
STATUTORY INSTRUMENTS

1993 No. 1313

The Margate Pier and Harbour Revision Order 1992

PART IV

JURISDICTION AND GENERAL POWERS

Jurisdiction of Company

20. The company shall have authority and may exercise their powers within the harbour.

General powers of Company in respect of harbour

21.—(1) The Company may, subject to the provisions of this Order, take such steps from time to time as they may consider necessary for the improvement, maintenance and management of the harbour and the facilities afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Company may—

- (a) improve, maintain, regulate, manage, mark and light the harbour;
- (b) alter, demolish and reconstruct structures and works in the harbour; and
- (c) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the harbour.

(3) The Company shall not exercise the powers of paragraph (2)(b) above in respect of the Stone Pier without the written consent of the coast protection authority except in case of emergency, when the Company shall as soon as reasonably practicable notify the coast protection authority of the exercise of the powers and shall comply with all reasonable requirements of the coast protection authority as to the works carried out.

Power to provide boating facilities

22. Notwithstanding interference with public rights of navigation but subject to sections 34 to 36 of the Coast Protection Act 1949 and to the provisions of this Order the Company may construct, lay down, maintain and operate in the harbour such works for the provision of boating or marina facilities as they may consider requisite.

Preferential use of harbour facilities

23. The Company may appropriate facilities within the harbour for the preferential use of any vessel or class of vessels.

Powers as to moorings etc.

24.—(1) The Company may provide, place, lay down, maintain, use and have moorings for vessels and houseboats on land owned or leased by the Company or in which they hold an appropriate

interest and on any other land with the consent in writing of the owner and lessee thereof in the harbour.

(2) The Company may demand, receive and recover in respect of any vessel or houseboat using any of the moorings provided under this article or moored to land owned or leased by the Company such reasonable charges as the Company may from time to time prescribe.

(3) The Company may compound with any person with respect to the payment of the charges prescribed under paragraph (2) above.

- (a) (4) (a) The Company may give notice in writing to the person having the control of any vessel or houseboat using any mooring in the harbour at the commencement of this Order requiring him within 28 days to remove the mooring so as to enable the Company to provide, place or lay down moorings in accordance with paragraph (1) above;

Provided that the Company shall offer to make available to the person having the control of the vessel or houseboat referred to in the notice a mooring provided by them under paragraph (1) as soon as such mooring has been laid down.

- (b) If any person fails to comply with a notice given by the Company under this paragraph the Company may at any time after the expiration of 28 days from the date of the giving of the notice remove the mooring referred to in that notice.

- (a) (5) (a) The Company may from time to time grant licences to any person to place, lay down, maintain, use and have existing and future moorings, for vessels and houseboats in the harbour;

Provided that nothing in any such licence shall entitle a person to place, lay down, maintain, use and have any mooring on land not owned or leased by him or by the Company or in which he has no appropriate interest;

- (b) Any licence granted under sub-paragraph (a) above shall be valid only for a period of one year commencing with its date.
(c) The Company may charge for a licence granted under sub-paragraph (a) above such reasonable fee as the Company may from time to time prescribe.

(6) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Company in setting out moorings; or
(b) intentionally and without lawful authority pulls up or removes any mooring or any part thereof; or
(c) without reasonable excuse causes or permits a vessel to be moored at a mooring except at a mooring provided or licensed by the Company under this article or at a quay, jetty, slipway or other work or to land owned or leased by the Company; or
(d) places, lays down or maintains any mooring not provided or licensed by the Company under this article;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) If any person contravenes paragraph (6)(d) above the Company may remove the mooring in question and recover from that person the expenses incurred in doing so.

(8) In this article “mooring” includes any buoy, pile, post, chain, pillar or like apparatus or convenience used for the mooring of vessels.

Power to remove goods

25.—(1) If any goods are left in any part of the harbour the Company may require the owner of the goods to remove them, and if the goods are not so removed within six hours after such requirement or, in any case where it is not reasonably practicable to contact the owner of the goods, within six hours after leaving a notice on the goods requiring their removal the Company may cause them to be removed to their own or any other public warehouse or store and such removal shall be carried out at the expense and risk of the owner.

(2) In this article “goods” does not include fish or fishing tackle.

Power to give directions as to loading or unloading of certain goods

26.—(1) The Company may by resolution designate any part of the harbour for the loading and unloading of any goods to which this article applies.

