

1972 No. 1931

**HARBOURS, DOCKS, PIERS AND FERRIES**  
**The Bristol Port and Harbour Revision Order 1972**

<i>Made</i>	- - -	<i>7th July 1972</i>
<i>Laid before Parliament</i>		<i>24th October 1972</i>
<i>Coming into Operation</i>		<i>5th December 1972</i>

The Secretary of State for the Environment in exercise of his powers under section 14 of the Harbours Act 1964(a), and of all other powers enabling him in that behalf and on the application of the lord mayor, aldermen and burgesses of the city and county of Bristol, hereby makes the following Order:—

*Citation and commencement*

1.—(1) This Order may be cited as the Bristol Port and Harbour Revision Order 1972 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(b).

(2) The Bristol Dock Acts 1848 to 1971 and this Order may be cited together as the Bristol Dock Acts and Order 1848 to 1972.

*Interpretation*

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the Act of 1951” means the Bristol Corporation Act 1951(c);

“the Act of 1955” means the Bristol Corporation Act 1955(d);

“the Act of 1961” means the Bristol Corporation Act 1961(e);

“the city” means the city and county of Bristol;

“the Corporation” means the lord mayor, aldermen and burgesses of the city acting by the council of the city;

“enactment” includes an enactment in this Order or in any general or local Act and any order, byelaw, scheme or regulation made under an Act.

(2) The Interpretation Act 1889(f) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Order.

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(a) 1964 c. 40.  
(c) 1951 c. xxxii.  
(e) 1961 c. xliv.

(b) 9 & 10 Geo. 6. c. 18; 1965 c. 43.  
(d) 1955 c. xx.  
(f) 1889 c. 63.

*Alteration of limits of Port and Harbour of Bristol etc.*

3.—(1) As from the coming into operation of this Order the limits of the Port of Bristol and of the Harbour of Bristol and of the area within which the Corporation are entitled to exercise jurisdiction as a conservancy authority and as a local lighthouse authority within the meaning of Part XI (Lighthouses) of the Merchant Shipping Act 1894(a) shall be extended to include the area described in Part I of Schedule I to this Order (in this Order referred to as “the added area”) and thereafter shall consist of and comprise the area described in Part II of the said schedule (in this article referred to as “the limits of the port”) in lieu of the area described in Part II of the Schedule to the Act of 1955 (in this article referred to as “the existing area”).

(2) Subject as hereinafter provided, all enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Corporation and all byelaws and regulations made by the Corporation which relate to or are in force in the existing area shall relate to and have effect in the limits of the port.

(3) Nothing in this Order shall affect the operation within the limits of the port of such of the provisions of the Harbours, Docks and Piers Clauses Act 1847(b) as immediately before the coming into operation of this Order were operative within the existing area and, subject as hereinafter provided, the said provisions shall extend and apply to the added area.

(4) The Corporation shall not impose any rates, dues, tolls or charges on any vessel or on any goods or passengers carried therein by reason only that the vessel passes through a part of the limits of the port which lies seawards of an imaginary line drawn straight across the mouth of the River Avon from National Grid reference point ST50246 78828 to National Grid reference point ST50271 78100 on a voyage between a place not within the limits of the port and any other place not within those limits.

(5) Nothing in any existing enactment of local application which relates to or is in force in the limits of the port or any byelaw or regulation of the Corporation shall be construed as authorising the Corporation or the several officers of the Corporation having the powers of a harbour master under the Harbours, Docks and Piers Clauses Act 1847 (as extended and applied by paragraph (3) of this article) to interfere with the navigation of a vessel within the added area for the purpose of a voyage between a place not within the limits of the port and any other place not within those limits; nor shall anything in this article be construed as authorising the Corporation to make any byelaw or regulation to that effect.

(6) Without prejudice to paragraph (5) of this article the powers of a harbour master to give directions under section 52 of the Harbours, Docks and Piers Clauses Act 1847 shall not extend to any vessel navigating between the lower Bristol Channel and Cardiff Docks, Barry Docks, Newport Docks, Uskmouth Terminal Basins or Lydney Docks.

