

2002 No. 3269

HARBOURS, DOCKS, PIERS AND FERRIES

**The Port of Ipswich (Transfer of Undertaking)
Harbour Revision Order 2002**

Made 23rd December 2002
Coming into force 30th December 2002

Whereas Ipswich Port Limited have applied for a harbour revision order under section 14 of the Harbours Act 1964(a);

And whereas no objections to the application have been made pursuant to paragraph 10(2)(f) of Schedule 3 to the said Act;

And whereas the Secretary of State for Transport is satisfied as mentioned in subsection (2)(b) of the said section 14;

Now, therefore, the Secretary of State (being the appropriate Minister under subsection (7) of the said section 14(b)), in exercise of the powers conferred by that section and now vested in him(c), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Port of Ipswich (Transfer of Undertaking) Harbour Revision Order 2002.

(2) This Order shall come into force on 30th December 2002.

Interpretation

2. In this Order—

“A.B. Ports” means Associated British Ports;

“IPL” means Ipswich Port Limited;

“the port of Ipswich” means the docks and harbour at Ipswich regulated by the Ipswich Docks Acts and Orders 1852 to 1986;

“the transfer date” means 1st January 2003; and

“the undertaking” means the undertaking of IPL in relation to the port of Ipswich.

(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, 12 and 14, and by the Transport and Works Act 1992 (c.42), Schedule 3, paragraphs 1 and 10. Schedule 3 was substituted by the Harbour Works (Environmental Impact Assessment) Regulations 1999, S.I. 1999/3445, regulation 15(4) and Schedule 3 (amended by S.I. 2000/2391).

(b) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).

(c) S.I. 1981/238.

Establishment of A.B. Ports as harbour authority for undertaking

3. On the transfer date A.B. Ports shall be established as the harbour authority for the port of Ipswich in lieu of IPL.

Transfer of functions, property, etc

4.—(1) On the transfer date all statutory and other powers and duties conferred or imposed on IPL by any provision of the Ipswich Docks Acts and Orders 1852 to 1986 in force immediately before that date shall be transferred from IPL to A.B. Ports.

(2) On the transfer date the undertaking as existing immediately before that date, including the lands, works, building, machinery stores and other real and personal property, assets and effects, rights, powers and privileges vested in or enjoyed by IPL, and all liabilities and obligations to which IPL are then subject in relation to the undertaking, shall be transferred to and vest in A.B. Ports.

(3) On and after the transfer date any statutory provision of local application or document whatsoever shall have effect in its application to the transferred undertaking as if any reference however worded and whether express or implied—

- (a) to IPL, were construed as a reference to A.B. Ports; and
- (b) to any officer or servant of IPL, were construed as a reference to an officer or servant of A.B. Ports.

Byelaws etc.

5. On and after the transfer date any byelaw, regulation, licence or consent made, issued or granted by IPL in relation to the undertaking and in force immediately before that date shall, notwithstanding the making of this Order, continue in force and have effect as if made, issued or granted by A.B. Ports.

Contracts to binding

6. All purchases, sales, conveyances, deeds, contracts and agreements entered into or made by IPL and in force immediately before the transfer date shall, on and after that date, be as binding and of as full force and effect in every respect against or in favour of A.B. Ports as they have heretofore been against or in favour of IPL and may be enforced as fully and effectively as if instead of IPL A.B. Ports had been a party thereto.

Proceedings not to abate

7. All legal and other proceedings begun before the transfer date and relating to any property, rights or liabilities transferred to A.B. Ports under this Order may be carried on by or in relation to A.B. Ports.

Modification of A.B. Ports legislation

8. On and from the transfer date—

- (a) section 57 of the British Transport Commission Act 1949^(a) and section 26 of the British Transport Commission Act 1961^(b) shall apply to any port premises as defined in section 3 of the Ipswich Dock Act 1971^(c) as they apply to harbour premises referred to in those provisions;
- (b) if and to the extent that it would not otherwise so apply, section 54 of the British Transport Docks Act 1964^(d) shall apply to any byelaws made by A.B. Ports under section 78 of the Ipswich Dock Act 1971 as it applies to bye-laws made by A.B. Ports in relation to any other harbour;
- (c) section 51 of the British Transport Docks Act 1964 shall not apply in relation to the port of Ipswich; and

(a) 1949 c.xxix.
(b) 1961 c.xxxvi.
(c) 1971 c.xiv.
(d) 1964 c.xxxviii.

(d) section 9(1) of the Transport Act 1981^(a) shall not apply to the port of Ipswich and in their application to the port of Ipswich sections 8 and 9 of and Schedule 3 to the Transport Act 1981 shall have effect subject to sections 34 and 35 of the Ipswich Dock Act 1971.

Consequential Repeals

9. On the transfer date section 23 of the Ipswich Dock Act 1950^(b) and sections 80 and 81 of the Ipswich Dock Act 1971 shall be repealed.

Signed by authority of the Secretary of State for Transport

23rd December 2002

Stephen Reeves
Head of Ports Division,
Department for Transport

^(a) 1981 c.56.
^(b) 1950 c.xiv.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates Associated British Ports (A.B. Ports) as the harbour authority for the Port of Ipswich in place of Ipswich Port Limited and transfers the undertaking of that company to A.B. Ports. Provision is made for byelaws and contracts made or entered into by Ipswich Port Limited to remain in force as if they had been made or entered into by A.B. Ports and for legal and other proceedings to be carried on by or in relation to A.B. Ports. The Order also includes modifications of legislation relating to A.B. Ports in its application to the Port of Ipswich and consequential repeals of existing legislation relating to the Port of Ipswich.

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