

1988 No. 2124

HARBOURS, DOCKS, PIERS AND FERRIES

**The Mersey Docks and Harbour (Princes River Berth)
Revision Order 1988**

Made - - - - - *9th November 1988*

Coming into force *10th November 1988*

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf, and on the application of The Mersey Docks and Harbour Company, hereby makes the following Order:-

Citation and commencement

1.—(1) This Order may be cited as the Mersey Docks and Harbour (Princes River Berth) Revision Order 1988 and shall come into force on 10th November 1988.

(2) This Order shall be included among the enactments which may be cited together as the Mersey Docks and Harbour Acts and Orders 1857 to 1988.

Interpretation

2.—(1) In this Order, unless the context otherwise requires,

“the Act of 1971” means the Mersey Docks and Harbour Board (Ore Berth) Act 1971(c);

“the Company” means The Mersey Docks and Harbour Company;

“the deposited plan” and “the deposited sections” mean respectively the plan and sections prepared in duplicate, signed by an Assistant Secretary of the Department of Transport and marked “Plan and sections referred to in the Mersey Docks and Harbour (Princes River Berth) Revision Order 1988”, of which one copy is deposited at the offices of the Department of Transport, and one copy at the head office of the Company;

“the existing enactments” means the Mersey Docks and Harbour Acts and Orders 1857 to 1988;

“the level of high water” means the level of mean high water springs;

“the limits of deviation” means the limits of deviation shown on the deposited plan;

“tidal work” means so much of any work as is on, under or over tidal waters or tidal lands below the level of high water;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“work” means any of the works authorised by this Order, and includes any part of those works.

(2) This Order is to be read as if the words “or thereabouts” were inserted after each measurement mentioned in article 3 (Power to construct, etc., works) of this Order.

(a) 1964 c.40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4 and 14.

(b) See S.I. 1981/238.

(c) 1971 c.xxxiv.

Power to construct, etc., works

3.—(1) Subject to the provisions of this Order, the Company may within the lines and situations shown on the deposited plan and according to the levels shown on the deposited sections and within the limits of deviation construct and maintain in the river Mersey and on the bed, banks and shores thereof, the works authorised by this article:—

Work No. 1

An adjustable bridge 8 metres wide commencing 70 metres north of the return wall at the entrance to West Waterloo Dock, extending in a southerly direction for 85 metres and supported at its southernmost end by buoyancy pontoons.

Work No. 2

A passenger access gangway 2 metres wide commencing 40 metres south of the return wall at the entrance to West Waterloo Dock on the eastern quay face of the said entrance thereof and extending in a southerly direction for 62 metres.

Work No. 3

A line of seven berthing and mooring fenders spaced at intervals commencing 27 metres south of the return wall at the entrance to West Waterloo Dock and parallel to the eastern quay face of the entrance to West Waterloo Dock extending in a southerly direction for a distance of 95 metres.

(2) The Company may from time to time within the limits of deviation renew, enlarge, alter and reconstruct temporarily or permanently the works.

Subsidiary works

4. Subject to the provisions of this Order, the Company may from time to time, for the purposes of or in connection with or incidental to the construction, maintenance and use of the works authorised by article 3 (Power to construct, etc., works) of this Order, erect, construct, and maintain all such works and conveniences as they may from time to time deem necessary or convenient.

Power to deviate

5. In constructing the works the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six metres upwards and to such extent downwards as may be found necessary or convenient.

Incorporation of provisions of Act of 1971

6. The following provisions of the Act of 1971 shall apply in respect of the works authorised by this Order (including any works of reconstruction under article 3(2) hereof) as they apply in respect of the works authorised by that Act—

Section 9 (Tidal works not to be constructed without approval of Secretary of State);

Section 10 (Provision against danger to navigation);

Section 11 (Abatement of works abandoned or decayed);

Section 12 (Survey of tidal works);

Section 13 (Lights on tidal works during construction); and

Section 14 (Permanent lights on tidal works).

Effect of existing enactments upon works

7. The works, and the bed, banks and shores of the river Mersey on which the works are constructed, shall for all purposes, so far as is not inconsistent with the provisions of this Order, be deemed to be docks and lands of the Company within the meaning of the existing enactments or any of them.

Period for completion of works

8. If the works are not completed within 6 years from the coming into force of this Order or such extended time as the Secretary of State may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for constructing and maintaining the works shall cease except as to so much thereof as shall then be completed.

Increase in penalties

9.—(1) In section 10 of the Act of 1971 (provision against danger to navigation) in subsection (2) for "one hundred pounds" there shall be substituted "the statutory maximum".

(2) In section 13 of that Act (lights on tidal works during construction) in subsection (2) for "one hundred pounds" there shall be substituted "the statutory maximum".

(3) In subsection 14 of that Act (permanent lights on tidal works) in subsection (2) for "one hundred pounds" there shall be substituted "the statutory maximum".

Signed by authority of
the Secretary of State
9th 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 empowers The Mersey Docks and Harbour Company to construct in the City of Liverpool an in-river berth comprising an adjustable bridge, a line of mooring fenders and an access gangway for foot passengers, and to carry out subsidiary works.

The applicants for the Order are The Mersey Docks and Harbour Company.

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