
STATUTORY INSTRUMENTS

1978 No. 1069

HARBOURS, DOCKS, PIERS AND FERRIES

The Dover Harbour Revision Order 1978

<i>Made - - - -</i>	<i>10th May 1978</i>
<i>Laid before Parliament</i>	<i>7th June 1978</i>
<i>Coming into Operation</i>	<i>18th July 1978</i>

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964(a), and now vested in him (b), 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.—(1) This Order may be cited as the Dover Harbour Revision Order 1978 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Acts and this Order may be cited together as the Dover Harbour Acts and Orders 1954 to 1978.

Interpretation

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

“the 1953 Byelaws” means the Dover Harbour Board Harbour Byelaws confirmed by the Minister of Transport and Civil Aviation in 1953;

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

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

“the 1969 Order” means the Dover Harbour Revision Order 1969(f);

“the Acts” means the 1954 Act, the 1963 Act, the Defence (Transfer of Functions) (Dover Harbour) Order 1964(g), the 1969 Order, the Dover Harbour Revision Order 1975(h) and the Dover Harbour Revision Order 1977(i);

“the Board” means the Dover Harbour Board;

“the harbour” means Dover Harbour;

(a) 1964 c. 40.

(c) 1945 c. 18; 1965 c. 43.

(e) 1963 c. xxix.

(g) S.I. 1964/932.

(i) S.I. 1977/2082.

(b) S.I. 1970/1681.

(d) 1954 c. iv.

(f) S.I. 1969/1578.

(h) S.I. 1975/568.

[DET 30436]

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“enactment” means any Act whether public general or local and orders or byelaws made thereunder and any provisions in any Act or in any such orders or byelaws;

“the List” means the List set out in Part 2 of the Recommendations prepared by the Committee of Experts of the United Nations on the transport of dangerous goods published by the United Nations in 1976 under reference number ST/SG/AC.10/1;

“dangerous goods” means (i) any substance or article specified in the List as being within Packing Group I thereof; and (ii) any substance or article specified in the List as being within Class 2 thereof; and (iii) any goods deemed to be dangerous goods under article 6(5)(i) hereof;

“goods” in relation to dangerous goods includes empty receptacles which have been previously used for the carriage of dangerous goods unless such receptacles

- (i) have been cleaned and dried; or
- (ii) when the nature of their former contents permits with safety, have been adequately closed; or
- (iii) in the case of radioactive substances have been both cleaned and adequately closed,

but does not include goods forming part of the equipment or stores of the ship or vehicle in which they are carried.

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

(3) Except where the context otherwise requires, references in this Order to any enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment, including this Order.

Repeals and amendments

3.—(1) Sections 39, 55, 62 and (in so far as the same shall still have effect), Section 67(2) of and the Sixth Schedule to the 1954 Act are hereby repealed.

(2) In Section 74(1) of the 1954 Act for the words in brackets there shall be substituted the words “(so far as they are not empowered to make a charge under any other provision of this Act or levy a ship, passenger or goods due under Section 26(2) of the Harbours Act 1964)”.

Limits of harbour master’s jurisdiction

4.—(1) The area within which the powers of the harbour master may be exercised shall comprise the harbour and the sea within a distance of one international nautical mile from the seaward limits of the harbour.

(2) For the words “400 yards” in Byelaws 3 and 5 of the 1953 Byelaws, there shall be substituted the words “one international nautical mile”.

Rates on warehoused goods to be paid within six months or otherwise goods to be sold for payment of rates etc.

5. The importer or importers, proprietor or proprietors, consignee or consignees of any goods, wares or merchandise warehoused stored or yarded within the harbour shall before the expiration of six months to be computed from the day of the first entry thereof pay such rates, rents and charges as shall

be then due and payable on such goods, wares and merchandise or in case such importer or importers, proprietor or proprietors, consignee or consignees or his or their agents shall fail or neglect so to do before the expiration of such six months, the Board or such person as shall be appointed by them may cause all such goods wares or merchandise to be publicly sold, first paying customs duties, excise duties and value added tax (if any) payable thereon, and the produce of such sale shall be applied first in payment of the rates, rents and charges imposed by the Acts or of any other sums which may be owing to the Board or for which they may be liable or have undertaken liability and the surplus arising from such sale shall be paid to such importer or importers, proprietor or proprietors, consignee or consignees or his or their agents:

Provided that the said goods, wares or merchandise shall not be sold until the Board shall have given one month's previous notice in writing to such importer or importers, proprietor or proprietors, consignee or consignees provided further that if no such person is known to the Board or if such person is outside the United Kingdom, or if, in the opinion of the chief executive of the Board, the goods, wares or merchandise have been abandoned, the notice may be given by displaying it at the head office of the Board for seven days before the date of any such sale.

Dangerous goods

6.—(1) (a) No person may without the prior consent in writing of the Board bring into the harbour or on to harbour land owned or occupied by the Board any dangerous goods.

(b) Any such consent as is mentioned in sub-paragraph (a) of this paragraph may be granted subject to such terms and conditions as the Board think fit and may extend to more than one consignment.

(2) The Board may refuse entry into the harbour or on to harbour land owned or occupied by the Board of any other goods which in their opinion would or might endanger the safety of the harbour or of any person, property, vessel or goods, or would be unsuitable to be received within the harbour, or may permit the entry of any such goods subject to such terms and conditions as the Board think fit.

(3) Any person who:—

(a) brings or causes or permits to be brought into the harbour or other adjacent work of the Board any dangerous goods in contravention of sub-paragraph (a) of paragraph (1) above or any other goods in respect of which entry has been refused under paragraph (2) above;

(b) commits or causes or permits a breach of any of the terms and conditions mentioned in sub-paragraph (b) of paragraph (1) above or in paragraph (2) above, as the case may be,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, or on conviction on indictment, to a fine; and the Board may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

(4) If any such goods as are mentioned in this article shall be brought into the harbour by sea in contravention of paragraphs (1), (2) or (3) above, then both the master and the owner of the vessel upon which such goods are conveyed into the harbour shall be guilty of an offence under this article.

(5) (i) The Board may from time to time publish a schedule of goods, not being substances or articles specified in the List as being within Packing Group I or Class 2 thereof but being goods which the Board consider to be dangerous or unsuitable to be received within the harbour; and such schedule shall be published by the Board by advertisement in Lloyds List and in one newspaper circulating locally in the Dover district; and upon the expiration of one calendar month after the publication of both such advertisements (or the later if publication is not simultaneous) the goods specified in such schedule shall be deemed to be dangerous goods as defined in article 2(1) hereof.

(ii) The Board shall keep a table of dangerous goods at the harbour master's office available for inspection during reasonable hours by any person without charge and shall keep copies of the table at such office for sale at a reasonable price.

(6) Nothing in this article applies to any goods to which byelaws made by the Board under the Explosives Act 1875(a) or the Petroleum (Consolidation) Act 1928(b) for the time being apply.

William Rodgers,
Secretary of State for Transport.

10th May 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order:—

- (a) Increases the area within which the powers of the harbour master may be exercised to a distance of one international nautical mile from the harbour.
- (b) Reduces from one year to six months the period which must elapse before the Board may sell goods on which charges have not been paid.
- (c) Makes provisions regulating the entry of dangerous goods into the harbour by reference (inter alia) to the Recommendations of the Committee of Experts of the United Nations on the transport of dangerous goods, published by the United Nations in 1976 under reference number ST/SG/AC10/1.

The Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 determine the date upon which it comes into operation.

(a) 1875 c. 17.

(b) 1928 c. 32.

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