
STATUTORY INSTRUMENTS

1996 No. 1627

The Whitehaven Harbour Revision Order 1996

PART II

Works

Power to construct, etc., works

3.—(1) Subject to the provisions of this Order, the Commissioners may, in the lines and situations and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections, construct and maintain the works hereinafter described with all necessary works and conveniences connected therewith—

Work No. 1

A lock structure, enclosing a basin of width 13.7 metres and length 30 metres, having an overall length of 53 metres, an overall width of 35 metres, bounded on both sides by retaining walls and enclosed at both ends by gates having a width of 13.7 metres, extending from the Old North Wall to Work No. 2 and incorporating a two-storey control room.

Work No. 2

An extension of the Old Quay commencing in a north north easterly direction for a distance of 14 metres terminating at Work No. 1 and having an overall width of 10 metres.

Work No. 3

The construction of openwork fendering, commencing at the south south west retaining wall of Work No. 1 and extending in a west north westerly direction for a distance of 50 metres and there terminating.

Work No. 4

The construction of toe protection to the North Wall in rock and geotextile fabric, commencing at reference point NX 297204518603, 180 metres north east from the commencement of Work No. 1 and extending in a westerly direction for a distance of 111 metres to reference point NX 297096518625 and there terminating.

Work No. 5

The construction of toe protection to the Old North Wall in rock and geotextile fabric, commencing at Work No. 1 at reference point NX 297083518513, 32 metres east north east from the commencement of Work No. 1 and extending for a distance of 117 metres to reference point NX 297076518613 and there terminating.

Work No. 6

Piled moorings together with a pontoon system to be constructed or placed in the Inner Harbour commencing with a bridge connection at reference point NX 297222518262 and extending in a north westerly direction for a distance of 175 metres to reference point NX 297088518373 and there terminating.

Work No. 7

Piled moorings together with a pontoon system to be constructed or placed in the Custom House Dock commencing with a bridge connection at reference point NX 297148518212 and extending in a north westerly direction for a distance of 90 metres to reference point NX 297096518285 and there terminating.

Work No. 8

Piled moorings together with a pontoon system to be constructed or placed in the South Harbour commencing with a bridge connection at reference point NX 297060518160 and extending in a north westerly direction for a distance of 110 metres to reference point NX 297022518263 and there terminating.

Work No. 9

Piled moorings together with a pontoon system to be constructed or placed in Queens Dock commencing with a bridge connection at reference point NX 297269518386 and extending in a north north easterly direction for a distance of 50 metres to reference point NX 297391518425 and there terminating.

Work No. 10

The construction of toe protection to the Old Quay in rock and geotextile fabric commencing at reference point NX 297074518448, 63 metres south south east from the commencement of Work No. 1 and extending for a distance of 49 metres to reference point NX 297076518613 and there terminating.

(2) The Commissioners 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 and accommodation works

4. Subject to the provisions of this Order, the Commissioners may from time to time construct and maintain—

- (a) within the limits of deviation all such works, conveniences, appliances and apparatus as they from time to time deem necessary or expedient for the purposes of or in connection with or incidental to the construction, maintenance and use of the works authorised by article 3; and
- (b) within the harbour such works for the accommodation or convenience of vessels as they think fit, including, without prejudice to the generality of the foregoing, pontoons, stagings, quays, jetties, piers, walkways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buoys, bollards, navigation marks and lights.

Power to deviate

5. In constructing the works authorised by article 3 the Commissioners 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 of those works 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.

Strengthening of sea wall

6. The Commissioners may undertake works including grouting for the strengthening of the sea walls shown on the deposited plans and there referred to as the Old Quay, the North Wall and the Old North Wall respectively.

Fine for obstructing works

7. Any person who intentionally obstructs any person acting under the authority of the Commissioners 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 Commissioners as a debt any expenses incurred by them in making good any damage resulting from such obstructions, moving or removal.

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

8.—(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, 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 Commissioners 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 Commissioners 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 Commissioners.

Provision against danger to navigation

9.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, the Commissioners shall as soon as reasonably practicable 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 without reasonable excuse the Commissioners 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

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

Survey of tidal works

11. 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 Commissioners.

Permanent lights on tidal works

12.—(1) After the completion of a tidal work the Commissioners 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 Commissioners 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; but it shall be a defence for the Commissioners to prove that all due diligence was used to secure compliance with the direction.

Lights on tidal works during construction

13.—(1) The Commissioners 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 Commissioners 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; but it shall be a defence for the Commissioners to prove that all due diligence was used to secure compliance with the direction.