
STATUTORY INSTRUMENTS

1995 No. 422

HARBOURS, DOCKS, PIERS AND FERRIES

The Bristol City Docks (No. 2) Harbour Revision Order 1995

Made - - - - 21st February 1995

Coming into force - - 8th March 1995

Whereas the City Council of Bristol have applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas the Secretary of State for Transport has, in pursuance of paragraph 1A of Schedule 3 to the said Act(2), determined that the application is made in relation to a project which falls within Annex II to Council Directive 85/337/EEC(3) on the assessment of the effects of certain public and private projects on the environment but whose characteristics do not require that it should be made subject to an environmental assessment;

And whereas no objection to the application has been made pursuant to paragraph 3(a) of the said Schedule 3;

And whereas the Secretary of State for Transport is satisfied as mentioned in subsection (2)(b) of the said section 14;

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(4)), in exercise of the powers conferred by that section and now vested in him(5), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Bristol City Docks (No. 2) Harbour Revision Order 1995 and shall come into force on 8th March 1995.

Interpretation

2.—(1) In this Order—

(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, and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraphs 1 and 10.
(2) Paragraph 1A was inserted by the Harbour Works (Assessment of Environmental Effects) Regulations 1988 (S.I.1988/1336), regulations 3 and 4 and amended by S.I. 1992/1421.
(3) OJ No. L175, 5.7.85, p. 40.
(4) For the definition of "the Minister" (mentioned in section 14(7)), see section 57(1).
(5) S.I. 1981/238.

“the city” means the City of Bristol;

“the City Docks” means the Docks of the Council known as the Floating Harbour and all basins and other works constructed in connection therewith;

“the Council” means the City Council of Bristol;

“deposited plans and sections” means the plans and sections prepared in triplicate, signed by an Assistant Secretary in the Department of Transport and marked “Bristol City Docks (No. 2) Harbour Revision Order 1995”, of which two copies have been deposited at that Department and one copy has been deposited at the offices of the Council at The Council House, College Green, Bristol, BS1 5YR;

“limits of deviation” means the limits of deviation shown on the deposited plans;

“relevant work” means so much of any work authorised by this Order as is on, under or over the waters of the City Docks;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“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 Council may in the city 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 hereafter described, together with all necessary and proper works and conveniences connected with or incidental thereto, that is to say—

Work No. 1— A pedestrian walkway of steel construction and supported by piles, beside the building adjoining the City Docks and known as the WCA warehouse commencing at a point at ST 358993 172532 extending in a westerly direction for a distance of 4 metres, thence in a southerly direction for a distance of 35 metres, thence in an easterly direction for a distance of 4 metres and terminating at a point at ST 358994 172497, incorporating at its northern end a ramp to existing pontoons beside the building known as the Cheese Warehouse.

Work No. 2— Pontoon moorings anchored by piles adjacent to Work No. 1 commencing at a point at ST 358984 172533 extending in a southerly direction for a distance of 39 metres and terminating at a point at ST 358985 172494.

(2) The Council may within the limits of deviation alter, replace, relay or reconstruct the works.

Period for completion of works

4. If the works are not completed within 10 years from the coming into force of this Order, the powers by this Order granted to the Council for constructing the works shall cease except as to so much thereof as is then substantially commenced.

Subsidiary works

5. Subject to the provisions of this Order, the Council may from time to time, within the limits of deviation, construct and maintain all such necessary works and conveniences, and take such

measures, 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 Council 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.

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

7.—(1) A relevant work shall not be constructed, altered, replaced, relaid 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 relevant work is constructed, altered, replaced, relaid 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 Council at their own expense to remove the relevant 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 Council 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 relevant 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 Council.

Provision against danger to navigation

8.—(1) In case of injury to, or destruction or decay of, a relevant work or any part thereof, the Council 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 Council 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

9.—(1) Where a relevant work is abandoned or suffered to fall into decay, the Secretary of State may by notice in writing require the Council 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—

(a) partly of a relevant work; and

(b) partly of works on or over land which is not on, under or over the waters of the City Docks;

is abandoned or suffered to fall into decay and the works mentioned in subparagraph (b) above are in such condition as to interfere or to cause reasonable apprehension that they may interfere with the right of navigation or other public rights, the Secretary of State may include those works, 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 Council, 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 Council.

Survey of relevant works

10. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a relevant 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 Council.

Permanent lights on relevant works

11.—(1) After the completion of a relevant work the Council 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 Council 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 Council to prove that all due diligence was used to secure compliance with any such direction.

Lights on relevant works during construction etc.

12.—(1) The Council shall at or near a relevant work during the whole time of the construction, alteration, replacement, relaying or reconstruction 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 Council 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 Council to prove that all due diligence was used to secure compliance with any such direction.

Saving for town and country planning

13. Work No. 1 shall not be deemed for the purposes of the Town and Country Planning General Development Order 1988⁽⁶⁾ (or any general order superseding that order made under section 59 of the Town and Country Planning Act 1990⁽⁷⁾, or any corresponding provision of an Act repealing that section), to be—

- (a) development authorised by an order made under section 14 of the Harbours Act 1964 which designates specifically the nature of the development authorised and the land upon which it may be carried out; or
- (b) development on operational land by statutory undertakers or their lessees in respect of a dock, pier or harbour undertaking, being development which is required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour.

⁽⁶⁾ S.I. 1988/1813.

⁽⁷⁾ 1990 c. 8.

Signed by authority of the Secretary of State for Transport

21st February 1995

J. D. Henes
An Under Secretary in the
Department of Transport

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the construction of a pedestrian walkway and pontoons in the Bristol City Docks next to the former WCA warehouse.