
STATUTORY INSTRUMENTS

1993 No.2974

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Bristol Harbour Revision Order 1993

Made - - - - 1st December 1993

Coming into force - - 3rd December 1993

Whereas the City Council of Bristol and First Corporate Shipping Limited have applied for a harbour revision order under section 14 of the Harbours Act 1964(1) (hereinafter called “the Act”);

And whereas there were objections made and not withdrawn to the application for the Order, and an inquiry was held in accordance with paragraph 4(3) of Schedule 3 to the Act;

And whereas after consideration of the objections made and not withdrawn and of the report of the person holding the inquiry the Secretary of State for Transport is satisfied that the making of the following Order is desirable:

Now therefore the Secretary of State (being the appropriate Minister under section 14(7) of the Act)(2), in exercise of the powers conferred by section 14 of the Act and now vested in him(3), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Port of Bristol Harbour Revision Order 1993.

(2) The Bristol Dock Acts and Orders 1848 to 1986 and this Order may be cited as the Bristol Dock Acts and Orders 1848 to 1993.

(3) This Order shall come into force on 3rd December 1993.

Interpretation

2.—(1) In this Order—

“the City Docks” means so much of the Port of Bristol and the Harbour of Bristol as is on the City Centre side of the line coloured blue on the signed plan;

“the Company” means First Corporate Shipping Limited;

“the Council” means the City Council of Bristol;

(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, and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraphs 1 and 10.

(2) For the definition of “the Minister”(mentioned in section 14(7)), see section 57(1).

(3) S.I.1981/238.

“the designated harbour” means the Port of Bristol and the Harbour of Bristol⁽⁴⁾, as regards which there are vested in the Council, immediately before the operative date, statutory powers and duties of improvement, maintenance and management, other than the City Docks and the Portishead Pier and Docks;

“the level of high water” means the level of mean high-water springs;

“the operative date” means the day after the day on which expires a period of four weeks beginning with the day on which this Order comes into force;

“the Portishead Pier and Docks” means—

- (a) the land shown coloured red on the signed plan; and
- (b) the pier, jetties, breakwaters, wharves, quays, berths, slipways, roads, bridges, sheds and other conveniences, and the lands, buildings and property of every description and of whatever nature which, immediately before the operative date, are vested in, occupied or administered by the Council for the purposes of or in connection with the harbour undertaking of the Council on the whole or any part of the land mentioned in paragraph (a) above;

excluding, in the case of paragraph (b) above, any part of the Severn Estuary below the level of high water and any land in respect of which, immediately before the operative date, the Company has a lease from the Council;

“the signed plan” means the plan signed in triplicate by an Assistant Secretary in the Department of Transport, of which copies have been deposited at the offices of that Department, the registered office of the Company and the office of the City Clerk of the Council;

“Trinity House” means the Corporation of Trinity House of Deptford Strond.

(2) In this Order—

- (a) any reference to the undertaking of the Council at the designated harbour is a reference to the powers, duties, rights and liabilities of the Council in relation to that harbour as they exist immediately before the operative date;
- (b) any reference to the harbour undertaking of the Council on the whole or any part of the land mentioned in paragraph (a) of the definition of “the Portishead Pier and Docks” in paragraph (1) above is a reference to the undertaking of the Council as harbour authority in respect thereof; and
- (c) any reference to the Port of Bristol and the Harbour of Bristol includes a reference to the area within which, immediately before the operative date, the Council is 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⁽⁵⁾.

Establishment of Company as harbour authority for designated harbour

3. On the operative date the Company shall become the harbour authority for the designated harbour and the Council shall cease to be the harbour authority for that harbour.

Duties and powers of Company in respect of designated harbour

4.—(1) On and from the operative date the Company shall have in respect of the designated harbour all the duties and powers imposed or conferred on the Council by any provision of the Bristol Dock Acts and Orders 1848 to 1986 in force immediately before that date, and on that date the Council shall cease to have any such duties or powers in respect of the designated harbour.

