
STATUTORY INSTRUMENTS

2006 No. 554

The Port of Ipswich Harbour Revision Order 2006

PART 2

WORKS PROVISIONS

Power to make works

3.—(1) A.B. Ports may, in the lines and situations shown on the deposited plan and according to the levels shown on the deposited sections, make and maintain the following works on the bed of the river Orwell:-

Work No.1

A new quay extending the existing No.2 Shed Quay commencing at reference point TM16704 42068, then extending into the river in a southerly and then south-easterly direction and terminating at reference point TM 16783 41898 on the existing Power Station quay.

A new quay extending the existing Power Station quay commencing at reference point TM 16850 41772, then extending into the river in a south-easterly direction to reference point TM 17075 41504, and then returning in a north-easterly direction to reference point TM17113 41537 on the existing Ash Lagoon wall.

Work No.2

A new quay extending the existing Power Station quay commencing at reference point TM 16850 41772, then extending into the river in a south-easterly direction to reference point TM 17075 41504, and then returning in a north-easterly direction to reference point TM17113 41537 on the existing Ash Lagoon wall.

(2) A.B. Ports may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the works.

(3) The works shall for all purposes form part of the undertaking.

Power to make subsidiary works

4. A.B. Ports may:

- (a) from time to time within the limits of deviation erect, construct and maintain all such works, conveniences, appliances and apparatus as they from time to time deem necessary or convenient for the purposes of or in connection with or incidental to, the construction and maintenance of the works or the accommodation of vessels thereat.
- (b) in the course of constructing, replacing altering or reconstructing the works carry out construction activity, including the temporary placing of plant and equipment, within the waters adjoining the limits of deviation.

Power to deviate

5. In constructing Works Nos. 1 and 2 A.B. Ports may deviate laterally from the lines or situations shown on the deposited plan and described in article 3 (Power to make works) above 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 three metres upwards and to such extent downwards as may be found necessary or convenient.

Fine for obstructing works

6. Any person who intentionally obstructs any person acting under the authority of A.B. Ports in constructing the works or intentionally or recklessly interferes with equipment or materials used in the construction of the works shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to dredge

7.—(1) For the purposes of affording uninterrupted and convenient means of access to the works and of enabling their use at all states of the tide, A.B. Ports may, from time to time deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the river Orwell—

- (a) within the area shaded grey on the deposited plan, to a depth of not more than 8.80 metres below Chart Datum; and
- (b) within the area hatched black on the deposited plan, to a depth of not more than 5.90 metres below Chart Datum.

(2) A.B. Ports may (subject to paragraphs (3) and (4) below) as it thinks fit use, appropriate or dispose of the materials from time to time taken up or collected by it in the course of any operations authorised by this article.

(3) No materials referred to in this article shall;

- (a) be disposed of in contravention of the provisions of any enactment relating to the disposal of waste;
- (b) be deposited in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Secretary of State.

(4) The power to use, appropriate, or dispose of materials referred to in this Article shall not extend to wreck (within the meaning of Part IX of the Merchant Shipping Act 1995(1)).

Tidal works not to be executed without approval of Secretary of State

8.—(1) A tidal work shall not be constructed, altered, enlarged, replaced, relaid, extended or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, altered, enlarged, replaced, relaid, extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article —

- (a) the Secretary of State may by notice in writing require A.B. Ports at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and, if on the expiration of 30 days from the date when the notice is served upon A.B. Ports it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; and

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from A.B. Ports.

Provision against danger to navigation

9.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, A.B. Ports shall as soon as reasonably practicable notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If without reasonable excuse A.B. Ports fails to notify Trinity House as required by paragraph (1) above or to comply in any respect with a direction given under the said paragraph, it shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed

10.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require A.B. Ports at its own expense either to repair and restore the work of any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under paragraph (1) above.

(3) If, on the expiration of 30 days from the date when a notice under paragraph (1) above is served upon A.B. Ports, it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from A.B. Ports.

Survey of tidal works

11. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from A.B. Ports.

Permanent lights on tidal works

12.—(1) After the completion of a tidal work A.B. Ports shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If A.B. Ports fails to comply in any respect with a direction given under paragraph (1) above, it shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for A.B. Ports to prove that all due diligence was used to secure compliance with the direction.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Lights on tidal works during construction

13.—(1) A.B. Ports shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) If A.B. Ports fails to comply in any respect with a direction given under paragraph (1) above, it shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for A.B. Ports to prove that all due diligence was used to secure compliance with the direction.