(7) The management of all lighthouses, buoys and beacons within the added area (other than lighthouses, buoys and beacons belonging to the Corporation of Trinity House Deptford Strond) shall be transferred to and vest in the Corporation and section 31 (Corporation to be local lighthouse authority) of the Bristol

Corporation Act 1938(a) shall have effect as if a reference to the limits of the port were substituted for the reference to the area described in Part II of the Schedule to the Act of 1955.

(8) Within one month after the coming into operation of this Order the Corporation shall deposit at the Department of Trade and Industry a plan showing the limits of the port.

*Amendment of enactments*

4.—(1) As from the coming into operation of this Order section 4 (Interpretation) of the Act of 1951 and section 4 (Interpretation) of the Act of 1961 shall have effect in each case as if in the definition of the expression “the port” a reference to the area described in Part II of Schedule I to this Order were substituted for the reference to the area described in Part II of the Schedule to the Act of 1955.

(2) As from the coming into operation of this Order section 39 (For protection of British Transport Commission) of the Act of 1961 shall have effect as if in the definition of the expression “the added area” in subsection (1) thereof for the words “Part I of the Schedule to the Bristol Corporation Act 1955” there were substituted the words “Part I of Schedule 1 and Schedule 2 to the Bristol Port and Harbour Revision Order 1972”, as if in the definition of the expression “the undertakings” in the said subsection (1) after the word “as” there were inserted the words “Cardiff Docks, Barry Docks, Newport Docks, Uskmouth Terminal Basins,” and as if at the end of subsection (2) thereof there were inserted the words “but without prejudice to article 3(5) and (6) of the Bristol Port and Harbour Revision Order 1972”.

(3) As from the coming into operation of this Order section 26 (For protection of Bristol Corporation) of the British Transport Docks Act 1967(b) as originally enacted and as incorporated with Part IV of the British Transport Docks Act 1969(c), shall have effect as if in the definition of the expression “the port” in paragraph (1) thereof for the words “being the area described in Part II of the Schedule to the Bristol Corporation Act 1955” there were substituted the words “as existing on 1st August 1955”.

*As to customs limits*

5. Nothing in this Order shall affect the limits of any port appointed and declared by the Treasury under section 11 of the Customs Consolidation Act 1876(d) or under any enactment repealed by that Act.

*Saving for pilotage authorities*

6.—(1) Nothing in this Order shall prejudice or derogate from or in anywise alter, affect or interfere with the jurisdiction or authority of a pilotage authority to which this article applies (hereinafter referred to as “the authority”) in the appointment of pilots or the fees, emoluments and rights whatsoever due or payable to the authority or any other rights and privileges whatsoever now subsisting and in force enjoyed by the authority under or by virtue of any enactment or otherwise.

(2) This article applies to the Barry Pilotage Authority, the Cardiff Pilotage Authority, the Gloucester Pilotage Authority and the Newport Pilotage Authority or their successors.

(a) 1938 c. lxxix.  
(c) 1969 c. xxiii.

(b) 1967 c. xxxi.  
(d) 1876 c. 36.

(a) 1894 c. 60.

(b) 1847 c. 27.



*For protection of British Transport Docks Board*

7.—(1) In this article—

- (a) “major dredging work” means the removal of marl, gravel, rock or other materials in such quantity and to such an extent as will in any calendar year result in—
  - (i) an increase of more than one fathom in the controlling depth of the main channel lying between the English Grounds and the Middle Ground; or
  - (ii) an increase of more than 400 square yards in the cross-sectional area below chart datum of the said main channel taken on any line at right angles to the axis of the channel; or
  - (iii) the removal from any one continuous area of more than one million cubic yards of such material;
- (b) “the Board” means the British Transport Docks Board.

