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STATUTORY INSTRUMENTS

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**1994 No. 1693**

**The North Killingholme Haven  
Harbour Empowerment Order 1994**

**PART III  
WORKS**

**Power to construct works**

5.—(1) Subject to the provisions of this Order, the Company may, in the lines or situations and within the limits of deviation and according to the levels shown on the deposited sections, make and maintain the works hereinafter described, in the district of Glanford, with all necessary works and conveniences connected therewith—

*Work No. 1*

A fixed jetty of open construction with bearing piles, breasting and mooring structures, ramps and pontoons, and a reinforced concrete and steel platform commencing at point TA 1667020702 and terminating at point TA 1699420291, and having an overall length of 523 metres and an overall width of 104 metres.

*Work No. 2*

An approach bridge to Work No. 1 of open construction with bearing piles and a reinforced concrete and steel platform, commencing at point TA1653220264 and terminating at point TA1678820467, and having an overall length of 327 metres and an overall width of 40 metres.

(2) Subject to the provisions of this Order, the Company may within the limits of deviation reconstruct, renew, alter, extend, enlarge, add to, replace or relay the works and may maintain the same as reconstructed, renewed, altered, extended, enlarged, added to, replaced or relaid.

(3) The points specified in paragraph (1) above are Ordnance Survey National Grid reference points.

**Power to deviate**

6. In the construction of the works the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding 3 metres upwards and to any extent downwards as may be found necessary or convenient.

**Subsidiary works**

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

### **Period for commencement of works**

8. If the works are not commenced within ten years from the coming into force of this Order or such extended time as the Secretary of State may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining the works shall cease.

### **Works to be within county of Humberside etc.**

9.—(1) So much of the works as are beyond mean low water shall be deemed to be within—

- (a) the county of Humberside;
- (b) the district of Glanford;
- (c) the petty sessional division of Barton on Humber;
- (d) the Ferry electoral division; and
- (e) the Humber ward.

(2) During the period between the coming into force of this Order and the date when the works have been completed each of the areas mentioned in paragraph (1) above shall be deemed to include all lands beyond mean low water which are within the limits of deviation.

(3) Nothing in this article shall require the performance of any functions under the Ordnance Survey Act 1841(1) until the Company have certified in writing to the Director General of Ordnance Survey that the works have been completed.

### **Power to dredge**

10.—(1) Subject to article 25 (Crown rights) of this Order, the Company may, for the purposes of constructing and maintaining the works from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels of the river as adjoin or are near to the works and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894(2)) from time to time dredged by them.

(2) No materials so dredged, other than those dredged for the purpose of constructing the works or filling in and reclaiming from the harbour and foreshore so much of the harbour and foreshore as is situated within the limits of deviation, shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

(3) The Company shall not exercise the powers conferred on them by this article except with the written consent of A.B.Ports (which it shall not unreasonably withhold) and in accordance with such conditions and restrictions as may be reasonably prescribed by A.B.Ports.

### **Obstruction of works**

11. Any person who intentionally obstructs any person acting under the authority of the Company in setting out the lines of the works, or who interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall for every such offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(1) 1841 c. 30.

(2) 1894 c. 60.

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

12.—(1) A tidal work shall not be constructed, reconstructed, renewed, added to, extended, enlarged, altered, replaced or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, reconstructed, renewed, added to, extended, enlarged, altered, replaced or relaid in contravention of 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 take reasonable steps 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.

### **Lights on tidal works during construction**

13.—(1) The Company shall at or near a tidal work during the whole time of the construction, reconstruction, renewal, addition, extension, enlargement, alteration, replacement or relaying thereof or addition thereto, 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 or A.B.Ports or as, failing agreement between them, the Secretary of State shall from time to time direct.

(2) If the Company fail to comply with any requirement of a direction given under this article they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Provision against danger to navigation**

14.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Company shall as soon as reasonably practicable notify A.B.Ports and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as A.B.Ports shall from time to time direct.

(2) If the Company fail to notify A.B.Ports as required by this article or to comply with any requirement of a direction given under this article they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Abatement of works abandoned or decayed**

15.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State or A.B.Ports 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 or A.B.Ports or as, failing agreement between them, 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 a 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 or A.B.Ports 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 or A.B.Ports may execute the works specified in the notice and any expenditure incurred by him or A.B.Ports in so doing shall be recoverable from the Company.

#### **Survey of tidal works**

**16.** If the Secretary of State or A.B.Ports deems it expedient to do so, the Secretary of State or A.B.Ports may 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 or A.B.Ports in any such survey and examination shall be recoverable from the Company.

#### **Permanent lights on tidal works**

**17.—(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, if any, for the prevention of danger to navigation as A.B.Ports may 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 guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.