

---

STATUTORY INSTRUMENTS

---

**2012 No. 1914**

**The Hinkley Point Harbour Empowerment Order 2012**

**PART 1**

**PRELIMINARY**

**Citation, commencement and duration**

1.—(1) This Order may be cited as the Hinkley Point Harbour Empowerment Order 2012 and shall come into force on 16th August 2012.

(2) Save in respect of article 40 (saving for termination of this Order), this Order shall cease to have effect on the termination date.

(3) In this article and in article 40 “the termination date” means the date appointed by the Company by resolution after the closure date determined under article 39 (closure of the jetty and reinstatement) and the completion of the works required by that article.

(4) Not less than 28 days before the termination date proposed to be appointed under paragraph (3) the Company must publish in Lloyd’s List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the Company appointing that date.

**Interpretation**

2.—(1) In this Order—

“the 1845 Act” means the Bridgwater Navigation and Quays Act 1845(1);

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(2);

“the 1961 Act” means the Land Compensation Act 1961(3);

“the 1990 Act” means the Town and Country Planning Act 1990(4);

“the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(5);

“the Bridgwater Harbour Authority” means Sedgemoor District Council in its capacity under the 1845 Act as the harbour authority for the Port of Bridgwater;

“the Company” means NNB Generation Company Limited, a company incorporated in England with registered number 06937084;

“the deposited plans and sections” means the plans and sections which are bound together and signed in duplicate with reference to this Order and marked “Hinkley Point Harbour Empowerment Order 2012 plans and sections” and which are deposited at the offices of

---

(1) 1845 c.lxxxix.  
(2) 1847 c.27.  
(3) 1961 c.33.  
(4) 1990 c.8.  
(5) S.I. 1995/418.

the Marine Management Organisation and at the office of the Company at 14 King Square, Bridgwater, Somerset TA6 3DG; and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans and sections;

“development” has the meaning given by section 55 of the 1990 Act<sup>(6)</sup> and refers, save where the context otherwise requires, to the works and the other development permitted by the 1995 Order by virtue of article 16 (operational land for the purposes of the Town and Country Planning Act 1990);

“general direction” means a direction given by the Company under article 24 (general directions to vessels);

“the harbour” means the harbour as comprised within the harbour limits;

“the harbour limits” means the limits of the harbour as defined in article 21 (harbour limits);

“the harbour master” means the person appointed as such by the Company and includes his deputies and assistants and any other person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the Harbour Master for the Port of Bridgwater” means the person appointed under section 50 of the 1845 Act by Bridgwater Harbour Authority to carry out the functions of a water bailiff and known as the Harbour Master for the Port of Bridgwater;

“the jetty” means collectively Works Nos. 1, 2 and 3;

“land” includes land covered by water, any interest in land or right in, to or over land;

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

“the level of low water” means the level of mean low water neaps;

“the local planning authority” means the West Somerset District Council and includes any successor body as local planning authority;

“master” in relation to a vessel means a person for the time being having or taking the command, charge or management of the vessel;

“material operation” has the meaning given by section 56(4) of the 1990 Act<sup>(7)</sup>;

“ordnance datum” means the datum-line or mean sea level to which all heights are referred in the Ordnance Survey;

“the Port of Bridgwater” means the port known as the Port of Bridgwater comprised within the area defined as the Navigation in section 101 of the 1845 Act;

“special direction” means a direction given by the harbour master under article 26 (special directions to vessels);

“tidal work” means so much of any of the works as is on, under or over tidal waters or tidal lands below the level of high water;

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

“vessel” means a ship, boat, or craft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and

“works” means, save where the context otherwise requires, the works authorised by this Order, or as the case may require, any of, or any part of any of, those works.

(2) In this Order a reference to a work identified by a number shall be construed as a reference to the work so numbered in article 4 and to a condition identified by a number to the condition so numbered in Part 2 or 3 of Schedule 1.

---

(6) Section 55 was amended by the Planning and Compensation Act 1991 (c.34), section 13.

(7) Section 56(4) was amended by the Planning and Compensation Act 1991 (c.34), Schedule 7, paragraph 10(2).

### **Incorporation of the Harbours, Docks and Piers Clauses Act 1847**

3.—(1) Sections 1 to 3, 34, 35, 37 to 39, 42, 51, 54, 55, 63 to 65, 77 and 78 of the 1847 Act are incorporated with this Order subject to the modifications in paragraphs (2) to (5).

(2) Section 34 (collector may enter vessels to ascertain rates payable) shall have effect subject to the insertion after the word “may” of the words “(on production, if so required, of a duly authenticated document showing his authority)”.

(3) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission)(8) shall have effect subject to the modification that for the words from “be liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(4) Section 65 (harbour master may remove any vessel for the purpose of repairing harbour or dock if the master thereof neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.

(5) In construing the provisions of the 1847 Act as incorporated with this Order—

(a) the expression “the harbour master” has the meaning given by article 2(1) (interpretation), the expression “the special Act” means this Order, the expression “the undertakers” means the Company and the expression “the harbour, dock, or pier” means the harbour; and

(b) for the definition of the word “vessel” in section 3 (interpretations in this and the special Act) there shall be substituted the definition of that word in article 2(1) (interpretation).

(6) All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated with this Order may be recovered summarily.

---

(8) There are amendments to section 63 not relevant to this Order.