
STATUTORY INSTRUMENTS

1996 No. 3040

HARBOURS, DOCKS, PIERS AND FERRIES

The Bridlington Harbour Revision Order 1996

Made - - - - - *29th November 1996*

Coming into force - - - - - *12th December 1996*

Whereas the Commissioners of Bridlington Piers and Harbour have applied for a harbour revision order under section 14 of the Harbours Act 1964(1) ;

And whereas the Minister of Agriculture, Fisheries and Food having, 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 and whose characteristics require that it should be made subject to an environmental assessment, has directed the applicant to supply him with the information referred to in Annex III to the Directive;

And whereas the Minister of Agriculture, Fisheries and Food has considered the information supplied under the said paragraph 1A;

And whereas objections duly made to the application have been withdrawn;

And whereas the Minister of Agriculture, Fisheries and Food is satisfied as mentioned in subsection (2)(b) of the said section 14:

Now, therefore, the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred by that section, and of all other powers enabling him in that behalf, hereby makes the following Order: —

Citation and commencement

1.—(1) This Order may be cited as the Bridlington Harbour Revision Order 1996 and shall come into force on 12 December 1996.

(2) The Bridlington Harbour Act and Orders 1837 to 1984(4) and this Order may be cited together as the Bridlington Harbour Act and Orders 1837 to 1996.

(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 \(c. 42\)](#), section 63 and Schedule 3, paragraphs 1 and 10; see section 14(7) for the definition of “the appropriate Minister”.

(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) [1837 c.cx](#), [1928 c. 1xix](#), S.R. & O 1938/386, [S.I. 1952/799](#), [S.I. 1957/2006](#) and [S.I. 1984/998](#).

Interpretation

2. In this Order —

“the Commissioners” means the Bridlington Piers and Harbour Commissioners as incorporated and constituted by the Bridlington Harbour Order 1928(5) ;

“deposited plans and sections” means the plans and sections prepared in triplicate, signed by an Assistant Secretary in the Ministry of Agriculture, Fisheries and Food and marked “Bridlington Harbour Revision Order 1996”, of which two copies have been deposited at that Ministry and one copy has been deposited at the offices of the Commissioners at Harbour Office, Gummers Wharf, West End, Bridlington, East Yorkshire, YO15 3AN;

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

“the level of high water” means the level of mean high-water springs;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“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.

Power to construct works

3.—(1) Subject to the provisions of this Order, the Commissioners may 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 — Reclamation by infilling of part of the upper section of Bridlington harbour being the part shown enclosed by broken lines on the deposited plans and described thereon as “Limits of Deviation of Work No. 1” and incorporating a culvert to provide for the flow of the waters of the stream known as Gypsy Race through that part.

Work No. 2 — A slipway commencing at the termination of Work No. 1 at a point at TA1842766555, extending for a distance of 55 metres or thereabouts and terminating at a point at TA1848466545.

(2) Map reference points specified in paragraph (1) above are Ordnance Survey National Grid reference points.

(3) The Commissioners 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 Commissioners 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 Commissioners 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 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 shown on the deposited sections to any extent upwards or downwards.

Tidal works not to be executed without approval of Minister

7.—(1) A tidal work shall not be constructed, altered, replaced, relaid or reconstructed except in accordance with plans and sections approved by the Minister and subject to any conditions and restrictions imposed by the Minister before the work is begun.

(2) If a tidal 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 Minister 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 Minister may execute the works specified in the notice; or
- (b) if it appears to the Minister 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 Minister in so doing shall be recoverable from the Commissioners.

Provision against danger to navigation

8.—(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 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

9.—(1) Where a tidal work is abandoned or suffered to fall into decay, the Minister 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 Minister 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 Minister 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 Minister may execute the work specified in the notice and any expenditure incurred by the Minister in so doing shall be recoverable from the Commissioners.

Survey of tidal works

10. The Minister 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 Minister in any such survey and examination shall be recoverable from the Commissioners.

Permanent lights on tidal works

11.—(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 provided that it shall be a defence for the Commissioners to prove that all due diligence was used to secure compliance with any such direction.

Lights on tidal works during construction etc.

12.—(1) The Commissioners shall at or near a tidal 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 for Transport 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 provided that it shall be a defence for the Commissioners to prove that all due diligence was used to secure compliance with any such direction.

Crown rights

13.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner intentionally or recklessly tamper with, any land or hereditaments (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description —

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that department.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

For protection of the Environment Agency

14.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between the Commissioners and the Agency, have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991(6) or any byelaws

made under that Act or the Land Drainage Act 1991⁽⁷⁾ in relation to anything done under or in pursuance of this Order.

- (a) (3) (a) Before carrying out any works which involve the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purpose of or in connection with the works, the Commissioners shall submit to the Agency proper and sufficient plans thereof for its approval.
- (b) Any works in respect of which plans are required to be submitted to the Agency for its approval under this paragraph shall not be carried out except in accordance with such plans as may be approved in writing by the Agency or as are settled in accordance with paragraph (6) below.
- (c) The approval of plans submitted under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Agency, the Agency has neither given nor refused in writing its approval, together in the case of a refusal with a statement of the grounds for refusal, it shall be deemed to have approved the plans as submitted.
- (d) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.

(4) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purpose of or in connection with the works, whether constructed under the powers conferred by this Order or in existence prior to the making hereof, shall be maintained by the Commissioners in good repair and condition and free from obstruction.

(5) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article, the Commissioners shall, upon receiving notice from the Agency, take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and, in default, the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in so doing from the Commissioners as a debt due from them to the Agency.

(6) Any dispute or difference which may arise between the Agency and the Commissioners under this article shall be referred to a single arbitrator to be agreed upon between the parties or, failing such agreement, to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party (after giving notice in writing to the other of them).

Borrowing powers

15.—(1) In section 23(1)(a) of the Order of 1928 (as substituted by article 3 of the Order of 1984), for the sum of £200,000 there shall be substituted the sum of £1,000,000 and in section 31(1) of the Order of 1928 (as substituted by article 4 of the Order of 1984), for the sum of £100,000 there shall be substituted the sum of £250,000.

(2) In this article —

“the Order of 1928” means the Bridlington Harbour Order 1928⁽⁸⁾ ; and

“the Order of 1984” means the Bridlington Harbour Revision Order 1984⁽⁹⁾

(7) 1991 c. 59.

(8) 1928 c. 1xix.

(9) S.I. 1984/998.

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

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

29th November 1996.

A G Kuyk
Head of Fisheries Division 1

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the reclamation of part of the upper section of Bridlington harbour, the construction of a slipway adjoining that reclaimed part and provides for increases in the amounts which the Harbour Commissioners may borrow both permanently and temporarily.