
STATUTORY INSTRUMENTS

2006 No. 2167

HARBOURS, DOCKS, PIERS AND FERRIES

The Dover Harbour Revision Order 2006

Made - - - - *2nd August 2006*

Coming into force - - *16th August 2006*

Whereas the Dover Harbour Board have applied for a harbour revision order under section 14 of the Harbours Act 1964⁽¹⁾

And whereas no objections have been made pursuant to paragraph 10(2)(f) of Schedule 3 to that Act⁽²⁾;

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14⁽³⁾) in exercise of the powers conferred by that section and now vested in him⁽⁴⁾, and of all other powers enabling him in that behalf, hereby makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Dover Harbour Revision Order 2006 and shall come into force on 16th August 2006.

(2) The Dover Harbour Acts and Orders 1954 to 1978, the Dover (Pilotage) Harbour Revision Order 1988⁽⁵⁾ and this Order may be cited together as the Dover Harbour Acts and Orders 1954 to 2006.

Interpretation

2. In this Order—

-
- (1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and 14, and by the Transport and Works Act 1992 (c. 42), sections 63(1) and Schedule 3, paragraph 1.
- (2) Schedule 3 was substituted by the Harbour Works (Environmental Impact Assessment) Regulations 1999, S.I. 1999/3445, regulation 15(4) and Schedule 3 (amended by S.I. 2000/2391).
- (3) For the definition of “the Minister” (mentioned in Section 14(7)), see section 57(1).
- (4) S.I. 1981/238, S.I. 1997/2971, S.I. 2001/2568 and S.I. 2002/2626.
- (5) S.I. 1988/2298.

- “the 1847 Act” means the Harbours Docks and Piers Clauses Act 1847⁽⁶⁾;
- “the 1954 Act” means the Dover Harbour Consolidation Act 1954⁽⁷⁾;
- “the 1963 Act” means the Dover Harbour Act 1963⁽⁸⁾;
- “the 1964 Act” means the Harbours Act 1964;
- “the 1969 Order” means the Dover Harbour Revision Order 1969⁽⁹⁾;
- “the Acts” means the 1954 Act, the 1963 Act, the Defence (Transfer of Functions) (Dover Harbour) Order 1964⁽¹⁰⁾, the 1969 Order, the Dover Harbour Revision Order 1975⁽¹¹⁾, the Dover Harbour Revision Order 1977⁽¹²⁾, the Dover Harbour Revision Order 1978⁽¹³⁾, the Dover (Pilotage) Harbour Revision Order 1988⁽¹⁴⁾;
- “the Board” means the Dover Harbour Board;
- “Board operational premises” means all land outside the harbour within ten kilometres (drawn in a straight line) of the entrance to the Eastern Docks, Dover, and being operational land of the Board (as a statutory undertaker) as defined in section 263(1)(a) of the Town and Country Planning Act 1990⁽¹⁵⁾ but does not include land which is not in use for the Board’s undertaking;
- “charges” includes charges, rents, poll-tax, dues, rates, fees and commissions of all kinds;
- “constable” means a constable appointed under section 79 of the 1847 Act as incorporated in the Acts and modified by article 14(1);
- “dangerous goods” means any substance or article or any goods which the Board considers to be potentially hazardous and which are for the time being specified in the table compiled and published in accordance with article 18(10);
- “enactment” means any Act whether public general or local and orders, regulations, schemes or byelaws made thereunder and any provisions in any Act or in any such orders, regulations, schemes or byelaws;
- “goods” includes articles and property of every description and without prejudice to the foregoing includes fish, livestock and animals of all descriptions;
- “the harbour” means Dover Harbour and has the meaning assigned to it by section 4 of the 1954 Act;
- “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 1989 and endorsed by the Economic and Social Council by Resolution 1989/104 under reference number ST/SG/AC.10/1/Rev.9 or such later edition of the List as is specified for the purposes of article 18;
- “the port police area” means the area referred to in section 79 of the 1847 Act.

(6) 1847 (c. 27).
 (7) 1954 (c. iv).
 (8) 1963 (c. xxix).
 (9) S.I. 1969/1578.
 (10) S.I. 1964/932.
 (11) S.I. 1975/568.
 (12) S.I. 1977/2082.
 (13) S.I. 1978/1069.
 (14) S.I. 1988/2298.
 (15) 1990 c. 8.

