
STATUTORY INSTRUMENTS

2009 No. 3382

HARBOURS, DOCKS, PIERS AND FERRIES

**The Berwick upon Tweed (Closure of
Spittal Quay) Harbour Revision Order 2009**

Made - - - - 18th December 2009

Coming into force - - 31st December 2009

The Berwick Harbour Commissioners have applied for a harbour revision order under section 14 of the Harbours Act 1964(1).

The Secretary of State is satisfied as mentioned in sections 14(2)(b) and (2B).

The Secretary of State (being the appropriate Minister under section 14(7)(2) of the Act) in exercise of the powers conferred by that section and now vested in the Secretary of State (3) makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Berwick upon Tweed (Closure of Spittal Quay) Harbour Revision Order 2009 and comes into force on 31st December 2009.

(2) The Berwick upon Tweed Harbour Acts and Orders 1862 to 2009 and this Order may be cited together as the Berwick upon Tweed Harbour Acts and Orders (Revised) 1862 to 2009.

Interpretation

2.—(1) In this Order—

“the Commissioners” means the Berwick Harbour Commissioners;

“the Order of 1913” means the Berwick upon Tweed Harbour Order 1913 contained in the schedule to the Pier and Harbour Orders Confirmation (No.1) Act 1913(4);

“the quay” means the quay which is known by the name Spittal Quay and which was authorised to be constructed and maintained by the Commissioners by the Order of 1913; and

(1) 1964 c.40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and 14, and by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1.
(2) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).
(3) S.I. 1981/238, S.I. 1997/2971 and S.I. 2001/2568
(4) 1913 c. cxlvi.

“the quay land” means the area of land in the River Tweed bounded by an imaginary line commencing on the river wall at a point at NU0100051954 then extending in a straight line in a northerly direction to a point at NU0110051968 then extending in a straight line in an easterly direction to a point at NU0219551928 then extending in a straight line in a southerly direction to the river wall at a point at NU0216051911 and then returning in a straight line in a westerly direction along the river wall to the point of commencement.

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

The appointed day

3.—(1) In this Order, “the appointed day” means such day as the Commissioners may by resolution appoint.

(2) The appointed day must not be sooner than two months after the date of the resolution referred to in paragraph (1).

(3) Not less than 28 days before the appointed day the Commissioners must publish in Lloyd’s List newspaper and in at least one local newspaper circulating in Berwick upon Tweed a notice containing a copy of that resolution.

Power to close the quay

4. Notwithstanding any enactment or rule of law, on the appointed day—

- (a) the Commissioners may close the quay and after that dismantle, demolish and remove the whole or any part of the quay and any works or conveniences connected with it;
- (b) the quay and the quay land cease to be part of the harbour undertaking authorised by the Berwick upon Tweed Harbour Acts and Orders (Revised) 1862 to 2009.

.Power to sell etc. land

5.—(1) Without prejudice to the powers contained in section 22 of the Berwick upon Tweed Harbour Act 1862(5) and section 9 of the Order of 1913, the Commissioners may sell, lease or otherwise dispose of the quay land and any land used at any time in connection with the quay (being in any such case land which is vested in the Commissioners) on such terms and conditions as they see fit.

(2) In paragraph (1) “land” includes any interest in land.

Amendment and repeals of Order of 1913

6. On the appointed day—

- (a) section 21 of the Order of 1913 is amended as follows—
 - (i) omit “(including the quay)”, and
 - (ii) for “portions”, substitute “the whole or any part”;
- (b) sections 6, 11 to 14, 16 to 20, 26 and 59 to 63 of the Order of 1913 are revoked.

Amendment of the Berwick upon Tweed Harbour Revision (Constitution) Order 2009

7. Article 5 of the Berwick upon Tweed Harbour Revision (Constitution) Order 2009(6) is amended as follows—

(5) 1862 c. xxxi.
(6) S.I. 2009/1231

- (a) omit subparagraph (a) from paragraph (4);
- (b) after paragraph (4) insert—

“(5) As soon as reasonably practicable after the Berwick upon Tweed (Closure of Spittal Quay) Harbour Revision Order 2009⁽⁷⁾ comes into force, the Commissioners must specify three of the first such appointed Commissioners for the purposes of this paragraph, and those three Commissioners then hold office until 31st May 2011 notwithstanding any previous effect of paragraph (4).”.

Signed by authority of the Secretary of State for Transport

18th December 2009

R C Bennett
Head of Ports Division
Department for 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 enables Berwick Harbour Commissioners (the applicant for the Order) to close and demolish Spittal Quay and to sell or otherwise dispose of any land used in connection with the quay. It also amends the Berwick upon Tweed Harbour Revision (Constitution) Order 2009 so as to extend the respective periods of office of three of the Commissioners first appointed under article 4 of that Order by one year so that each of those periods will expire on 31st May 2011.