
STATUTORY INSTRUMENTS

2017 No. 601

The Folkestone Harbour Revision Order 2017

PART 1

PRELIMINARY

Incorporation of the Harbours, Docks and Piers Clauses Act 1847

3.—(1) The Act of 1847 (except sections 6 to 25, 28, 31, the proviso to section 32, 48 to 50, 67, 77, 81, 82, 86 to 90, 97 to 103 and so much of the proviso to section 83 as follows the words “the special Act”), so far as applicable to the purposes, and not inconsistent with, the provisions of this Order, is incorporated with, and forms part of this Order subject to the modifications stated in paragraphs (2) to (6).

(2) Section 33 shall not apply to the harbour arm, the work authorised by article 4, or South Quay except so much of its northern face as faces those parts of the harbour to the west of East Pier and the north of South Quay known as the Inner Harbour and the Outer Harbour.

(3) Section 63 shall have effect subject to the modification that for the words from “liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(4) Section 69 shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(5) Section 85 shall have the effect as if for the words from “in the prescribed manner” to the end of the section there were substituted the words “by the Secretary of State”.

(6) In construing the provisions of the Act of 1847 as incorporated with this Order—

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means the Company and the expression “the harbour, dock, or pier” shall mean the harbour;
- (b) the expression “limits” and “the prescribed limits” mean the harbour limits;
- (c) for the definition of the word “vessel” in section 3 of the Act of 1847 there shall be substituted the definition of that word in article 2 (1) of this Order; and
- (d) the reference in section 53 of the Act of 1847 to notice of a direction by the harbour master served upon a vessel shall not be construed as requiring the notice to be in writing.

(7) The words “and the Harbours, Docks and Piers Clauses Act 1847” in section 2, and section 57, of the Act of 1885 and article 8(3) of the 1991 Order are revoked.