(2) Where pursuant to paragraph (1) above the Company have designated a place for the loading or unloading of goods of any description the harbour master may direct that goods of the description, intended to be loaded onboard or unloaded from a vessel, shall not be deposited or received elsewhere than at the place so designated, and in the event of any person disobeying any such direction the Company may remove the goods to the place so designated, and any expense incurred by them in so doing shall be recoverable from that person.

(3) The goods to which this article applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Company, to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, property or water or to necessitate the provision of special facilities for the handling thereof or for the safety, protection, welfare or accommodation of persons employed in, or in connection with, such handling but not including fish or fishing tackle.

Parking places

27. The Company may provide facilities within the harbour for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms, and other conveniences and may make reasonable charges for the use of such facilities.

Removal of vehicles, etc.

28.—(1) If a vehicle or boat is left without the permission of the Company—

- (a) in any place where it is likely to obstruct or interfere with the use of the harbour; or
- (b) in any part of the harbour where the parking of vehicles or boats is prohibited by notice erected by the Company;

the Company may, at the risk of the owner, remove the vehicle or boat or cause it to be removed.

(2) Any notice erected under paragraph (1)(b) above shall be conspicuously posted in or close to the place to which it relates.

- (a) (3) (a) Where the Company in exercise of the powers of this article remove a vehicle or boat or cause it to be removed they shall as soon as practicable inform the police.
- (b) The expense of and incidental to the removal of a vehicle or boat under this article shall be recoverable from any person responsible.

(4) For the purposes of paragraph (3) above “person responsible” has the same meaning as in section 102(8) of the Road Traffic Regulation Act 1984(1).

(5) If the Company in exercise of the powers of this article remove a vehicle to a place not readily visible from the place whence it is so removed they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971⁽²⁾ or any other regulations having the like effect for the time being in force, at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this article and of the place to which the vehicle has been removed.

(6) A notice stating the general effect of paragraph (1) above shall be displayed in a prominent position at each place where a road accessible to vehicle enters any part of the harbour.

Byelaws as to harbour

29.—(1) Subject to the provisions of this Order the Company may make, in relation to the harbour, byelaws for all or any of the following purposes—

- (a) for regulating the exercise of the powers vested in the harbour master;
- (b) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour;
- (c) for regulating the conduct of all persons in the harbour, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (d) for regulating the placing and maintenance of moorings;
- (e) for preventing and removing obstructions or impediments within the harbour;
- (f) for regulating the launching of vessels within the harbour;
- (g) for regulating or preventing the use in the harbour or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the Company consider involves a risk of fire;
- (h) for prohibiting the use of or regulating the movement, speed and parking of vehicles within the harbour;
- (i) for requiring the use of effectual silencers and the control of noise generally on vessels in the harbour;
- (j) for regulating vessels in the harbour and their entry into and departure from the harbour and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;
- (k) for prescribing the lights and signals to be exhibited or made—
 - (i) by vessels aground within the harbour;
 - (ii) by devices used for marking obstructions within the harbour;
 - (iii) at the entrance to any pier or other work for assisting the navigation or mooring within the harbour;
- (l) for regulating—
 - (i) fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, or other installation or structure of any kind within the harbour;
 - (ii) or preventing bathing, and for securing the protection of bathers, within the harbour;
 - (iii) or preventing the use by vehicles of the foreshore;

(2) S.I.1971/450.

(m) for preventing the disposal of any waste matter except at places or in a manner prescribed by the Company.

(2) In this article “signals” include sound signals and different byelaws may be made under this article in relation to different classes of vessels and vehicles.

(3) Byelaws made under this article may provide for the imposition on any person offending against any byelaws of a fine on summary conviction not exceeding level 4 on the standard scale.

Confirmation of byelaws and fines thereunder

(a) **30.** (1) (a) All byelaws made by the Company under this Order shall be subject to the provisions contained in subsections (3) to (8) of section 236 and section 238 of the Local Government Act 1972⁽³⁾ and those sections shall for the purposes of this article be construed as if the Company were a local authority within the meaning of the said Act of 1972 and the reference to “the proper officer of the authority” included a reference to the Secretary of the Company.

(b) In its application to byelaws made by the Company subsection (7) of the said section 236 shall be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs:

Provided that where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Company and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Company and by other persons who have been informed of it.

(2) The confirming authority for the purposes of this article and of the said section 236 in its application to the Company shall be the Secretary of State.

Power to grant tenancies and to dispose of land

31.—(1) The Company may grant licences, tenancies and leases of land within the harbour so far as they consider desirable in the interests of efficient and economical management of the harbour for any term.

(2) The Company may also dispose of any interest in land within the harbour which they consider to be surplus to that required by them for the purposes of the undertaking.