
STATUTORY INSTRUMENTS

1990 No. 1452

HARBOURS, DOCKS, PIERS AND FERRIES

The Portsmouth (Camber Dock and Flathouse Wharf) Harbour Revision Order 1990

Made - - - - *17th July 1990*
Coming into force - - *18th July 1990*

Whereas the making of this Order is not opposed:

Now therefore the Secretary of State for Transport (being the appropriate Minister under section 14(7) of the Harbours Act 1964⁽¹⁾ for the purpose of making this Order) in exercise of the powers conferred by the said section 14 and now vested in him⁽²⁾, and of all other powers enabling him in that behalf, and on the application of the Portsmouth City Council, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Portsmouth (Camber Dock and Flathouse Wharf) Harbour Revision Order 1990 and shall come into force on 18th July 1990.

Interpretation

2. In this Order:—

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847⁽³⁾;

“the Council” means the Portsmouth City Council;

“the undertakings” means the Camber Dock and Flathouse Wharf undertakings of the Council as authorised by the scheduled enactments;

“the scheduled enactments” means the Acts and Orders mentioned in the Schedule to this Order.

(1) 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.
(2) See section 57(1) of the Harbours Act 1964 and S.I.1981/238.
(3) 1847 c. 27.

Incorporation of Act of 1847

3.—(1) The Act of 1847 (except sections 6 to 13, 16 to 20, 25 to 27, 31, 48, 49, 50, 67, 79 to 82, 84 to 90, 95, 97 and 98 and so much of the proviso to section 83 as follows the words “the special Act”), so far as the same is applicable for the purposes of and is not inconsistent with, or varied by, the provisions of this Order, is hereby incorporated with this Order:

Provided that—

- (a) section 15 of the Act of 1847 shall 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 level 2 on the standard scale”;
- (b) section 34 of the Act of 1847 shall have effect as if, after the word “may”, there were inserted the words “(producing if so required a duly authenticated document showing his authority)”;
- (c) section 63 of the Act of 1847 shall have effect as if the words “and a further sum of twenty shillings for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition” were omitted; and
- (d) section 69 of the Act of 1847 shall 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 level 4 on the standard scale”.

(2) Any provisions of the Act of 1847 excepted from incorporation by paragraph (1) of this article shall cease to apply to the undertakings.

(3) In the construction of the Act of 1847 as so incorporated the expression “the special Act” shall mean this Order and the expression “vessel” shall include every description of vessel used in navigation however propelled, any hovercraft and hydro-foil vessel and any aircraft designed to manoeuvre on the water.

(4) (a) For the purposes of section 83 of the Act of 1847 as so incorporated sections 236 to 238 of the Local Government Act 1972(4) shall apply to this Order as if it were such an enactment as is referred to in the said section 236, and:—

- (i) for the purposes of the said section 236 the confirming authority for byelaws made under the said section 83 shall be the Secretary of State for Transport; and
 - (ii) the said section 236 shall have effect as if in subsection (7) thereof after the word “confirm” where it firstly occurs in the sub-section the words “with or without modification” were inserted.
- (b) if the Secretary of State, on considering byelaws relating to the harbour made by the Council and submitted under the said section 236 as having effect in accordance with paragraph (a) above proposes to make a modification which appears to him to be substantial, he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.

Parking places

4. The Council may provide facilities on land within the undertakings for the parking of vehicles and trailers and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and may make reasonable charges for the use of such facilities.

(4) 1972 c. 70.

Removal of vehicles

5.—(1) If a vehicle or trailer is left without the permission of the Council—

- (a) in any place where it is likely to obstruct or interfere with the use of the undertakings; or
- (b) on any land within the undertakings where the parking of vehicles or trailers is prohibited by notice erected by the Council;

the Council may remove the vehicle or trailer, or cause it to be removed.

(2) Any notice erected under paragraph (1)(b) above shall be conspicuously posted in or close to the place to which it relates.

(3) Where the Council in exercise of the powers of this article remove a vehicle or trailer or cause it to be removed, the expense of and incidental to the removal shall be recoverable by the Council from any person responsible as a debt in any court of competent jurisdiction.

(4) For the purposes of paragraph (3) above “person responsible” shall have the same meaning as in section 102(8) of the Road Traffic Regulation Act 1984⁽⁵⁾.

(5) If the Council in exercise of the powers of this article remove a vehicle to a place not readily visible from the place whence it is so removed they shall, if and so soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971⁽⁶⁾ or any other regulations having the like effect for the time being in force, at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this article and of the place to which the vehicle has been removed.

(6) A notice stating the general effect of paragraph (1) above shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the undertakings.

Power to lease, etc.

6. The Council may for harbour purposes—

- (a) lease or grant the use or occupation of; or
- (b) grant any right or interest in or over

any lands, works, buildings, equipment or other property forming part of the undertakings for such period or periods and on such terms and conditions as shall be agreed between the Council and the person taking the same.

Power to appropriate parts of undertakings

7.—(1) The Council may set apart and appropriate any part of the undertakings for the exclusive or preferential use and accommodation of any particular trade, activity, person, vessel or class of vessels, or goods, subject to such terms, conditions and regulations as the Council think fit.

(2) No person or vessel shall make use of any part of the undertakings set apart or appropriated under this article without the consent of the harbour master and the harbour master may order any person or vessel making use thereof without such consent to leave or be removed and the provisions of section 58 (power of harbour master as to moving of vessels in harbour) of the Act of 1847 shall extend and apply mutatis mutandis to and in relation to any such vessels.

(5) 1984 c. 27.

(6) S.I. 1971/450.

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

Costs of order

8. All costs, charges and expenses preliminary to, and of and incidental to, the preparation of, the application for, and the obtaining of this Order or otherwise in relation thereto (other than those which any person is lawfully ordered to pay by the Secretary of State for Transport or a Joint Committee of both Houses of Parliament, or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Council.

Signed by authority of the Secretary of State for Transport

17th July 1990

H. B. Wenban-Smith
An Under Secretary in the
Department of Transport

SCHEDULE

Article 2

ENACTMENTS RELATING TO THE UNDERTAKINGS

1839 c.lxxii.	An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that Portion of the Harbour of Portsmouth called the Camber (1839)
1868 c.cxxviii.	Portsmouth Camber Quays Act 1868
1883 c.clxv.	Landport Wharf Act 1883
1898 c.cci.	Portsmouth Camber Quays Order 1898 (confirmed by the Pier and Harbour Order Confirmation (No. 2) Act 1898)
1911 c.clviii.	Portsmouth Camber Dock and Flathouse Wharf Order 1911 (confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1911)
1959 c.xlv.	Portsmouth Corporation Act 1959

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers Portsmouth City Council as the harbour authority for the Camber Dock and Flathouse Wharf undertakings, to provide and charge for parking facilities, to remove vehicles and trailers causing an obstruction or left without permission, to grant leases for harbour purposes and to appropriate any part of the undertakings for exclusive or preferential use. The Order also incorporates and applies certain provisions of the Harbours Docks and Piers Clauses Act 1847 and disapplies other provisions of that Act.

The applicant for the Order is Portsmouth City Council.