
STATUTORY INSTRUMENTS

1993 No. 1313

The Margate Pier and Harbour Revision Order 1992

PART III

WORKS

Power to construct, etc., works

9.—(1) Subject to the provisions of this Order, the Company may (within the lines and situations shown on the deposited plan and within the limits of deviation and according to the levels shown on the deposited sections) construct and maintain in the harbour the following works:—

Work No. 1

A harbour arm comprising—

- (a) a bund commencing at point E on the deposited plan (being a point 194 metres from the base of the existing lighthouse) by a junction with the existing quay wall of the harbour at its southern end, passing north-west for a distance of 82 metres to point F on the deposited plan, then passing in a northerly direction for a distance of 103 metres to point G on the deposited plan and there terminating;
- (b) a retaining wall commencing at point M (being a point 188 metres from the base of the existing lighthouse) on the deposited plan by a junction with the said quay wall, passing north-north-west for a distance of 100 metres to a point L on the deposited plan, then passing due north for a distance of 48 metres to point K on the deposited plan and there terminating;
- (c) a quay wall commencing at points G-K on the deposited plan by a junction with the bund and retaining wall, passing north-east for a distance of 70 metres to point J on the deposited plan and there terminating 83 metres north-east of the seaward end of the Stone Pier; and
- (d) a reclamation area between the bund and retaining wall within points E, F, G, K, L and M on the deposited plan.

Work No. 2

Two stop gates and an associated relief weir across the newly formed harbour entrance at the termination of Work No. 1.

(2) The Company may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the authorised works.

Power to make subsidiary works

10. Subject to the provisions of this Order, the Company may from time to time erect, construct and maintain all such works, conveniences, appliances and apparatus as they from time to time deem

necessary or convenient for the purposes of or in connection with or incidental to the construction, maintenance and use of the authorised works or the accommodation of vessels thereat.

Power to deviate

11. In constructing the authorised works 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 two metres upwards and to such extent downwards as may be found necessary or convenient.

Power to dredge

12.—(1) The Company may from time to time deepen, dredge, scour, cleanse and improve the bed of the sea and foreshore adjoining or near to the authorised works for the purpose of affording uninterrupted means of access thereto or the accommodation of vessels within the harbour.

(2) All materials dredged up or removed by the Company in exercise of the powers of this article shall be the property of the Company and may be used, sold, deposited or otherwise disposed of as the Company think fit:

Provided that no such materials shall be laid down or deposited in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Secretary of State.

Fine for obstructing works

13. Any person who intentionally obstructs any person acting under the authority of the Company in setting out the lines of the authorised works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale, and shall in addition be liable to repay to the Company as a liquidated debt any expenses incurred by them in making good such damage.

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

14.—(1) A tidal work shall not be constructed, altered, enlarged, replaced, relaid, extended or reconstructed 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, altered, enlarged, replaced, relaid or extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

(a) the Secretary of State may by notice in writing require the Company 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 Company 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 remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Company.

Provision against danger to navigation

15.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, the Company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights

and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If the Company fail to notify Trinity House as required by this article or to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed

16.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Company at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Company, they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Company.

Survey of tidal works

17. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.

Permanent lights on tidal work

18.—(1) After the completion of a tidal work the Company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If the Company fail to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine:

Provided that it shall be a defence for the Company to prove that all due diligence was used to secure compliance with any such direction.

Lights on tidal works during construction

19.—(1) The Company shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) If the Company fail to comply in any respect with a direction given under this Article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine:

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Provided that it shall be a defence for the Company to prove that all due diligence was used to secure compliance with any such direction.