PART 2

CONSTITUTION AND GENERAL POWERS

Powers and jurisdiction of the Board

3. The jurisdiction of the Board shall extend to the following areas for the following purposes—
- (a) for the enforcement of compliance with directions of the harbour master, to the limits of his jurisdiction for the purposes of the Acts;
 - (b) for the enforcement of compliance with the Pilotage Act 1987⁽¹⁶⁾ and the directions made thereunder, to the limits of the area specified in article 3 of the Dover (Pilotage) Harbour Revision Order 1988⁽¹⁷⁾;
 - (c) for the enforcement of the Board's byelaws and any offences under the Acts, to the harbour and to all areas to which such provisions apply;
 - (d) for the enforcement of the powers of constables of the Board and for their protection, to the port police area.

Power to establish committees

4.—(1) The Board may, consistent with its duties and subject to such conditions as they think fit, delegate any of their functions (other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act) to a committee of the Board.

(2) The Board may—

- (a) appoint to serve on any committee established by the Board persons who are not members of the Board;
- (b) make the exercise of the Board's functions by such a committee subject to such conditions as the Board think fit, including the length of the period during which those functions may be exercised;
- (c) determine the procedure and terms of reference of any such committee.

(3) Any such committee shall include among its members at least three Board members.

(4) The quorum for any meeting of any such committee shall include at least two Board members present and able to vote at such a meeting.

(5) All decisions of such committee which involve performance of functions which are the responsibility of the Board shall be reported in writing as soon as practicable to the Board.

(6) The provisions of section 10 of the 1954 Act relating to pecuniary interests of members of the Board shall apply to members of any such committee as they apply to members of the Board.

Power to form subsidiaries

5.—(1) The Board may form and promote one or more wholly-owned subsidiaries for carrying on any activities which the Board have power to carry on under or by virtue of the Acts or this Order.

(2) The Board shall secure that any company formed in exercise of the powers conferred by paragraph (1) of this article remains such a wholly-owned subsidiary.

(3) The Board may enter into arrangements with a company formed in exercise of the powers conferred by paragraph (1) of this article for the transfer to that company from the Board or from any other company so formed, in such manner and on such terms (including payments by any of

⁽¹⁶⁾ 1987 c. 21.

⁽¹⁷⁾ S.I. 1988/2298.

the parties to the arrangements to any of them) as may be provided for by the arrangements of any property, rights, liabilities or obligations of the company or of that other company which are relevant to the carrying on of the activities to be carried on by the first mentioned company.

(4) In this article, “wholly-owned subsidiary” has the meaning given by section 736(2) of the Companies Act 1985⁽¹⁸⁾.

Contracts

6. The Board shall have power for the purpose of carrying out their functions (including functions which are incidental to those functions) to enter into such contracts and agreements for such consideration (or otherwise) and upon such terms and conditions as they think fit.

Deposits and investments

7. In addition to the power conferred on the Board by section 22(1)(c) of the 1963 Act the Board may place surplus resources consisting of cash or other assets with any bank or on deposit or invest the same in any investments (including land, chattels and assets bearing no income) which they think fit with all the powers of an absolute owner.

Constitutional documents and notices

8.—(1) The Board shall keep available at their principal office a copy of the Acts and this Order and of all byelaws made thereunder and of all appropriations made under article 3 of the 1969 Order.

(2) Any person may inspect any document mentioned in paragraph (1) of this article and of all general directions of the harbour master under article 26(2) and of the table published in accordance with article 18(10) and the List and the Board shall on demand supply to that person a copy of the same upon payment to the Board of a reasonable fee.

(3) Any notice or proceeding required to be served on the Board shall be sufficiently served if put in writing, addressed to the Managing Director and Register of the Dover Harbour Board and left at or sent by registered or recorded delivery post to the principal office of the Board.

Protection of members of Board

9.—(1) No member of the Board or of any committee established under article 4 shall be liable nor shall his estate or effects be liable to execution or legal process by reason of any act or omission of such member done or made in good faith in the purported execution of the powers conferred on the Board and its members by the Acts and this Order.

