
STATUTORY INSTRUMENTS

1989 No. 1545

The Harwich Dock Company
Harbour Empowerment Order 1988

PART I
PRELIMINARY

Citation

1. This Order may be cited as the Harwich Dock Company Harbour Empowerment Order 1988.

Interpretation

- 2.—(1) In this Order, except where the context otherwise requires—
 - “the Board” means the Harwich Harbour Board;
 - “the Company” means the Harwich Dock Company Limited;
 - “deposited plan” and “deposited sections” mean respectively the plan and sections prepared in triplicate signed by the Chief Executive of the Board and an Assistant Secretary in the Department of Transport and marked “Plan and sections referred to in the Harwich Dock Company Harbour Empowerment Order 1988” of which copies are deposited at the offices of the Secretary of State for Transport, the offices of the Board and the registered office of the Company;
 - “the dock undertaking” means the undertaking of the Company at the harbour as authorised by this Order;
 - “the harbour” means Harwich harbour;
 - “the Harbour Master” has the same meaning as in the Harwich Harbour Act 1974(1);
 - “level of high water” means the level of mean high-water springs;
 - “limits of deviation” means the limits of deviation shown on the deposited plan;
 - “subsidiary” has the meaning given by section 736 of the Companies Act 1985(2);
 - “tidal work” means so much of any work authorised by this Order 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;
 - “vessel” means a ship, boat or raft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and includes a hovercraft within the meaning of the Hovercraft Act 1968(3) or any other amphibious vehicle or a seaplane;

(1) 1974 c.i.
(2) 1985 c. 6.
(3) 1968 c. 59.

“the works” means the works authorised by article 5 of this Order, and any works constructed under article 7 of this Order for or in connection with or subsidiary to either of those works and includes those works as reconstructed, renewed, altered, extended, enlarged, added to, replaced or relaid under paragraph (2) of the said article 5.

(2) References in this Order to reference points shall be construed as references to National Grid reference points.

(3) Any reference in this Order to a distance or length in any description of works, powers or land shall be construed as if the words “or thereabouts” were inserted after that reference.

Incorporation of Harbours, Docks, and Piers Clauses Act 1847

3.—(1) The Harbours, Docks, and Piers Clauses Act 1847⁽⁴⁾ (except sections 6 to 19, 24, 25, 31, the proviso to section 32, sections 42, 48 to 50, 77 and 78), so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with this Order subject to the following modifications, that is to say—

- (a) section 23 shall be read and have effect as if the words “provided that no such lease be granted for a longer term than three years” were omitted;
- (b) section 63 shall be read and have effect as if for the words from “liable to” to the end of the section there were substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100;”
- (c) section 69 shall be read and have effect as if for the words from “shall forfeit” to the end of the section there were substituted the words “shall be liable on summary conviction to a fine not exceeding £400;”
- (d) section 85 shall be read and have effect as if the words “in the prescribed manner” to the end of the subsection were deleted and there were substituted therefor the words “by the Secretary of State” and the provisions of sections 236 (3) to (8) and (11) and 238 of the Local Government Act 1972⁽⁵⁾ shall apply to any byelaws made by the Company and the said section 238 shall be construed and have effect as if the expression “proper officer” were intended to refer to the secretary of the Company and, in its application to the said section 85, subsection (7) of section 236 of the said Act of 1972 shall have effect as if, after the words “the confirming authority may confirm” there were inserted the words “with or without modifications” and, as if at the end of that subsection, there were added the following proviso—

“Provided that where the Secretary of State proposes to make a modification to a byelaw which appears to him to be substantial he shall inform the Company and require them to take any steps which he considers to be necessary for informing persons likely to be concerned with the modification; and he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the consideration of, and comment upon, the proposed modification by the Company and by any other persons who have, or are likely to have, been informed of it.”

(2) In construing the provisions so applied the expression “the special Act” means this Order.

(4) 1847 c. 27.

(5) 1972 c. 70.