
STATUTORY INSTRUMENTS

2011 No. 3032

**The Portsmouth (Continental Ferry Port Berth
2 Extension) Harbour Revision Order 2011**

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 and shall come into force on 16th January 2012.

(2) The Portsmouth Mile End Quay Harbour Revision Orders 1966 to 1999 and this Order may be cited together as the Portsmouth Harbour Revision Orders 1966 to 2011.

Interpretation

2.—(1) In this Order –

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

“the authorised works” means all or any of the works authorised by article 4(1) of this Order or any part of those works, and where any part of those works remain uncompleted, includes the site thereof;

“the City Council” means the Portsmouth City Council;

“deposited plan” and “deposited sections” means the plan and sections drawn on one sheet of paper prepared in triplicate, signed by the Chief Executive Officer of the Marine Management Organisation and marked “Plan and Sections referred to in the Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011”, of which one copy was deposited at the office of the City Solicitor of the City Council and two copies at the office of the Marine Management Organisation;

“Harbour Master” means the person appointed as such by the City Council and includes his deputies and assistants appointed by the City Council;

“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;

“the Mile End Quay undertaking” means the undertaking of the City Council authorised by the Portsmouth Mile End Quay Harbour Revision Orders 1966 to 1999 and the Mile End Gardens (Portsmouth) Act 1978(2) and (save in articles 4 and 6) this Order;

(1) 1847 c. 27; section 63 was amended by the Criminal Justice Act 1982 (c.48), section 46 and by the Decimal Currency Act 1969 (c.19), section 10(1) and section 69 was amended by the Decimal Currency Act 1969 (c.19), section 10(1).

(2) 1978 c. vii.

“Queen’s Harbour Master” means the person for the time being appointed to be Queen’s Harbour Master of the Dockyard Port of Portsmouth under the Dockyard Ports Regulation Act 1865(3);

“tidal work” means so much of the authorised works 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; and

“vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(2) All distances stated in any description of works or powers shall be construed as if the words “or thereabouts” were inserted after each distance.

Incorporation of Act of 1847

3.—(1) Subject to the following provisions of this article, the Act of 1847 (except sections 6 to 13, 16 to 20, 23, 25 to 27, 31, 48 to 50, 67, 79 to 82, 84 to 90, 97 and 98 and so much of the proviso to section 83 as follows the words “the special Act”), so far as the same is applicable for the purposes of, and is not inconsistent with, the provisions of this Order, is hereby incorporated with this Order.

(2) In the Act of 1847 so incorporated –

- (a) section 15 of the Act of 1847 shall have effect as if, for the words after “in default thereof” to the end of the section, there were substituted the words “shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (b) section 34 of the Act of 1847 shall have effect as if, after the word “may”, there were inserted the words “(on producing, if so required, a duly authenticated document showing his authority)”;
- (c) section 63 of the Act of 1847 shall have effect as if the words “and a further sum of £1 for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition” were omitted; and
- (d) section 69 of the Act of 1847 shall have effect as if for the words after “if he fails so to do” to the end of the section there were substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(3) In the construction of the Act of 1847 so incorporated the expression “the harbour master” means the person appointed as such by the City Council and includes his deputies and assistants appointed by the City Council, the expression “the special Act” means this Order and the expression “vessel” has the meaning assigned to it by article 2(1).

(4) For the purposes of section 83 of the Act of 1847 so incorporated, section 236 to 238 of the Local Government Act 1972(4) shall apply to this Order as if it were such an enactment as is referred to in the said section 236, and:

- (a) for the purposes of the said section 236 the confirming authority for bye-laws made under the said section 83 shall be the Secretary of State for Transport; and
- (b) the said section 236 shall have effect as if in its subsection (7) after the word “confirm” where it first occurs the words “with or without modification” were inserted.

(5) If the Secretary of State, on considering bye-laws relating to the Mile End Quay undertaking made by the City Council and submitted under the said section 236 as having effect in accordance with paragraph (4), proposes to make a modification which appears to him to be substantial, then –

(3) 1865 c. 125.

(4) 1972 c.70; section 236(1) was amended by the Local Government Act 1985 (c.51), section 84 and Schedule 14, paragraph 31(1).

- (a) he shall inform the City Council as appropriate and require it to take any steps he considers necessary for informing persons likely to be concerned with the modification; and
- (b) he shall not confirm the bye-laws until such period has elapsed as he thinks reasonable for the City Council and other persons who have been informed of the proposed modification to consider and comment on it.