
STATUTORY INSTRUMENTS

1988 No. 2046

HARBOURS, DOCKS, PIERS AND FERRIES

The Shoreham Port Authority Harbour Revision Order 1988

Made - - - - 17th November 1988

Coming into force - - 18th December 1988

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964⁽¹⁾ and now vested in him⁽²⁾ and of all other powers enabling him in that behalf, and on the application of the Shoreham Port Authority, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Shoreham Port Authority Harbour Revision Order 1988 and shall come into force on 18th November 1988.

(2) The Shoreham Port Authority Acts and Orders 1926 to 1985 and this Order may be cited together as the Shoreham Port Authority Acts and Orders 1926 to 1988.

Interpretation

2. In this Order unless the context otherwise requires:—

“the Authority” means the Shoreham Port Authority;

“harbour operations” has the meaning assigned to it by section 57 of the Harbours Act 1964;

“the port” means the port of Shoreham the area of which is described in section 38 (Limits of Harbour) of the Shoreham Harbour Act 1926⁽³⁾;

“port facilities” means services and facilities for or in connection with the berthing, moving or dry-docking of vessels, the loading or unloading of goods, the lighterage, sorting, weighing, warehousing or handling of goods, and the movement of goods, but does not include services or facilities for or in connection with the embarking or disembarking of passengers in or from vessels;

“the port undertaking” means the undertaking for the time being of the Authority.

(1) 1964 c. 40.
(2) See S.I.1981/238.
(3) 1926 c.xlvii.

General powers

3.—(1) The Authority may—

- (a) provide, maintain, operate and improve such port facilities in, or in the vicinity of, the port as they consider necessary or desirable and take such action as they consider incidental to the provision of such facilities;
- (b) take such action as they consider necessary or desirable for or incidental to the maintenance, operation, improvement and conservancy of the port.

(2) The Authority shall have power either themselves or by arrangement between themselves and another person to take such action as the Authority consider necessary or desirable whether or not in, or in the vicinity of, the port—

- (a) for the purpose of discharging or facilitating the discharge of any of their duties, including the proper development or operation of the port undertaking;
- (b) for the provision, maintenance and operation, of—
 - (i) warehousing services and facilities;
 - (ii) services and facilities for the consignment of goods on routes which include the port;
- (c) for the purpose of turning their resources to account so far as not required for the purposes of the port undertaking.

(3) Particular powers conferred or particular duties laid upon the Authority by this Order shall not be construed as derogating from each other or from the generality of paragraphs (1) and (2) above.

(4) The power under this article to provide facilities includes power to equip them, and any buildings provided in that connection with such furniture, apparatus and instruments as may be required to enable them to be used for the purpose for which they are provided.

(5) Paragraph (1)(b) above does not include power to carry out any works of dredging, but nothing in this Order affects the Authority's powers to dredge under the Shoreham Port Authority Acts and Orders 1926 to 1985.

Power to acquire and dispose of businesses or shares

4.—(1) The Authority may—

- (a) acquire by agreement—
 - (i) any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or so much of any business or undertaking as consists of the carrying out of such operations; or
 - (ii) any business or undertaking which is wholly or mainly engaged in or which it is proposed should become wholly or mainly engaged in providing services or facilities which the Authority themselves are authorised to provide;
- (b) subscribe for or acquire any shares, stock, debentures, debenture stock or any other security of a like nature of a body corporate which is wholly or mainly engaged, or which it is proposed should become wholly or mainly engaged in the provision, maintenance or operation of a harbour or in providing services or facilities which the Authority themselves are authorised to provide;
- (c) form and promote, or join with any other person in forming and promoting, a company for carrying on any function of the Authority;
- (d) dispose of or discontinue the whole or any part of their undertaking acquired under this article and held for the purposes of the port but subject to all liabilities and obligations in respect thereof to which the Authority are subject; and

- (e) dispose of any shares or other securities subscribed for or acquired under this article.
- (2) Nothing in this article shall authorise a company formed under subparagraph (c) of paragraph (1) above to exercise any of the powers of the Authority under—
 - (a) the Harbours Docks and Piers Clauses Act 1847⁽⁴⁾;
 - (b) the Harbours Act 1964; and
 - (c) section 72 (Additional byelaws) of the Shoreham Harbour Act 1926.