(2) Before commencing any major dredging work within the added area the Corporation shall—

- (a) give to the Board at their principal office three months’ notice in writing of their intentions, together with a description of the work which they propose to carry out which description shall specify the location of the work, the total quantity of material to be removed, the depth and width to be attained in any channel which they propose to dredge and the date when they propose to commence the said work;
- (b) give full consideration to any representations made by the Board within two months of receipt of the said notice as to the effects which they apprehend the said work may have on the shipping channels and approaches to the River Usk, their docks at Newport and their terminal basins at Uskmouth; and
- (c) inform the Board of the steps which the Corporation propose to take as a result of such consideration.

(3) The Corporation shall keep correct records showing the dredged area, the quantity of material removed and the depth and width of channel achieved in relation to every major dredging work and shall, not later than one month after the completion of each such work, or after the end of each calendar year whichever is the earlier, send to the Board a written statement of those records in such form as the Board may reasonably require.

(4) The Corporation shall carry out such tests and surveys as the Board may by notice in writing reasonably require for the purpose of ascertaining whether or not a major dredging work has had or is having or is likely to have a prejudicial effect on the shipping channels or approaches referred to in paragraph (2)(b) of this article.

(5) If it shall be agreed between the Corporation and the Board, or determined by arbitration, that such tests and surveys show that the depth or width of any of the shipping channels or approaches referred to in paragraph (2)(b) of this article has been reduced as the result of a major dredging work so as to affect prejudicially the navigation of vessels in such channels and approaches the Corporation shall reimburse to the Board the cost of any measures which the Board may reasonably take in restoring or maintaining the said shipping channels or approaches to or in the condition in which they were before the commencement of the major dredging work.

(6) If after the completion of a major dredging work there shall be fifteen consecutive years during which no liability to the Board by the Corporation shall have arisen under paragraph (5) of this article, and no further major dredging work shall have been carried out, the provisions of this article shall cease to have effect unless and until a further major dredging work is commenced, whereupon the provisions of this article, including this paragraph, shall revive.

(7) Any question arising between the Board and the Corporation under the provisions of paragraphs (3), (4) or (5) of this article shall be determined by arbitration.

*For protection of Newport Harbour Commissioners*

8. The provisions of article 7 (For protection of British Transport Docks Board) of this Order shall extend and apply for the protection of the Newport Harbour Commissioners as if for references to the British Transport Docks Board there were substituted references to the said Commissioners and as if in paragraph (2)(b) thereof for the words “the River Usk, their docks at Newport and their terminal basins at Uskmouth” there were substituted the words “the Port and Harbour of Newport”.

*Arbitration*

9. Where under this Order any difference is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

*Publication of notices*

10. Within one month after the coming into operation of this Order the Corporation shall give notice of the alteration of limits effected by article 3 (Alteration of limits of Port and Harbour of Bristol, etc.) of this Order by advertisement in the London Gazette and in such other manner (if any) as they may deem expedient for causing such alteration to be made known to parties affected thereby.

*Repeal*

11. The Act of 1955 is hereby repealed.

*Crown rights*

12. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown.

*Costs of Order*

13. All costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than those which any person is lawfully ordered to pay by the Secretary of State 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 Corporation out of the general rate fund of the city.

Signed by authority of the Secretary of State

*John Peyton,*

Minister for Transport Industries,  
Department of the Environment.

7th July 1972.

## SCHEDULES

### SCHEDULE 1

#### PART I

##### ADDED AREA

An area bounded by an imaginary line commencing at the triangulation point near Ladye Point in the urban district of Clevedon in the county of Somerset and from thence drawn straight in a south-westerly direction to Sand Point (latitude 51°23'16" north—longitude 2°58'48" west) thence straight in a south-westerly direction to the point off Brean Down at which latitude 51°20'00" north intersects longitude 3°03'13" west thence straight in a direction just north of west to the south-eastern extremity of Steep Holme (latitude 51°20'16" north—longitude 3°06'09" west) thence in a westerly direction along the line of mean high-water springs to the western extremity of Steep Holme (latitude 51°20'22" north—longitude 3°06'52" west) thence straight in a north-easterly direction to the point at which latitude 51°23'29" north intersects longitude 3°03'34" west thence in a straight line in a north-easterly direction to the point at which latitude 51°26'21" north intersects longitude 2°59'30" west thence due north along the meridian of 2°59'30" west to the point at which it is intersected by latitude 51°27'10" north thence straight in a north-easterly direction to the point at which latitude 51°29'30" north intersects longitude 2°52'40" west and thence in a southerly direction to the triangulation point hereinbefore described.

