



# City of Bristol (Portishead Docks) Act 1992

## 1992 CHAPTER xxi

An Act to empower the City Council of Bristol to close the Portishead Docks and to dispose of the Portishead Docks undertaking; to provide for the repeal of certain enactments relating to the Portishead Docks; and for connected or other purposes. [3rd December 1992]

### WHEREAS—

- (1) The City of Bristol is under the management and local government of the City Council of Bristol (hereinafter referred to as “the Council”):
- (2) The Council are the owners of the docks known respectively as the City Docks, the Avonmouth Docks, the Royal Portbury Docks and the Portishead Docks and are the port and harbour authority of the port and harbour of Bristol:
- (3) The Portishead Docks are no longer required for the purposes of commercial shipping:
- (4) It is expedient that the Council be empowered to discontinue their Portishead Docks undertaking, close the Portishead Docks to all vessels and dispose of that undertaking:
- (5) It is expedient that the other powers contained in this Act should be conferred on the Council and that the other provisions in this Act should be enacted:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:
- (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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## 1 Short title and collective citation

- (1) This Act may be cited as the City of Bristol (Portishead Docks) Act 1992.
- (2) The Bristol Dock Acts and this Act may be cited together as the Bristol Dock Acts and Orders 1848 to 1992.

## 2 Interpretation

In this Act, unless the context otherwise requires—

“appointed day” means such day as the Council may appoint for the purposes of section 3 (Power to close Portishead Docks) of this Act;

“the Bristol Dock Acts” means the Bristol Dock Acts and Orders 1848 to 1986;

“the Council” means the City Council of Bristol;

“enactment” means any Act (including this Act) and any subordinate legislation within the meaning of the Interpretation Act 1978;

“existing” means existing immediately before the appointed day;

“local lighthouse authority” has the same meaning as in Part XI of the Merchant Shipping Act 1894;

“the map” means the map headed “Map of Portishead Docks” one copy of which has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of Commons, one copy at the Department of Transport and one copy in the office of the City Clerk of the Council;

“the Parish Wharf” means the wharf constructed pursuant to section 10 of the Bristol and Portishead Pier and Railway Act 1866 (as subsequently modified or reconstructed);

“the Portishead Docks” means the Docks known as the Portishead Docks in the county of Avon the area whereof is shown in blue on the map;

“the Portishead Docks Acts” means the Acts mentioned in columns 1 and 2 of Part I of the Schedule to this Act;

“the Portishead Docks estate” means the piers, jetties, breakwaters, wharves, quays, berths, slipways, roads, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature, which, immediately before the appointed day, are vested in, occupied or administered by the Council for the purposes of the Portishead Docks; and references to the Portishead Docks estate include references to the Parish Wharf;

“the Portishead Docks undertaking” means the Portishead Docks and the Portishead Docks estate;

“the Portishead Pier” means the pier constructed pursuant to the Bristol and Portishead Pier and Railway Act 1866;

“the Portishead Pier estate” means the Portishead Pier, lands, foreshore and bed of the river Severn shown in red on the map.

## 3 Power to close Portishead Docks

- (1) Notwithstanding anything contained in the Portishead Docks Acts and the Bristol Dock Acts, but subject to the provisions of this Act, the Council may, on such day as they may by resolution appoint, discontinue the Portishead Docks undertaking and close the Portishead Docks to all vessels.

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- (2) On and from that day the Council shall be under no obligation to maintain and manage the Portishead Docks undertaking; and accordingly on that day—
  - (a) all powers, rights, liabilities and duties relating to that undertaking and conferred or imposed by any of the Portishead Docks Acts or the Bristol Dock Acts shall cease;
  - (b) any existing right of navigation over the Portishead Docks and any existing right to enter upon or use the Parish Wharf shall cease; and
  - (c) the Portishead Docks undertaking shall cease to be part of the Port of Bristol and of the Harbour of Bristol and shall cease to be part of the area within which the Council are entitled to exercise jurisdiction as a conservancy authority and as a local lighthouse authority.
- (3) On the appointed day any existing right to enter upon or use the Portishead Pier shall cease.
- (4) The date appointed by the Council by resolution as the date for the closure of the Portishead Docks under this section shall be a date not less than two months after the date of the resolution.
- (5) Not less than 28 days before the appointed day the Council shall publish in Lloyd's List newspaper and in at least one local newspaper circulating in Bristol a notice containing a copy of the resolution and explaining the effect thereof.
- (6) Except as provided in subsection (3) above, nothing in this section shall affect the Portishead Pier estate.

