



Folkestone Harbour Act 1992

1992 CHAPTER vi

An Act to empower Folkestone Properties Limited to reclaim land and construct works at Folkestone Harbour; to make provision with respect to dredging and moorings; and for connected or other purposes. [16th March 1992]

WHEREAS—

- (1) The statutory harbour undertaking at Folkestone was transferred from Sealink U.K. Limited to Sealink Harbours Limited in 1982 pursuant to a scheme made under section 2 of the Transport Act 1981:
- (2) By virtue of the Sealink (Transfer of Folkestone Harbour) Harbour Revision Order 1991 that undertaking was transferred from Sealink Harbours Limited to Folkestone Properties Limited (“the Company”), a company incorporated under the Companies Act 1985:
- (3) It would be of public and local advantage to regenerate parts of Folkestone Harbour by the creation of a waterside development comprising housing, shops and leisure facilities, together with facilities for the mooring of vessels:
- (4) It is expedient that the Company be empowered to reclaim land for these purposes and to carry out certain other works of improvement:
- (5) It is expedient that the other provisions of this Act be enacted:
- (6) The objects of this Act cannot be attained without the authority of Parliament:
- (7) A plan and sections showing the lines, situations and levels of the works by this Act authorised and the lands which may be used for the purposes thereof have been deposited in the office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons and with the Chief Executive of Kent County Council, and such plan and sections are respectively referred to in this Act as the deposited plan and the deposited sections:

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,

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and Commons, in this present Parliament assembled, and by the authority of the same as follows, that is to say:—

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Folkestone Harbour Act 1992.

2 Interpretation

(1) In this Act, except where the context otherwise requires—

“the Company” means Folkestone Properties Limited;

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

“existing” means existing at the passing of this Act;

“the harbour” means those parts of Folkestone Harbour known as the Inner Harbour and the Outer Harbour;

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

“limits of deviation” means the limits of deviation shown on the deposited plan;

“moorings” includes piled moorings, floating jetties, pontoons, buoys and like apparatus and facilities;

“tidal work” means so much of any 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;

“the undertaking” means the undertaking of the Company at Folkestone Harbour as transferred to the Company by virtue of the Sealink (Transfer of Folkestone Harbour) Harbour Revision Order 1991 and as from time to time authorised by any enactment;

“works” means the works authorised by section 3 (Power to construct works) of this Act and any works constructed under section 4 (Power to make subsidiary works) of this Act for or in connection with or subsidiary to those works and includes those works as altered, replaced or re-laid under subsection (2) of the said section 3.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Act shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) Reference points specified in this Act shall be construed as references to Ordnance Survey National Grid reference points.

(4) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

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PART II

WORKS

3 Power to construct works

- (1) Subject to the provisions of this Act, the Company may, in the county of Kent, in the district of Shepway, in the lines or situations shown on the deposited plan and within the limits of deviation and according to the levels shown on the deposited sections, make and maintain the following works in the harbour with all necessary works and conveniences connected therewith:—

Work No. 1 Infilling and reclamation of part of the harbour to a maximum area of 1.70 hectares, commencing at a point at TR2324035891 64 metres north of the gate house and extending in a generally north-easterly direction for a distance of 100 metres to a point at TR2331735955, thence in a generally easterly direction for a distance of 82 metres to a point at TR2339535977, thence in a generally south-easterly direction for a distance of 44 metres to a point at TR2343335956, thence in a generally southerly direction for a distance of 47 metres to a point at TR2344635911 and there terminating.

Work No. 2 A wharf of solid construction on the seaward side of The Stade, commencing at a point at TR2331236036 16 metres south-west of the south-western corner of the fish market and extending in a generally east-north-easterly direction for a distance of 183 metres to a point at TR2348236103 and there terminating.

Work No. 3 A boat repair area of solid construction and of irregular shape adjoining Work No. 2, commencing at a point at TR2350836117 30 metres east-north-east of the termination of Work No. 2 and extending in a generally southerly direction for a distance of 33 metres to a point at TR2351236085 and there terminating.

Work No. 4 A slipway of solid construction adjoining Work No. 3, commencing at a point at TR2352736086 15 metres east of the termination of Work No. 3 and extending in a generally southerly direction for a distance of 66 metres to a point at TR2351436022 and there terminating.

Work No. 5 A solid face wall of steel and concrete construction on the western side of the existing east pier, commencing at a point at TR2353936145 43 metres north-east of the commencement of Work No. 3 and extending in a generally southerly direction for a distance of 190 metres to a point at TR2350535960 thence in a generally easterly direction for a distance of 8 metres to a point at TR2351335958 and there terminating.

Work No. 6 A solid face wall of steel and concrete construction on the northern side of the south wall of the harbour, incorporating openings in the said south wall, commencing at a point at TR2327335848 54 metres south-east of the commencement of Work No. 1 and extending in a generally easterly direction for a distance of 64 metres to a point at TR2333435862, thence in a generally northerly direction for a distance of 3 metres to a point at TR2333335865, thence in a generally easterly direction for a distance of 206 metres to a point at TR2353035922, thence through a curve to a southerly direction for a distance of 14 metres to a point at TR2353735913 and there terminating.

Work No. 7 A lifting bridge connecting Work No. 1 with the south wall of the harbour, commencing at a point at TR2342135906 24 metres west of the

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termination of Work No. 1 and extending in a southerly direction for a distance of 16 metres to a point at TR2342635891 and there terminating.

- (2) The Company may, within the limits of deviation, alter, replace or relay the works.

4 Power to make subsidiary works

Subject to the provisions of this Act the Company may from time to time construct and maintain within the limits of deviation all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

5 Power to deviate

In the construction of the works authorised by section 3 (Power to construct works) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

6 Powers as to dredging and moorings

- (1) The Company may, from time to time, deepen, widen, dredge, scour, cleanse, alter and improve the foreshore and bed of the harbour and the approaches thereto and blast any rock therein and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) from time to time dredged by them:

Provided that no materials so dredged (other than those dredged for the purpose of constructing the works) shall be deposited below the level of high water except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

- (2) The Company may provide, place, lay down, maintain and use moorings in the harbour and may make them available to any person on such terms and conditions as it thinks fit.

7 Tidal works not to be executed without approval of Secretary of State

- (1) A tidal work shall not be constructed, altered, replaced or re-laid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.
- (2) If a tidal work is constructed, altered, replaced or re-laid in contravention of this section or of any condition or restriction imposed under this section—
- (a) the Secretary of State may by notice in writing require the Company at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Company, it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
 - (b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition;

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and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Company.

8 Lights on tidal works during construction

- (1) The Company shall at or near a tidal work during the whole time of the construction, alteration, replacement or re-laying thereof, exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as the Secretary of State may from time to time direct.
- (2) If the Company fails to comply with any requirement of a direction given under this section it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

9 Provision against danger to navigation

- (1) In case of injury to or destruction or decay of a tidal work or any part thereof the Company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.
- (2) If the Company fails to notify Trinity House as required by this section or to comply with any requirement of a direction given under this section it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

10 Abatement of works abandoned or decayed

- (1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Company at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.
- (2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such a condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.
- (3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Company, it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Company.

11 Survey of tidal works

The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.