STATUTORY INSTRUMENTS

1980 No. 1870

HARBOURS, DOCKS, PIERS AND FERRIES

The Mersey Docks and Harbour Revision Order 1980

Made - - - -	*8th July* 1980
Laid before Parliament	*29th July* 1980
Coming into Operation	*23rd November* 1980

The Minister of Transport in exercise of his powers under section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf, and on the application of The Mersey Docks and Harbour Company, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Mersey Docks and Harbour Revision Order 1980 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Mersey Docks and Harbour Acts and Orders 1857 to 1975 and this Order may be cited together as the Mersey Docks and Harbour Acts and Orders 1857 to 1980.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"the Act of 1971" means the Mersey Docks and Harbour Board (Ore Berth) Act 1971(d);

"the Company" means The Mersey Docks and Harbour Company;

"the deposited plan" and "the deposited sections" mean respectively the plan and sections prepared in triplicate, signed by an Assistant Secretary of the Department of Transport and marked respectively "Plan (and sections) referred to in the Mersey Docks and Harbour Revision Order 1980", of which one copy is deposited at the offices of the Department of Transport, one copy at the offices of the Department of Trade and one copy at the head office of the Company;

"the existing enactments" means the Mersey Docks and Harbour Acts and Orders 1857 to 1975;

"the level of high water" means the level of mean high water springs;

"the limits of deviation" means the limits of deviation shown on the deposited plan;

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

(a) 1964 c. 40. (b) S.I. 1970/1681 and 1979/571. (c) 1945 c. 18; 1965 c. 43.
(d) 1971 c. xxxiv.

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

"work" means any of the works authorised by this Order, and includes any part of those works.

(2) This Order is to be read as if the words "or thereabouts" were inserted after each measurement mentioned in article 3 (Power to construct, etc., works) of this Order.

Power to construct, etc., works

3.—(1) Subject to the provisions of this Order, the Company may (within the lines and situations and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections) construct and maintain in the river Mersey and on the bed, banks and shores thereof, the works authorised by this article:—

Work No. 1

An approach jetty of open piled construction 85 metres long and 14 metres wide, the centre line of which commences at a point on the westernmost edge of Princes Parade 345 metres north of the centre line of the floating roadway leading to the Princes Landing Stage, proceeding in a westerly then through an angle in a northerly direction for a distance of 70 metres;

Work No. 2

An adjustable bridge 12 metres wide commencing at the northernmost end of Work No. 1, extending in a northerly direction for 73 metres and being supported at its northernmost end by dolphins supported on piles;

Work No. 3

The removal of a section some 470 square metres in area at the end and being part of the existing timber piled jetty adjoining the northern end of Princes Parade;

Work No. 4

A line of four mooring dolphins parallel to and 55 metres west of the westernmost edge of Princes Parade, spaced at intervals of 30 metres, the southernmost commencing 30 metres north of the termination of Work No. 2 and the northernmost terminating at a point 140 metres from the termination of Work No. 2;

Work No. 5

A passenger access gangway four metres wide, supported on piles, the centre line of which commences at a point on the westernmost edge of Princes Parade 150 metres north of the commencement of Work No. 1 extending 65 metres in a westerly direction and terminating with and supported on a piled dolphin in the line of Work No. 4;

Work No. 6

An approach jetty of open piled construction 110 metres long and 14 metres wide, the centre line of which commences at a point at the westernmost edge of Princes Parade 175 metres north of the centre line of the floating roadway leading to the Princes Landing Stage, proceeding in a westerly and then through an angle in a northerly direction for a distance of 100 metres;

Work No. 7

An adjustable bridge 12 metres wide commencing at the northernmost end of Work No. 6 extending in a northerly direction for 73 metres and being supported at its northernmost end by dolphins supported on piles;

Work No. 8

A line of four mooring dolphins, parallel to and 85 metres west of the westernmost edge of Princes Parade, spaced at intervals of 30 metres, the southernmost commencing 10 metres north of the termination of Work No. 7 and the northernmost terminating at a point 125 metres from the termination of Work No. 7;

Work No. 9

A passenger access gangway four metres wide supported upon the approach jetty Work No. 1, commencing at a point on the westernmost edge of Princes Parade 167 metres north of the commencement of Work No. 6, and extending 65 metres in a westerly direction and then 45 metres in a north westerly direction and terminating with and supported on a piled dolphin in the line of Work No. 8.

(2) The Company may from time to time within the limits of deviation renew, enlarge, alter and reconstruct temporarily or permanently the works.

Subsidiary Works

4. Subject to the provisions of this Order, the Company may from time to time, for the purposes of or in connection with or incidental to the construction, maintenance and use of the works authorised by article 3 (Power to construct, etc., works) of this Order, erect, construct, and maintain all such works and conveniences as they may from time to time deem necessary or convenient.