(4) For the limits of the Port of Bristol and the Harbour of Bristol, see the Bristol Port and Harbour Revision Order 1972 (S.I. 1972/1931), article 3(1) and Schedule 1, Part II; amended by S.I. 1976/1067.

(5) 1894 c. 60.

(2) In consequence of paragraph (1) above, on and from the operative date any statutory provision of local application or document whatsoever (other than a document referred to in article 6(1) of this Order) shall, so far as it relates to the designated harbour, have effect (except where the context otherwise requires and subject to any necessary modifications) as if, for any reference however worded and whether express or implied—

- (a) to the Council, there were substituted a reference to the Company; and
- (b) to any officer or servant of the Council, there were substituted a reference to the officer or servant of the Company who corresponds as nearly as may be to the first-mentioned officer or servant.

Byelaws etc.

5.—(1) On and from the operative date any byelaw, regulation, licence or consent made, issued or granted by the Council in relation to the designated harbour and in force immediately before that date shall, notwithstanding the making of this Order, continue in force and be deemed to have been made, issued or granted by the Company.

(2) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972⁽⁶⁾ (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Company under any statutory power exercisable by the Company by virtue of this Order as if the Company were a local authority and the secretary of the Company were a proper officer of a local authority; but, subject to paragraph (3) below, the Secretary of State may confirm the byelaws with such modifications as he thinks fit.

(3) Where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Company and require it 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 Company and by other persons who have been informed of it.

Saving of agreements etc.

6.—(1) Subject to paragraph (2) below, all sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands affecting the undertaking of the Council at the designated harbour and in force immediately before the operative date (other than any such document the parties to which include both the Council and the Company) shall (in so far as they relate to that undertaking) on and from that date be as binding and of as full force and effect as respects anything occurring or falling to be done on and after the operative date and may be enforced as fully and effectively against or in favour of the Company as if (except in any case where the Company as agent for the Council is already a party thereto or bound thereby or entitled to the benefit thereof) the Company instead of the Council had been a party thereto or bound thereby or entitled to the benefit thereof and as if in any casewhere the Company as agent for the Council is already a party thereto or bound thereby or entitled to the benefit thereof the Company had been a party thereto or bound thereby or entitled to the benefit thereof in its own right and not as agent for the Council.

(2) Nothing in paragraph (1) above—

- (a) shall transfer from the Council to the Company any liability of the Council (including any liability in damages) incurred or arising prior to the operative date or relating to events, acts or omissions which took place prior to the operative date; or
- (b) shall have the effect of transferring from the Council to the Company any interest in any land.

(6) 1972 c. 70.

Continuance of proceedings

7.—(1) Nothing in this Order shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the operative date—

- (a) by or in favour of or against the Council; or
- (b) by or in favour of or against the Company as agent for the Council;

in relation to the undertaking of the Council at the designated harbour, and any such action, arbitration or other proceeding or cause of action, arbitration or other proceeding may be maintained, prosecuted or continued by or in favour of or against the Council or, in the case of paragraph (b) above, the Company.

Restriction on levying certain dues

8. The Company shall not have power to levy charges of either of the kinds mentioned in paragraphs (a) and (b) of the definition of “ship, passenger and goods dues” in section 57 of the Harbours Act 1964 in respect of a vessel which is not designed or adapted for the carrying of goods by reason only of that vessel entering, using or leaving the waters of the designated harbour in order to pass to or from the City Docks.

Saving for Trinity House

9. Nothing in this Order shall prejudice or derogate from any of the powers, rights, duties or privileges of Trinity House.

Signed by authority of the Secretary of State for Transport

1st December 1993

Caithness
Minister of State,
Department of Transport

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates First Corporate Shipping Limited as the harbour authority for the Port of Bristol (other than the City Docks and the Portishead Pier and Docks) in place of the City Council of Bristol, which remains as harbour authority for those docks.

The Order contains provisions conferring upon First Corporate Shipping Limited certain of the statutory functions hitherto exercised by the City Council in respect of the Port.