#### **4 Saving for certain enactments**

Nothing in this Act shall affect the operation of any order, regulation or other instrument made under the Customs and Excise Management Act 1979 or the Public Health (Control of Disease) Act 1984.

#### **5 Portishead Pier**

- (1) Notwithstanding the repeal by section 7 (Repeals) of this Act of section 23 of the British Transport Commission Act 1957, but subject to subsection (3) of section 3 (Power to close Portishead Docks) of this Act and the following provisions of this section, the Portishead Pier estate shall remain part of the Port of Bristol and of the Harbour of Bristol; and, subject as aforesaid, on and from the appointed day the Council shall continue to have the same functions under the Bristol Dock Acts in respect of the Portishead Pier estate as they had immediately before that day.
- (2) On and from the appointed day the provisions of the Bristol Corporation Act 1971 mentioned in subsection (3) below shall apply in relation to the Portishead Pier as they apply in relation to works constructed under that Act.
- (3) The provisions referred to in subsection (2) above are:—
  - section 19 (Provision against danger to navigation);
  - section 20 (Abatement of works abandoned or decayed);
  - section 21 (Survey of tidal works);
  - section 22 (Permanent lights on tidal works).

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- (4) On and from the appointed day the Council may sell, lease or otherwise dispose of, on such terms and conditions as they think fit, the Portishead Pier, and any land on or over which it is erected or which is reasonably required in connection with the discharge of any obligation imposed by virtue of subsection (3) above, and in that event the purchaser, lessee or other transferee, as the case may be, shall have and may exercise, to the extent authorised by his conveyance, lease or instrument of transfer, all or any of the powers in respect of that pier conferred upon the Council by or under any enactment, subject to all the restrictions, liabilities and duties in respect thereof to which the Council are subject, and shall to that extent perform all the functions of the Council under such enactment.

## **6 Sea-defence functions of Council**

- (1) Notwithstanding the repeal by section 7 (Repeals) of this Act of parts of section 32 of the Bristol Dock Act 1884, but subject to the following provisions of this section, on and from the appointed day sections 41 to 44, 48 and 49 of the 1871 Act (which contain various powers and duties in respect of sea defences at Portishead) shall continue to apply in relation to the Council as those sections applied immediately before that day.
- (2) After consulting with the Sea Wall Commissioners the Council may by agreement with a relevant authority transfer to that authority—
- (a) the powers and duties of the Council under section 41 (except for so much of the proviso as relates to the submission to, and approval of, plans by the Sea Wall Commissioners) and section 42 of the 1871 Act; and
  - (b) the sea walls owned by the Council which were vested in the Bristol and Portishead Pier and Railway Company under any of the Portishead Docks Acts or constructed under any such Act;
- upon such terms as may be agreed between the Council and the relevant authority concerned.
- (3) Where responsibility for the maintenance of those sea walls is transferred under this section—
- (a) the following provisions of the 1871 Act shall cease to have effect:—
    - (i) so much of the proviso to section 41 as relates to the submission to, and approval of, plans by the Sea Wall Commissioners; and
    - (ii) sections 43, 44 and 47 to 50; and
  - (b) no person shall thereafter be eligible to be a Sea Wall Commissioner or be liable to pay any sum to or at the direction of the Sea Wall Commissioners by reason only of his interest in or occupation of any land within the Portishead Docks estate.
- (4) In this section—
- “the 1871 Act” means the Portishead Docks Act 1871;
- “relevant authority” means any public authority for the time being having statutory functions in respect of sea or river defences for any area which includes the lands comprised in the Portishead Docks estate;
- “the Sea Wall Commissioners” has the same meaning as in the 1871 Act.

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## **7 Repeals**

On the appointed day, the enactments specified in columns (1) and (2) of the Schedule to this Act (which include spent or obsolete enactments) shall be repealed to the extent specified in column (3) of that Schedule.

## **8 Crown rights**

Nothing in this Act shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown.

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SCHEDULE

Sections 2 and 7.

