
STATUTORY INSTRUMENTS

2005 No. 1137

The Margate Pier (Turner Centre) Order 2005

PART 2

WORKS PROVISIONS

Prohibitions within tidal waters and tidal land

10.—(1) Notwithstanding anything in any other enactment or rule of law but subject to the provisions of this article, the Council may, after consulting the harbour master (if any), at any time when it appears to the Council necessary or desirable for the purposes of the construction of the authorised works, by direction close to navigation by all vessels or by any class of vessel the whole or any part of the area within so much of the Order limits as lies within tidal waters or tidal land below the level of mean high water springs.

(2) A direction under paragraph (1) shall specify the duration of the closure, the area affected and the vessel to which it applies.

(3) A person may not, without the written consent of the Council, within any part of the area within the Order limits, during a period when it is closed to navigation under this article—

- (a) navigate any vessel or cause or permit a vessel to be moored if the vessel concerned is subject to the closure;
- (b) lay down or place any mooring or apparatus, including mains, sewers, drains and cables; or
- (c) undertake or cause or permit any other operation or activity.

(4) Any person who contravenes the requirements of paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Except in an emergency, the Council shall publish notice of any direction given under paragraph (1) in a newspaper circulating in the District of Thanet not less than 14 days before the direction is to take effect.

(6) In giving a direction pursuant to paragraph (1), the Council shall ensure that no greater area is closed to navigation at any time by all vessels, or by any class of vessel, than is at that time necessary in the circumstances.

(7) A direction given under this article may be varied or revoked by a subsequent direction given under this article.