

2010 No. 1900

HARBOURS, DOCKS, PIERS AND FERRIES

The Ryde Pier Harbour Revision Order 2010

Made - - - - *20th July 2010*

Coming into force - - *10th August 2010*

Wightlink Limited is a company limited by shares and is incorporated in, and in accordance with the laws of, England. It has applied for a harbour revision order under section 14 of the Harbours Act 1964 (a).

The Secretary of State is the appropriate Minister under section 14(7)(b) of that Act and is satisfied as mentioned in section 14(2)(b) of that Act.

The Secretary of State makes this Order in exercise of the powers conferred by that section and now vested in him(c).

Citation and commencement

1. This Order may be cited as the Ryde Pier Harbour Revision Order 2010 and comes into force on 10th August 2010.

Interpretation

2. In this Order –

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

“the Act of 1877” means the South-Western and Brighton Railway Companies (Isle of Wight and Ryde Pier Railway) Act 1877(e);

“the existing pier enactments” means the Act of 1877 and the Sealink (Transfer of Ryde Pier) Harbour Revision Order 1991(f)

“the pier” means that part of the pier at Ryde Harbour in the Isle of Wight which was transferred to the Company by the Sealink (Transfer of Ryde Pier) Harbour Revision Order 1991(d) and includes any reconstruction of it carried out from time to time by or on behalf of the Company; and

(a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2,3,4(1) and 14, section 40 and Schedule 12 Part II; by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1; by the Planning Act 2008 (c.29) section 36, Schedule 2, paragraphs 8 and 9; and by S.I. 2009/1941, article 2, Schedule 1, paragraph 12.

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

(c) S.I. 1981/238, S.I.1997/2971, S.I.2001/2568 and S.I.2002/2626.

(d) 1847 c. 27.

(e) 1877 c.cvii;

(f) S.I. 1991/107.

“the Company” means Wightlink Limited

Byelaws

3.—(1) In addition to the power to make byelaws conferred on the Company by section 83 of the Act of 1847, as incorporated with the Act of 1877, the Company may make byelaws for the good rule and government of the pier.

(2) Byelaws made under this article, or under the existing pier enactments, may be expressed to be applicable to all or any part of the pier.

(3) Section 236(3) to (8), section 237 and section 238 of the Local Government Act 1972(a) are to apply to all byelaws made by the Company, whether made under this article or under the existing pier enactments.

(4) In its application to byelaws made by the Company under this article or under the existing pier enactments, section 236(7) of the Local Government Act 1972 is, subject to paragraph (6), to be construed as if it had been amended by the insertion of the words “with or without modifications” after the word “confirm” in the second place where that word occurs.

(5) The confirming authority for the purposes of this article and of section 236 of the Local Government Act 1972 in its application to byelaws made by the Company is the Secretary of State.

(6) The Secretary of State, if proposing to make a modification and thinking that modification to be substantial –

- (a) must inform the Company and require it to take any steps the Secretary of State thinks necessary for informing persons likely to be concerned by that modification; and
- (b) must not confirm the byelaws until there has elapsed such a period as the Secretary of State thinks reasonable for the Company and other persons who have been informed of the proposed modification to consider and comment upon it.

(7) Byelaws made by the Company under this article, or under the existing pier enactments, may contain provisions imposing upon a person offending against any such byelaw a fine on summary conviction not exceeding level 3 on the standard scale.

(8) Byelaws made under this article, or under the existing pier enactments, may provide that, in proceedings for an offence against such a byelaw, it is a defence for the person charged to prove that that person took all reasonable precaution and exercised due diligence to avoid the commission of the offence.

Crown Rights

4.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown, and in particular and without prejudice to the generality of the foregoing nothing in this Order authorises the Company or any lessee or licensee of the Company to take, use, enter upon or in any manner interfere with any land or interest in land or any rights of whatsoever description (including any portion of the shore or bed of the sea) –

- (a) belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that department.

(2) A consent under paragraph (1) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

(a) 1972 c.70, to which there are no amendments relevant to this Order.

Saving for Isle of Wight Council

5. Nothing in this Order prejudices or derogates from any functions of the Isle of Wight Council.

Saving for Trinity House

6. Nothing in this Order prejudices or derogates from any of the rights or privileges or the jurisdiction or authority of the Corporation of Trinity House of Deptford Strond.

Signed by authority of the Secretary of State for Transport

20th July 2010

R C Bennett
Head of Ports Division
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers powers upon Wightlink Limited, the owner of the Ryde Pier, to make byelaws to regulate the use of the pier and to impose penalties, not exceeding level 3 on the standard scale, on persons offending against the byelaws.

The Order also empowers the Secretary of State, when confirming such byelaws, to modify them.

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