(2) Every member of the Board and every member of such a committee and his estate and effects shall be indemnified out of the assets and revenues of the Board for all payments made by him and liability incurred in any act done or omission made by him in the purported execution of such powers and against all actions, claims, losses, damages, costs and demands in respect thereof.

(3) The Board may enter into, and pay premiums for, a contract of insurance to indemnify the members of the Board jointly or severally against personal liability arising from any act or omission by the Board or any member of the Board; not being an act or omission which the Board member or members in question knew to be a breach of his or their duty or, concerning which, he or they were reckless as to whether it was such a breach.

(18) 1985 c. 6; section 736 was substituted by the Companies Act 1989 (c. 40), section 144(1).

Validity of proceedings

10.—(1) The validity of proceedings of the Board or of any committee established under article 4 is not affected by any vacancy among the members of the Board.

(2) Acts done by the members of the Board, by a committee established under article 4 or any person acting as a member are valid notwithstanding that it is afterwards discovered—

- (a) that there was some defect in the appointment of any such member or person acting as member of such committee; or
- (b) that any such member, person acting as a member or committee member was disqualified from acting on grounds of interest or had ceased to hold office.

PART 3

BYELAWS

Procedure for making byelaws

11.—(1) Byelaws made by the Board under the Acts and the 1847 Act and any other power enabling the Board to make byelaws shall be made under the seal of the Board and shall not come into force until they have been confirmed by the Secretary of State.

(2) At least one month before an application for confirmation of byelaws is made by the Board to the Secretary of State, notice of the intention to apply for confirmation and of the place at which and the times during which a copy of the byelaws shall be open to inspection shall be published as follows—

- (a) once in the London Gazette;
- (b) once in each of two successive weeks in some one and the same weekly newspaper circulated in the area of East Kent.

(3) Not later than the first date on which the notice under paragraph (2) of this article is published, the Board shall send a copy of the notice to the Kent County Council, the Dover District Council and the Dover Town Council.

(4) During a period of at least one month before application is made for confirmation of the byelaws a copy of the byelaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.

(5) The Board shall supply a copy of the byelaws or of part of the byelaws to a person who shall apply for it on payment of a reasonable charge.

(6) During the period of one month after completion of the publication of any notice required by paragraph (2) of this article any person may make in writing to the Secretary of State any objection to or representation respecting the byelaws to which the notice relates.

(7) The Secretary of State may confirm the byelaws in the form submitted to him or may subject to paragraph (8) of this article make such modifications as he thinks fit.

(8) Where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Board and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Board and by other persons who have been informed of it.

(9) When confirmed the byelaws shall be published by the Board.

Proof of byelaws

12. A copy of a byelaw of the Board duly confirmed purporting to be printed by direction of the Board and being authenticated by their seal and the signature of their Register shall for all purposes be prima facie evidence of such byelaw and of the due making and confirmation thereof without proof of such seal or signature.

Additional power to make byelaws

13. In addition to the powers to make byelaws conferred on the Board by section 83 of the 1847 Act, by section 43 of the 1954 Act and by section 26 of the 1963 Act the Board shall have power to make such byelaws as they think fit for regulating the admission of persons, animals and vehicles on and into the harbour and Board operational premises and for their removal out of and from the same and for the good order and conduct of such persons, animals and vehicles whilst in the harbour and Board operational premises and for the detention, storage, removal and disposal of lost property found in the harbour or on Board operational premises.

PART 4

POLICE

Appointment, dismissal and suspension of constables

14. Section 79 of the 1847 Act shall, so far as the same is applied by and incorporated in the Acts, be modified by the addition of the following subsections—

“(2) A justice of the peace may on application by the Board dismiss from the office of constable a person appointed under this section.

(3) If a person appointed under this section is dismissed, that person shall thereupon cease to be a constable, but any such dismissal shall be without prejudice to any claim he may have as an employee or ex-employee of the Board under the Employment Rights Act 1996(19).

(4) The Board may suspend any constable appointed under this section for any reason appearing to the Board to be a good reason and thereupon he shall cease for the duration of his suspension to have the powers, duties and privileges of a constable.”.

Powers of the Board in relation to constables

15. The Board may on such terms and conditions as they think fit agree with any person or body who owns or has an interest in any premises within the port police area to make available the services of the board's police force and any constables for the time being serving with that force within those premises to that person or body.

