
STATUTORY INSTRUMENTS

2006 No. 2167

The Dover Harbour Revision Order 2006

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(1);
- (b) parts VI and X of the Transport Act 1968(2);
- (c) the Public Passenger Vehicles Act 1981(3);
- (d) the Road Traffic Regulation Act 1984(4);
- (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(5); and

(1) 1980 c. 66.
(2) 1968 c. 73.
(3) 1981 c. 14.
(4) 1984 c. 27.
(5) 1988 c. 52.

(f) the Road Traffic Offenders Act 1988(6).

(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”.