
STATUTORY INSTRUMENTS

2017 No. 601

The Folkestone Harbour Revision Order 2017

PART 6

MISCELLANEOUS

Power to grant tenancies and to dispose of land

45.—(1) The Company may grant licences, tenancies and leases for a term of land within the harbour so far as it considers desirable in the interests of efficient and economical management of the harbour.

(2) The Company may also dispose of any interest in land within the harbour which it considers to be surplus to that required by it for the purposes of the undertaking.

Development, etc. of land

46.—(1) The Company may form and promote, or join with any other person in forming and promoting, a company for using or developing for any purpose, or carrying on any trade or business on, any of the harbour land.

(2) The Company may (alone or with others) develop land not required for the purposes of the undertaking with a view to disposing of the land or interests in it, and may acquire land by agreement for the purpose of developing it with such land.

Saving for Trinity House

47. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of Trinity House.

Defence of due diligence

48.—(1) In proceedings for an offence under article 12, 14 or 15, it shall be a defence for the Company to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in any case the defence provided under paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Company shall not, without leave of the court, be entitled to rely on that defence unless, not less than 7 clear days before the hearing, it has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in its possession.

Crown rights

49.—(1) Nothing in this Order shall—

- (a) prejudicially affect any estate, right, power, privilege, authority or exemption of the Crown; or

Status: This is the original version (as it was originally made).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

- (b) authorise the Company to take, use, enter upon or in any manner interfere with, any land or hereditaments or rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—
 - (i) Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
 - (ii) a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.
- (2) Consent under paragraph (1) may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.