ENACTMENTS REPEALED

**PART I**

PORTISHEAD DOCKS ACTS

Chapter No. (1)	Short title (2)	Extent of repeal (3)
26 & 27 Vict. c. cvii.	Bristol and Portishead Pier and Railway Act 1863.	<p>In section 2, the words from the beginning to “1860,”; the words “and ‘The Harbours, Docks, Piers, and Clauses Act, 1847,’”; and the Proviso.</p> <p>In section 3, the words from “the Expression ‘the Undertakers’” to “‘incorporated,’”; and the words from “as the Pier” to “therewith”.</p> <p>Sections 5 to 18.</p> <p>In section 19, the words “Pier or Jetty,”.</p> <p>In section 20, paragraph 1.</p> <p>Section 22.</p> <p>Section 26.</p> <p>Sections 28 to 30.</p> <p>In section 31, the words “Pier or Jetty,” in each place where they occur.</p> <p>Sections 32 and 33.</p> <p>Sections 35 to 37.</p> <p>Section 39.</p> <p>Sections 41 and 42.</p> <p>Sections 48 to 60.</p> <p>Sections 64 to 76.</p> <p>Section 78.</p> <p>Schedules B to E.</p>
29 & 30 Vict. c. lxxxviii.	Bristol and Portishead Pier and Railway Act 1866.	<p>In section 2, the words from the beginning to “1860,”; the words “and ‘The Harbours,</p>

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Chapter No. (1)	Short title (2)	Extent of repeal (3)
		Docks, and Piers Clauses Act, 1847,”; and the Proviso. Section 3. In section 4, the words from “and the Expression ‘the Undertakers’” to “the Company;”. Sections 6 to 8. Sections 10 to 15. Section 20. Section 23. Sections 32 to 41. Sections 44 to 68. The Fourth Schedule.
34 & 35 Vict. c. cxlii.	Portishead Docks Act 1871.	The whole Act, except sections 1, 4 and 41 to 52.
36 & 37 Vict. c. xlvi.	Bristol and Portishead Pier and Railway Act 1873.	The whole Act.
40 & 41 Vict. c. lxxix.	Bristol and Portishead Pier and Railway Company’s Act 1877.	The whole Act, except sections 1, 7 and 13.
41 & 42 Vict. c. cxxxvi.	Portishead Docks Act 1878.	The whole Act.
43 & 44 Vict. c. xxii.	Portishead Docks Act 1880.	The whole Act.
47 & 48 Vict. c. cclvi.	Great Western and Portishead Railway Companies Act 1884.	The whole Act.

## PART II

### OTHER ENACTMENTS

Chapter or S.I. No. (1)	Short title (2)	Extent of repeal (3)
39 & 40 Vict. c. lxxiv.	Great Western and Bristol and Exeter Railway Companies Amalgamation Act 1876.	Section 10.
47 & 48 Vict. c. cclv.	Bristol Dock Act 1884.	In section 32, the words from the beginning to “1871

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Chapter or S.I. No. (1)	Short title (2)	Extent of repeal (3)
		and”; the words “and 14”; the words “subsections and”; and the words “and the Portishead undertaking”.
		In section 33, the words from “of the Portishead Company under” to “the Portishead Docks and”, in the second place where they occur; the words “and of the Portishead Warehouse Company”; the words from “Sections 26” to “be repealed”; the words “or with the Portishead Acts”; and the words “or of the Portishead Acts”.
		In section 34, the words “and the Portishead Docks respectively” in both places where they occur.
		Section 35.
		In section 37, the words “pier and”; and the words “and the Portishead Docks”.
		In section 38, the words “or the Portishead Docks”.
		Section 39.
		In section 51, the words “pier and”.
		In the Fourth Schedule, Part III.
6 Edw. 7 c. cc.	Bristol Corporation Act 1906.	Section 14.
14 & 15 Geo. 6 c. xxxii.	Bristol Corporation Act 1951.	Section 32.
5 & 6 Eliz. 2 c. xxxiii.	British Transport Commission Act 1957.	Section 23.
<a href="#">S.I. 1972/1931</a>	Bristol Port and Harbour Revision Order 1972.	In Schedule 1, in Part II, the words “the Portishead Docks of the Corporation and”.