Impersonating a constable

16. A person who, with intent to deceive, impersonates a constable or makes any statement or does any act calculated falsely to suggest that he is a constable shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(19) 1996 c. 18.

Liability

17. The Board shall be liable in respect of torts committed by members of their police force (appointed pursuant to section 79 of the 1847 Act) in the performance or purported performance of the functions of those members in like manner as an employer is liable in respect of torts committed by his employees in the course of their employment and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

PART 5

DANGEROUS GOODS

Dangerous goods

18.—(1) No person may without the prior consent in writing of the Board bring into the harbour or on to Board operational premises any dangerous goods.

(2) Any such consent as is mentioned in paragraph (1) of this article may be granted subject to such terms and conditions as the Board think fit and may extend to more than one consignment.

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

(4) Any person who—

- (a) brings or causes or permits to be brought into the harbour or Board operational premises any dangerous goods in contravention of paragraph (1) of this article or any other goods in respect of which entry has been refused under paragraph (3) of this article; or
- (b) commits or causes or permits a breach of any of the terms and conditions mentioned in paragraph (2) of this article or in paragraph (3) of this article, as the case may be,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale; 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.

(5) The Board shall have power to remove from the harbour and from Board operational premises and place or store elsewhere any dangerous goods—

- (a) which have been brought into the harbour or Board operational premises in contravention of paragraph (1) or (3) of this article or in breach of any of the terms and conditions mentioned in paragraph (2) or (3) of this article;
- (b) which, in the opinion of the harbour master, are abandoned; or
- (c) which have been within the harbour or on Board operational premises for any period longer than 24 hours without the consent of the harbour master;

and the Board may recover from the owner the cost of such removal and of placing or storage elsewhere.

(6) The Board shall make reasonable efforts to trace the owner of dangerous goods which have been removed and placed or stored elsewhere under paragraph (5) of this article and notify him of the fact of removal and the place or placing or storage and its location.

(7) If after one month the owner of any dangerous goods removed under paragraph (5) of this article cannot be traced or is abroad or fails to remove them from their location and pay to the Board

all costs relating thereto, the Board may sell or destroy or otherwise dispose of the goods and retain the proceeds as their own property.

(8) The Board may recover the costs of sale under paragraph (7) of this article from the proceeds of sale if sold or from the owner if the proceeds shall be insufficient to reimburse the Board for those costs or if the goods shall be destroyed or disposed of otherwise than by sale the Board may likewise recover the costs of destruction or disposal from the owner.

(9) If any such goods as are mentioned in this article shall be brought into the harbour by sea in contravention of paragraph (1) or (3) of this article or in breach of any of the terms and conditions mentioned in paragraph (2) or (3) of this article, 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.

(10) The Board may from time to time compile and publish a table of goods, including substances or articles, which the Board consider to be dangerous or unsuitable to be received within the harbour; and shall keep the table at their principal office; and such table 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 table shall be deemed to be dangerous goods as defined in article 2.

(11) The Board may in compiling the table referred to in paragraph (10) of this article describe the goods, articles and substances in question directly and may also incorporate by reference substances and articles specified in the List as being within Packing Group I or Class 2 of the List.

(12) In making any reference to the List for the purposes of this article the Board shall specify the edition of the List to which it is intended to refer and its date of publication by the United Nations; and the Board shall keep the table and such edition of the List as may be so referred to at its principal office.

(13) Nothing in this article is to prejudice the powers of the Board under the provisions of the Dangerous Substances in Harbour Areas Regulations 1987⁽²⁰⁾, nor byelaws thereunder, nor the duties imposed on operators and others under those regulations and byelaws.

PART 6

FINANCIAL

Borrowing and guarantees

19.—(1) The Board may borrow money for any of the purposes of their undertaking or those of their subsidiaries and in connection with activities relating to the harbour or harbour land whether the purposes concerned are of a capital or revenue nature and may do so in such a manner and on such terms as they consider expedient.