Further powers with respect to land

- 5.—(1) The Authority may—
- (a) retain any land acquired by them for such time as they think fit;
 - (b) sell, lease, exchange, whether with or without paying or receiving any money for equality of exchange, or otherwise dispose of, any land acquired by them which is no longer required for the purposes of their functions in such manner and for such consideration and on such terms and conditions as they think fit: and
 - (c) sell, exchange or dispose of any rents reserved on the sale, lease, exchange or other disposition of any such land or interest.
- (2) Nothing in paragraph (1)(b) above shall affect any restrictions, liabilities or obligations to which the Authority are subject under the Shoreham Port Authority Acts and Orders 1926 to 1988 nor confer on the Authority power to dispose of land which is subject to such restrictions, liabilities or obligations otherwise than subject to such restrictions, liabilities or obligations.
- (3) The Authority may for the purposes of the port undertaking manage, use or develop land belonging to them as they think fit.
- (4) Any capital money received by the Authority in respect of any transaction under this article shall be applied in or towards the repayment of monies borrowed by the Authority or for other purposes of the Authority for which capital money may properly be applied.
- (5) For the purposes of the acquisition by the Authority of land by agreement, the provisions of Part I (other than sections 4 to 8 and sections 27 and 31) and of section 38(3) of the Compulsory Purchase Act 1965⁽⁵⁾ shall apply to the exclusion of the Lands Clauses Acts, as if this Order were mentioned in Schedule 6 to the said Act of 1965.
- (a) (6) (a) If the Authority acquire land outside the port with the benefit of an express planning permission such land shall for the purposes of article 3 of the Town and Country Planning General Development Order 1977⁽⁶⁾ be deemed not to be operational land of the port undertaking and development of that land shall require express planning permission and shall not be permitted development under that article.
 - (b) Nothing in this article or in article 3 (General powers) of this Order shall be deemed to designate specifically for the purpose of the said Order of 1977 both the nature of any development and the land upon which it may be carried out.

Crown rights

- 6.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the Authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description

⁽⁴⁾ 1847 c. 27.

⁽⁵⁾ 1965 c. 56.

⁽⁶⁾ S.I. 1977/289.

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belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

(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.

Repeal

7. The enactments specified in the Schedule to this Order are hereby repealed.

SCHEDULE

ENACTMENTS REPEALED

Section 47 (Power to acquire lands by agreement) of the Shoreham Harbour Act 1926.

Section 15 (Power to dispose of land) of the Shoreham Harbour Act 1962(7).

Signed by authority of the Secretary of State

17th November 1988

J. W. S. Dempster
An Under Secretary in the
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains provisions for—

(1) empowering the Shoreham Port Authority to provide, maintain, operate and improve port facilities in, or in the vicinity of, the port of Shoreham and to take such action as they consider necessary or desirable for or incidental to the maintenance, operation, improvement and conservancy of the port;

(2) empowering the Authority, either by themselves or by arrangement with others, to take action for:—

- (a) the discharge, or for facilitating the discharge, of their duties, including the proper development or operation of the port undertaking;
- (b) the provision, maintenance and operation of certain services and facilities;
- (c) turning their resources to account;

(3) authorising the Authority to acquire and dispose of certain businesses and undertakings and to invest in and form companies;

(4) empowering the Authority to retain or dispose of land or to manage, use or develop it and to repeal earlier enactments relating to the acquisition of lands by agreement and to the disposal of land.

The applicants for the Order are the Shoreham Port Authority, Harbour Office, Albion Street, Southwick, West Sussex BN4 4ED.

(7) 1962 c.xxii.