

1969 No. 1578

HARBOURS, DOCKS, PIERS AND FERRIES

The Dover Harbour Revision Order 1969

Made - - - - -	5th June 1969
Laid before Parliament	1st July 1969
Coming into Operation	3rd November 1969

The Minister of Transport in exercise of the powers conferred upon him by section 14 of the Harbours Act 1964(a), and of all other powers enabling him in that behalf and on the application of the Dover Harbour Board, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Dover Harbour Revision Order 1969 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).

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 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(c);

“the 1954 Act” means the Dover Harbour Consolidation Act 1954(d);

“the 1963 Act” means the Dover Harbour Act 1963(e);

“the 1964 Act” means the Harbours Act 1964;

“the Board” means the Dover Harbour Board;

“the harbour” means Dover Harbour;

“vessel” has the meaning assigned by article 4 of this Order.

(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.

Power to appropriate lands and works for particular trades etc.

3.—(1) Notwithstanding anything in any statutory provision of local application the Board may from time to time for the purpose of or in connection with the management of the harbour set apart and appropriate any lands, works, buildings, machinery, equipment or other property of the Board for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Board may think fit.

(2) No person or vessel shall make use of any lands, works, buildings, machinery, equipment or other property so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Board, and the harbour master or, as the case may be, such officer may order any person or vessel making use thereof without such consent to leave

(a) 1964 c. 40.

(c) 1847 c. 27.

(e) 11 & 12 Eliz. 2 c. xxix

(b) 9 & 10 Geo. 6. c. 18; 1965 c. 43.

(d) 2 & 3 Eliz. 2. c. iv.

(f) 1889 c. 63

or be removed and the provisions of section 58 (Powers of harbour master as to moving of vessels in harbour) of the 1847 Act shall extend and apply *mutatis mutandis* to and in relation to any such vessel.

Amendment to the 1954 Act

4. All the provisions of the 1954 Act and the 1963 Act shall be construed and take effect in all respects as if the definition of "vessel" contained in section 4 (Interpretation) of the 1954 Act were deleted and were replaced by the following definition namely :

"vessel" includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind, however navigated, propelled or moved, and any hovercraft and any hydrofoil vessel and any seaplane on the surface of the water and for the purpose of this present definition (i) a 'hovercraft' means a hovercraft within the meaning of the Hovercraft Act 1968(a) and (ii) a 'hydrofoil vessel' means a vessel however propelled designed to be supported on foils.'

Power to borrow

5.—(1) The Board may, for the purposes of meeting their obligations and carrying out their functions under any enactment, raise money (whether on the security of the undertaking of the Board or otherwise) by means of overdraft from any bank or other temporary loan :

Provided that the total amount outstanding at any one time of the money so borrowed shall not exceed five hundred thousand pounds.

(2) The power hereby conferred shall be in addition to any other borrowing power for the time being enjoyed by the Board save that the aggregate amount which the Board are authorised by section 79 (Power to raise debenture stock) of the 1954 Act as amended by section 29(p) (Amendment of certain provisions of Act of 1954) of the 1963 Act to borrow in the manner and on the terms therein mentioned shall be reduced by five hundred thousand pounds from ten million pounds to nine million five hundred thousand pounds and the provisions of section 114 (Saving for powers of Treasury) of the 1954 Act shall (so far as applicable) apply in respect of any borrowing under the power hereby conferred.

Remuneration of the members of the Board

6.—(1) The Board may pay to a member of the Board such salary, fee, allowance and expenses as the Board may determine.

(2) Notwithstanding the provisions of section 9 (As to qualifications of members of Board) of the 1954 Act the payment to any person of any such salary, fee, allowance or expenses shall not disqualify such person from being elected or appointed or being a member of the Board.

Savings

7.—(1) Nothing in this Order shall affect the operation of the provisions of section 130 (Preference for cross-channel traffic) of the 1954 Act which shall continue to have full force and effect.

(2) The provisions of this Order shall be without prejudice to any lease granted by the Board and subsisting at the commencement of this Order.

Given under the Official Seal of the Minister of Transport the 5th June 1969.

(L.S.)

R. D. Poland,
An Under Secretary of the
Ministry of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 33 of the Harbours, Docks and Piers Clauses Act 1847 (which is made applicable to Dover Harbour by section 3(2) of the Dover Harbour Consolidation Act 1954) provides that upon payment of the rates therein mentioned and subject as therein provided a harbour to which the section applies shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

This Order enables the Dover Harbour Board, notwithstanding section 33 of the 1847 Act, to appropriate lands, works, etc. for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels or goods.

The definition of the term "vessel" in the Dover Harbour Consolidation Act 1954 and the Dover Harbour Act 1963 is enlarged to include hovercraft and hydrofoil vessels.

The Board is also given power to raise up to £500,000 on overdraft or other temporary loan in addition to its previous power to raise money by the issue of debenture stock. The amount which the Board can borrow under its former powers is reduced by £500,000.

The Order also enables the Board to remunerate and pay the expenses of its members.

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