Further powers as to works

5. Subject to the provisions of this Order, the Company may within the limits of deviation fill up, raise, enclose and reclaim from the bed and foreshore of the river Mersey and may hold and use as part of the undertaking of the Company so much of the bed and foreshore of that river as is required for or in connection with the works and for that purpose may place such piles and may construct such retaining walls and other works in or upon the bed and foreshore as the Company deem necessary.

Power to deviate

6. In constructing the works the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six metres upwards and to such extent downwards as may be found necessary or convenient.

Incorporation of provisions of Act of 1971

7.—(1) The following provisions of the Act of 1971 shall apply in respect of the works authorised by this Order (including any works of reconstruction under article 3(2) hereof) as they apply in respect of the works authorised by that Act—

Section 9 (Tidal works not to be constructed without approval of Secretary of State);

Section 10 (Provision against danger to navigation);

Section 11 (Abatement of works abandoned or decayed);

Section 12 (Survey of tidal works);
Section 13 (Lights on tidal works during construction); and
Section 14 (Permanent lights on tidal works).

(2) In respect of Work No. 3, the said section 9 shall apply subject to the variation that for the words "constructed enlarged or altered" wherever they occur there shall be substituted the word "executed", and the said section 13 shall apply subject to the variation that for the words "construction renewal enlargement or alteration" there shall be substituted the word "execution".

Effect of existing Acts upon works

8. The works, and the bed, banks and shores of the river Mersey on which the works are constructed, shall for all purposes, so far as is not inconsistent with the provisions of this Order, be deemed to be docks and lands of the Company within the meaning of the existing enactments or any of them.

Extension of period for completion of works

9.—(1) The period now limited by section 12 (Period for completion of works) of the Mersey Docks and Harbour Board Act 1954**(a)** for the completion of the river walls or embankments (No. 1) and (No. 2) described in and authorised by section 3 of the Mersey Docks and Harbour Board Act 1901**(b)** so far as those works have not already been constructed, is hereby further extended until 31st December 1988.

(2) The period now limited by section 8 (Period for completion of works) of the Act of 1971 for the completion of the authorised works as defined by section 2(1) of that Act is hereby extended until 31st December 1988.

Amendment of section 20 *of the Act of* 1971

10. Subsection (2) of section 20 of the Act of 1971 is hereby amended by substituting for the words "after the passing of this Act" the words "after the coming into operation of the Mersey Docks and Harbour Revision Order 1980."

Payment towards salary of acting conservator

11.—(1) The Company shall pay to the Minister one half of the salary and expenses reasonably paid to or incurred by the acting conservator of the river Mersey in the performance of his duties under the Act passed in the sixth year of the reign of Her Majesty Queen Victoria intituled "An Act for better preserving the Navigation of the River Mersey".**(c)**.

(2) Any sum so paid by the Company shall be debited to the account kept by the Company and known as the "conservancy revenue account".

(3) Section 27 of the Mersey Docks and Harbour Board Act 1956**(d)** and article 5 of the Mersey Docks and Harbour (Miscellaneous Provisions) Revision Order 1974**(e)** are hereby repealed and revoked respectively.

Costs of Order

12. All costs, charges and expenses of, or in connection with, the preparation, submission and making of this Order (other than costs, charges and expenses

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(a) 1954 c. xlv. **(b)** 1901 c. lxiv. **(c)** 1842 c. cx.
(d) 1956 c. xcii. **(e)** S.I. 1974/1652.

which any person is lawfully ordered to pay by the Minister of Transport or a joint committee of both Houses of Parliament, or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Company.

Norman Fowler,
Minister of Transport.

8th July 1980.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order—

(1) empowers The Mersey Docks and Harbour Company—

(*a*) to remove a section of the existing timber piled jetty (known as Princes Jetty) adjoining the northern end of Princes Parade;

(*b*) to construct in the City of Liverpool two in-river berths each comprising an approach jetty, an adjustable bridge, a line of mooring dolphins and an access gangway for foot passengers, and to carry out subsidiary works;

(*c*) to enclose and reclaim a part of the bed and foreshore of the river Mersey;

(2) extends—

(*a*) the time for the completion of certain works of reclamation of the river bed at Tranmere authorised by section 3 of the Mersey Docks and Harbour Board Act 1901 (as extended);

(*b*) the time for completion of the construction of a deep water river berth in the river Mersey to the south of Seacombe Landing Stage adjacent to the Morpeth and Wallasey Docks authorised by section 4 of the Mersey Docks and Harbour Board (Ore Berth) Act 1971.

(3) requires The Mersey Docks and Harbour Company to pay annually one half of the salary and expenses of the acting conservator of the river Mersey.

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