi.	Parkeston Quay Act 1983.	The whole Act.
1988 c.xxviii.	Harwich Parkeston Quay Act 1988.	The whole Act.

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order empowers Sealink Harbours Limited to construct a new jetty and oil tanker berth, together with a walkway and pipetrack trestle bridge at Parkeston Quay and carry out such dredging operations as may be necessary in connection with these works. The order also extends the limits of jurisdiction of Sealink Harbours Limited at Parkeston Quay.

The applicant for this Order is Sealink Harbours Limited.

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