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STATUTORY INSTRUMENTS

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**1993 No. 2733**

**The Portsmouth Mile End Quay (Berth No. 2  
Extension) Harbour Revision Order 1993**

**Incorporation of Act of 1847**

3.—(1) Subject to paragraph (2) below, the Act of 1847 (except sections 6 to 13, 16 to 20, 23, 25 to 27, 31, 48, 49, 50, 67, 81, 82, 84 to 90, 95, 97 and 98 and so much of the proviso to section 83 as follows the words “the special Act”), so far as the same is applicable for the purposes of and is not inconsistent with, or varied by, the provisions of this Order, is hereby incorporated with this Order.

(2) In the Act of 1847 as so incorporated—

- (a) section 15 shall have effect as if, for the words from “shall forfeit” to the end of the section, there were substituted the words “shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (b) section 34 shall have effect as if, after the word “may”, there were inserted the words “(on producing, if so required, a duly authenticated document showing his authority)”;
- (c) section 63 shall have effect as if the words “and a further sum of twenty shillings for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition” were omitted; and
- (d) section 69 shall have effect as if for the words from “shall forfeit” to the end of the section there were substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(3) In the construction of the Act of 1847 as so incorporated the expression “the special Act” shall mean this Order, and the expression “vessel” shall have the meaning assigned to it by article 2(1) of this Order.

- (a) (4) (a) For the purposes of section 83 of the Act of 1847 as so incorporated, sections 236 to 238 of the Local Government Act 1972(1) shall apply to this Order as if it were such an enactment as is referred to in the said section 236, and
  - (i) for the purposes of the said section 236 the confirming authority for byelaws made under the said section 83 shall be the Secretary of State; and
  - (ii) the said section 236 shall have effect as if in subsection (7) thereof after the word “confirm” where it first occurs the words “with or without modification” were inserted.
- (b) If the Secretary of State, on considering byelaws made by the Council relating to the Mile End Quay undertaking and submitted under the said section 236 as having effect in accordance with paragraph (a) above, proposes to make a modification which appears to him to be substantial, then
  - (i) he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification; and

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- (ii) he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the Council and other persons who have been informed of the proposed modification to consider and comment on it.