(2) Without prejudice to the generality of paragraph (1) of this article the power to borrow conferred by that sub-paragraph may be exercised—

- (a) by the issue of debentures on such terms as the Board think fit;
- (b) by borrowing from a government source or bank or other provider on overdraft or loan;
- (c) by opening an acceptance credit with a bank or accepting house;
- (d) by accepting money on deposit.

(3) The Board may by way of security for any borrowing authorised or any guarantee given by them under this paragraph grant any mortgage or charge which they think fit over all or any part of

(20) S.I. 1987/37.

their revenues (present or future) and by way of security for any overdraft or temporary loan under sub-paragraph (b) of paragraph (2) of this article charge all or any part of the Board's assets.

(4) The Board may for the purposes of their undertaking or those of their subsidiaries give guarantees to any person for the benefit of any undertaking carried on by him or if that person shall be a company of any subsidiary of that person.

Charges

20. In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the 1964 Act and combined charges under section 27A of the 1964 Act, the Board may demand, take and recover in respect of any floating manufactured article (not being a ship within the meaning of the 1964 Act) entering, using or leaving the harbour such charges as they think fit; and the provisions of sections 30 and 31 of the 1964 Act (which require lists of charges to be available for inspection and sale and give a right of objection to ship, passenger and goods dues) shall apply to the charges authorised by this article as they apply to ship, passenger and goods dues.

Charges for services

21. The Board may demand, take and recover such reasonable charges for services and facilities provided by them as they may from time to time determine and may compound for and make such special arrangements in relation to such charges as they think fit.

Conditions

22. Charges shall be payable subject to such conditions as the Board may from time to time specify in their published list of charges.

Payment of charges

23.—(1) The charges which the Board are authorised to demand, take and recover in respect of vessels and goods under any enactment shall be payable before the removal from the harbour of any vessel or goods in respect of which they are payable and may be demanded, taken and recovered by such persons, at such places, at such times and under such regulations as the Board may from time to time appoint.

(2) An officer as defined in the Customs and Excise Management Act 1979⁽²¹⁾ may refuse clearance of any vessel if he is satisfied that payment of any charges payable to the Board in respect of that vessel or any goods therein has not been made or satisfactorily secured.

(3) Charges payable to the Board shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

(4) Where charges payable to the Board may be recovered by them from more than one person, such persons shall be jointly and severally liable.

Non payment

24. If the owner of any vessel or goods or any other person at any time eludes or attempts to elude or evade payment of, or refuses or neglects to pay, any charges payable by such owner or person to the Board at the time when they become due and payable, he shall be liable to pay to the Board a sum equal to three times the amount of such charges, which sum shall be a debt due to the Board and shall be recoverable by the Board in any court of competent jurisdiction.

(21) 1979 c. 2.

Charges recoverable as a debt

25. In addition to any remedy given by this Order and by the 1847 Act, as incorporated with the Acts, and whether the demand required by section 44 of that Act has been made or not, the Board may recover any charges payable to them as a debt in any court of competent jurisdiction.

PART 7

MISCELLANEOUS AND GENERAL

Powers of Harbour Master

26.—(1) The harbour master may, in cases of emergency, give general directions for regulating all vessels or any particular class or classes of vessels.

(2) The harbour master may give general directions regulating the moving and mooring of vessels and the places where they may or may not be moored, and as to the use of traffic signals and may vary or revoke such general directions.

(3) The harbour master may give special directions, which may be given for a particular occasion or in respect of a particular vessel, as to the use of traffic signals and as to the regulation of the moving, mooring and berthing of vessels.

(4) Directions given by the harbour master under paragraphs (1) and (3) of this article may be given orally or by any other convenient means of communication.

(5) Notice of the giving of a general direction made by the harbour master under paragraph (2) of this article and any amendment or revocation of a general direction shall be published once in Lloyds List or in any newspaper circulating in Dover.

Traffic on dock roads

27.—(1) In this article “dock road” means any road, pier, jetty, wharf, quay, bridge, or other work which, or any land which lies within the harbour or elsewhere on Board operational premises and is accessible to mechanically propelled vehicles.

