
STATUTORY INSTRUMENTS

2016 No. 151

The Newhaven Harbour Revision Order 2016

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Newhaven Harbour Revision Order 2016 and shall come into force on 7th March 2016.

(2) The Act of 1863, the Act of 1878, the 1991 HRO and this Order may be cited together as the Newhaven Harbour Acts and Orders 1863 to 2016.

Interpretation

2. In this Order —

“the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847(1);

“the Act of 1863” means the Newhaven Harbour and Ouse Lower Navigation Improvement Act 1863(2);

“the Act of 1878” means the Newhaven Harbour Improvement Act 1878 (as amended by the Newhaven Harbour Improvement Act 1882)(3);

“the Company” means Newhaven Port and Properties Limited;

“general direction” means a direction given or proposed to be given under article 4;

“the harbour” means Newhaven Harbour as comprised within the harbour limits, including the harbour premises;

“the harbour limits” means the limits of the harbour specified in article 3;

“the harbour master” means a person appointed as such by the Company, and includes his deputies and assistants, or another person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour premises” means the quays, piers, landing places and all other works, lands and buildings for the time being vested in, or occupied or administered by, the Company as part of their harbour undertaking;

“the harbour undertaking” means the undertaking of the Company authorised by the Newhaven Harbour Acts and Orders 1863 to 2016;

“the 1991 HRO” means the Sealink (Transfer of Newhaven Harbour) Harbour Revision Order 1991(4);

(1) 1847 c.27.

(2) 1863 c.184.

(3) 1878 c.71. amended by 1882 c.78.

(4) S.I.1991/1257.

“jet bike” means any personal watercraft propelled by a water-jet engine or other mechanical means of propulsion and steered either —

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using their body weight for the purpose; or
- (c) by a combination of the methods referred to in (a) and (b);

“special direction” means a direction given or proposed to be given under article 7;

“vessel” means a ship, boat, raft, pontoon or water craft of any description and includes non-displacement craft, jet bike, seaplane and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, which in all cases is used or is capable of being used as a means of transportation, storage or access on or under the water; and

“works” means the carrying out of an activity involving construction or the alteration, renewal, extension, breaking up or demolition of a structure or vessel or an engineering, mining or other operation.

The harbour limits

3.—(1) The limits of the harbour within which the Company exercises jurisdiction as a harbour authority and the powers of the harbour master may be exercised are –

- (a) all tidal reaches of the Ouse river and estuary that are covered at the level of high water south of the parallel of latitude 50 degrees 48.20N (approximately 85m north of the Energy Recovery Facility) and extending out to sea bounded within the co-ordinates set out in sub-paragraph (b);
- (b) from approximately the position of the southern extremity of Mill Drove at 50 degrees 46.95’N, 0 degrees 04.10’E; thence following an imaginary straight line in a southerly direction to a location at 50 degrees 45.00’N, 0 degrees 04.10’E thence following an imaginary straight line in a west north westerly direction to a location at 50 degrees 45.55’N, 0 degrees 00.75’E; thence following an imaginary straight line in a north easterly direction to a location at 50 degrees 46.50’N, 0 degrees 03.20’E; thence following an imaginary straight line in a north north westerly direction to a position at approximately the position of Burrow Head/Castle Hill Cliffs at 50 degrees 46.88’N, 0 degrees 00 03.00’E. (all coordinates in degrees, minutes and decimals of minutes and based on WGS 84 datum); and
- (c) the harbour premises, whether or not within the areas described in sub-paragraphs (a) and (b).

(2) The limits within which the Company exercises jurisdiction as a harbour authority and the powers of the harbour master are exercisable are described in paragraph (1) and shown edged in red on the harbour map.

(3) In the event of any discrepancy between the description of the limits of the harbour in paragraph (1) and the limits shown on the harbour map the description of the limits in that paragraph shall prevail over the harbour map.

(4) In this article-

“the harbour map” means the map prepared in triplicate, signed by the Chief Executive Officer of the Marine Management Organisation and marked “Newhaven Harbour Revision Order 2016”, of which two copies have been deposited at the offices of the Marine Management Organisation and one copy has been deposited at the office of the Company”;

“the level of high water” means the level of mean high water spring tides; and

“WGS84” means the World Geodetic System, revised in 1984 and further revised in 2004.