#### PART II

##### LIMITS OF PORT AND HARBOUR OF BRISTOL AND OF AREA OF CORPORATION'S JURISDICTION AS CONSERVANCY AUTHORITY AND AS LOCAL LIGHTHOUSE AUTHORITY

An area bounded by an imaginary line commencing at Wharf Point (latitude 51°29'58" north—longitude 2°43'00" west) and from thence drawn in a south-westerly direction along the line of mean high-water springs to the triangulation point near Ladye Point in the urban district of Clevedon in the county of Somerset thence straight in a south-westerly direction to Sand Point (latitude 51°23'16" north—longitude 2°58'48" west) thence straight in a south westerly direction to the point off Brean Down at which latitude 51°20'00" north intersects longitude 3°03'13" west thence straight in a direction just north of west to the south-eastern extremity of Steep Holme (latitude 51°20'16" north—longitude 3°06'09" west) thence in a westerly direction along the line of mean high-water springs to the western extremity of Steep Holme (latitude 51°20'22" north—longitude 3°06'52" west) thence straight in a north-easterly direction to the point at which latitude 51°23'29" north intersects longitude 3°03'34" west thence in a straight line in a north-easterly direction to the point at which latitude 51°26'21" north intersects longitude 2°59'30" west thence due north along the meridian of 2°59'30" west to the point at which it is intersected by latitude 51°27'10" north thence straight in a north-easterly direction to the Beacon on Denny Island (latitude 51°31'30"

north—longitude 2°46'46" west) thence straight in a north-easterly direction to the point on the coast of the county of Gloucester at which the level of mean high-water springs is intersected by latitude 51°33'00" north and thence in a south-westerly direction along the line of mean high-water springs to Wharf Point hereinbefore described together with—

- (a) so much of the River Avon up to Hanham Mills as is not comprised within the said area and all other rivers or parts of rivers, harbours, canals, pills and creeks which at the coming into operation of this Order were or are for the time being within the city which are not so comprised;
- (b) the banks of the River Avon from its mouth up to Hanham Mills and the banks of all pills and creeks communicating directly with the said river together with a space of five yards in width on each of the banks thereof immediately above the level of mean high-water springs;
- (c) the Portishead Docks of the Corporation and all docks and locks which at the coming into operation of this Order were or are for the time being within the city or abutting on any part of the said area.

### SCHEDULE 2

##### AREA ADDED TO PORT AND HARBOUR OF BRISTOL AND TO AREA OF CORPORATION'S JURISDICTION AS CONSERVANCY AUTHORITY AND AS LIGHTHOUSE AUTHORITY UNDER THE ACT OF 1955

An area bounded by an imaginary line commencing at the triangulation point near Ladye Point in the urban district of Clevedon in the county of Somerset and from thence drawn straight in a northerly direction to the point at which latitude 51°29'30" north intersects longitude 2°52'40" west thence straight in a north-easterly direction to the Beacon on Denny Island (latitude 51°31'30" north—longitude 2°46'46" west) thence straight in a southerly direction to Portishead Point Lighthouse and thence in a south-westerly direction along the line of mean high-water springs to the triangulation point hereinbefore described.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order alters the limits of the Port and Harbour of Bristol and of the area within which the Bristol Corporation exercise jurisdiction as conservancy authority and as local lighthouse authority so as to include a further part of the Bristol Channel. The Order also extends the existing powers of the Bristol Corporation under their local enactments to the limits as so altered and contains a number of ancillary provisions.



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STATUTORY INSTRUMENTS

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1972 No. 1931

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Bristol Port and Harbour Revision Order 1972**