(2) Subject to the following provisions of this article, the following statutory provisions shall have effect as if references to a “road” or “highway” in those statutory provisions included a reference to a dock road—

- (a) section 137 of the Highways Act 1980⁽²²⁾;
- (b) parts VI and X of the Transport Act 1968⁽²³⁾;
- (c) the Public Passenger Vehicles Act 1981⁽²⁴⁾;
- (d) the Road Traffic Regulation Act 1984⁽²⁵⁾;
- (e) sections 87, 88, 94, 94A, 96, 103, 105, 108 and 137 to 139 and Parts I, II, VI and VII of the Road Traffic Act 1988⁽²⁶⁾; and
- (f) the Road Traffic Offenders Act 1988⁽²⁷⁾.

(22) 1980 c. 66.

(23) 1968 c. 73.

(24) 1981 c. 14.

(25) 1984 c. 27.

(26) 1988 c. 52.

(27) 1988 c. 53.

(3) The functions exercisable by a highway authority or a local authority or a local highway authority under the enactments specified in paragraph (2) of this article and under any subordinate legislation made thereunder shall be conferred upon the Board in relation to any dock road.

(4) The term “Chief Officer of Police” used in those enactments, shall mean the Chief Officer of Police of the Board’s police force.

(5) In its application to dock roads references in the Road Traffic Regulation Act 1984 to “the police fund” and “the general fund” shall be construed as references to “the Board’s general revenue account” and the Board shall be deemed to be the local authority of a district outside Greater London.

(6) Any person who commits an offence under any provision of an enactment having effect by or in pursuance of this article shall be liable to be dealt with in all respects as if the offence had been committed under such provision on or in relation to a road or highway to which such provision would apply in the absence of this article; and all the provisions of the Road Traffic Offenders Act 1988 shall apply thereto accordingly.

Disposal of goods

28.—(1) This article shall have effect in relation to any goods which are found in the harbour or on Board operational premises or which are apparently abandoned or which, having been deposited there with the Board’s agreement, are not removed at the agreed time.

(2) Subject to paragraph (3) of this article, where the name and address of a person who may be the owner of any goods are readily ascertainable, the Board shall forthwith notify him that the goods are in the possession of the Board and may be claimed in accordance with this article.

(3) When the Board give the notice referred to in paragraph (2) of this article, they may include in the notice a requirement that the owner shall collect the goods by a date specified in the notice (being not less than one month from the date of the notice) and that if he does not do so the title to the goods shall vest in the Board on that date.

(4) If, following the giving of the notice referred to in paragraphs (2) and (3) of this article, the owner fails to comply with the notice, the title to the goods shall vest in the Board on the specified date.

(5) Where any goods falling within this article are not sold or disposed of under paragraph (6) of this article and the Board are satisfied after reasonable enquiry that it is impossible to serve a notice under paragraph (2) of this article, the title to the goods shall vest in the Board six months after the date upon which the goods are found or the expiry of the time agreed for their removal as appropriate.

(6) Where any goods are of a perishable nature or to look after them adequately would involve the Board in unreasonable expense or inconvenience, the Board may sell or otherwise dispose of the goods at such time and in such manner as they think fit.

(7) If the Board shall sell or otherwise dispose of goods under paragraph (6) of this article, any person to whom the goods are transferred shall have a good title to them and ownership of the proceeds of sale shall vest in the Board six months after the date upon which the goods were found or not removed as mentioned in paragraph (1).

(8) Where goods are claimed by their owner or other person having title to collect them before the title to them vests in the Board under paragraph (4) of this article, they may be collected on payment to the Board of any sums due to the Board in respect of those goods and of all expense incurred by the Board in making enquiries, in serving notice under this article and in looking after them adequately, including removal and storage costs.

(9) Nothing in this article shall prejudice the Board’s powers in relation to dangerous goods, houseboats and sunk, stranded or abandoned vessels, or parked vehicles, or in relation to the recovery of rates, rents and charges in relation to goods warehoused, stored or yarded within the harbour or to goods remaining upon the piers and quays of the harbour.

Repeals and minor amendments

29.—(1) The enactments mentioned in Parts I and II of Schedule 1 are repealed or revoked to the extent specified in the third column of that Schedule.

(2) The enactments mentioned in Schedule 2 are amended in accordance with that Schedule.

(3) In section 43(1) of the 1954 Act (definition of “the controlled land”) for the words “means” (where it first occurs) to the end of the sentence there shall be substituted the following—

“means the land within the ownership of the Board comprising the areas of seashore and promenade and the works connected therewith which are shown coloured green on the plan contained in Schedule 3 to the Dover Harbour Revision Order 2006”.

(4) In section 43(6) of the 1954 Act for the words “penalty not exceeding five pounds” there shall be substituted the words “fine not exceeding level 4 on the standard scale”.

(5) In section 27(2) of the 1963 Act for the words “twenty pounds” there shall be substituted the words “level 4 on the standard scale”.

Signed by authority of the Secretary of State for Transport

2nd August 2006

Phil Carey
Head of Ports Division
Department for Transport

SCHEDULE 1

Article 29(1)

REPEALS AND REVOCATIONS

PART I

REPEALS

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
1954 (c. 2)	Dover Harbour Consolidation Act 1954	<p>Section 3(1).</p> <p>Section 3(2) (so far as it incorporates the following provisions of the Harbours Docks and Piers Clauses Act 1847⁽²⁸⁾)—</p> <p>Sections 4 to 11</p> <p>Sections 13 to 15</p> <p>Section 20</p> <p>Sections 25 to 27</p> <p>Section 29</p> <p>Section 31</p> <p>Section 32</p> <p>Sections 80 to 82</p> <p>Sections 85 to 92</p> <p>Sections 97 to 101</p> <p>Section 103.</p> <p>Section 3(3).</p> <p>Section 3(4).</p> <p>In section 4, the definitions of “the borough”, “the Commission”, “the deposited book of reference of 1950”, “the Dover Corporation”, “the statutory security” and “the 1932 works”.</p> <p>In section 11, the words from “and”, in the second place where it occurs, to the end.</p> <p>Section 19.</p> <p>In section 22, paragraph (i) of the proviso.</p>

⁽²⁸⁾ 1847 (c. 27).

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

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
		In section 23, the words “and the 1932 works”.
		In section 32(1), the words from “In addition” to “of this Act”.
		In section 33(1), paragraph (b) of the proviso.
		Section 36.
		Section 38.
		Section 40.
		Section 44.
		Sections 65 to 67.
		Section 70.
		Section 72.
		Sections 74 and 75.
		Sections 77 to 110.
		In section 111, the proviso.
		In section 112, paragraph (b).
		Sections 113 and 114.
		Section 120.
		Sections 123 and 124.
		Sections 129 to 131.
		Sections 133 to 135.
		Schedules 3 to 5.
		Schedules 8 to 10.
		Schedule 12.
1963 c.xxix	Dover Harbour Act 1963	Section 3.
		Sections 5 to 8.

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
		Sections 19 to 21.
		Section 25.
		In section 29, paragraphs (a), (c), (h), (m) to (p) and (r).
		Section 30.
		Section 32.
		Section 34.
		Section 36.
		Schedules 1 to 5.

PART II

REVOCATIONS

<i>Number</i>	<i>Short title</i>	<i>Extent of Revocation</i>
S.I. 1969/1578	Dover Harbour Revision Order 1969	Article 7(1)
S.I. 1977/2082	Dover Harbour Revision Order 1977	The whole Order
S.I. 1978/1069	Dover Harbour Revision Order 1978	Article 3 Article 6

SCHEDULE 2

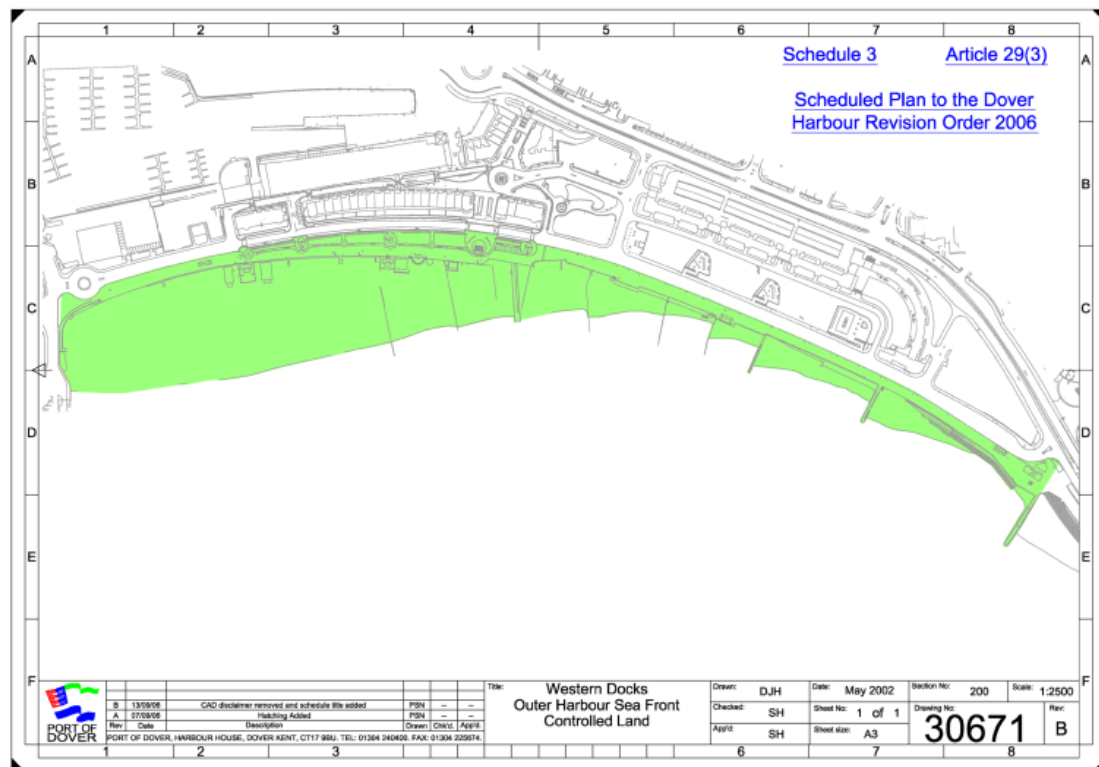
Article 29(2)

MINOR AND CONSEQUENTIAL AMENDMENTS

1. The 1954 Act shall be amended as follows.
2. In section 11 (meetings of the Board) the words from “and” (in the second place where it occurs) to the end of the section shall be deleted.
3. In section 22 (Alteration and improvement of works), paragraph (i) of the proviso shall be deleted.
4. In section 24 (Certain works to be within the parish and borough of Dover) for the word “borough” there shall be substituted the word “district”.
5. In section 32(1) (power to acquire lands by agreement) the words from “In addition” to “of this Act” shall be deleted.
6. In section 111 (Power to charge interest to capital) the proviso shall be deleted.

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

7. In section 112 (Application of funds) paragraph (b) shall be deleted.
8. In section 119 (For protection of Postmaster-General) for any reference to “the Postmaster-General” there shall be substituted a reference to “British Telecommunications PLC”.



EXPLANATORY NOTE

(This Note is not part of the Order)

This Order makes amendments to the Dover Harbour Consolidation Act 1954, the Dover Harbour Act 1963 and the Dover Harbour Revision Orders 1969, 1977 and 1978.

The Board's powers to form committees are expanded and the Board is given power to promote subsidiaries. The Board's powers of investment are extended.

The Board's power to appoint police constables is supplemented by a power to suspend constables.

Minor variations are made to the Board's restrictions on admission of dangerous goods within the harbour and the definition of dangerous goods includes a reference to the United Nations List compiled by the Committee of Experts of the United Nations on the transport of dangerous goods. The Board is required, in making any reference to that List for the purpose of exercising its powers under article 18 of the Order, to specify the edition of the List to which it is intended to refer and its date of publication by the United Nations. The Board is required to keep this and other important documents available for inspection at its principal office.

The Board's borrowing powers are extended and modernised.

The powers of the Harbour Master are extended to enable him to give general directions, whether or not there is an emergency.

The application of road traffic legislation to dock roads, formerly in the Dover Harbour Act of 1963, is modernised.

The Board is also granted extended powers for the disposal of lost and abandoned property.

The area of controlled land which is subject to a power to make byelaws under section 43 of the Dover Harbour Consolidation Act 1954 and which is shown coloured green on the plan in Schedule 3 to this Order, is altered to reflect topographical changes.

Various statutory provisions relating to the Board are either substituted in modern language or in the case of spent, obsolete and redundant material, repealed.