

ELIZABETH II



1963 CHAPTER XXI

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861, relating to Gloucester Harbour.

[31st July 1963]

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act as set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order as set out in the schedule to this Act shall be Confirmation and the same is hereby confirmed and all the provisions thereof of Order in in manner and form as they are set out in the said schedule shall schedule. from and after the passing of this Act have full validity and force.

2. This Act may be cited as the Pier and Harbour Order Short title. (Gloucester Harbour) Confirmation Act 1963.

SCHEDULE

GLOUCESTER HARBOUR

Provisional Order to extend the limits within which the Gloucester Harbour Trustees have authority; and for other purposes.

Short and
collective
titles.

1.—(1) This Order may be cited as the Gloucester Harbour Order 1963.

(2) The Gloucester Harbour Orders 1889 to 1959 and this Order may be cited together as the Gloucester Harbour Orders 1889 to 1963.

Commencement.

2. This Order shall come into operation upon the day when the Act confirming this Order is passed.

Interpretation.

3.—(1) In this Order unless the subject otherwise requires—

“ authorised rates ” means the rates and other charges which the Trustees are for the time being authorised to levy, demand, recover and receive under or by virtue of the existing enactments;

“ enactment ” means any Act whether public, general or local or any order made thereunder or any provision in any Act or any such order;

“ existing enactments ” means the Gloucester Harbour Orders 1889 to 1959;

“ harbour ” means the harbour of Gloucester within the limits described in section 12 (Limits of Order) of the Order of 1890 as extended by subsections (1) and (2) of section 6 (Extension of harbour limits) of this Order;

“ harbourmaster ” includes any person for the time being appointed by the Trustees to exercise the functions of a harbourmaster;

“ Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847;

“ Minister ” means the Minister of Transport;

“ Order of 1890 ” means the Gloucester Harbour Order 1890, confirmed by the Pier and Harbour Orders Confirmation (No. 3) Act 1890;

“ Order of 1959 ” means the Gloucester Harbour Order 1959, confirmed by the Pier and Harbour Order (Gloucester) Confirmation Act 1959;

“ Trustees ” means the Gloucester Harbour Trustees incorporated by the Order of 1890.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Order.

Application
of Harbours
Clauses Act
1847.

4.—(1) Sections 6 to 13, 16 to 19, 25, 26, 60, 84 to 90 and 101 of the Harbours Clauses Act 1847 shall not be incorporated in this Order.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expression “ the special Act ” shall mean this Order.

(3) Section 28 of the Harbours Clauses Act 1847, as incorporated with this Order, shall have effect as amended by subsection (3) of section 5 (Application of Harbours Clauses Act 1847) of the Order of 1959.

5. The Trustees shall be the undertakers for carrying this Order into execution. Undertakers.

6.—(1) As from the commencement of this Order the limits within which the Trustees have authority and within which the existing enactments apply shall be extended to include the area coloured red on the map certified on behalf of the Minister and deposited in accordance with the provisions of subsection (4) of this section, and described in Part I of the schedule to this Order, and section 12 (Limits of Order) of the Order of 1890 shall be read and have effect accordingly. Extension of
harbour limits.

(2) All enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Trustees, and all byelaws and regulations made by the Trustees, which relate to or are in force within the limits described in the said section 12 shall relate to and have effect in the area described in Part I of the schedule to this Order.

(3) As from the commencement of this Order the powers conferred by sections 530 and 532 of the Merchant Shipping Act 1894 as modified by section 9 (Powers with respect to disposal of wrecks) and section 10 (Protection of Crown interest in wrecks) of the Order of 1959 shall be exercisable within the area coloured blue on the map referred to in subsection (1) of this section and described in Part II of the schedule to this Order as if that area formed part of the harbour.

(4) A map showing the limits of the harbour having been signed in triplicate by an assistant secretary of the Ministry of Transport and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Trustees at Dock Office, Gloucester, and the remaining copy shall be deposited at the office of the clerk of the Gloucestershire County Council, Shire Hall, Gloucester.

7. Within one month after the commencement of this Order the Trustees shall give notice of the extension of limits effected by subsections (1) and (2) of section 6 (Extension of harbour limits) of this Order and of the provisions of subsection (3) of the said section 6, by advertisement in the London Gazette and in such other manner (if any) as they may deem expedient for causing those matters to be made known to parties affected thereby. Publication
of notices.

8. In addition to the remedy given by section 44 of the Harbours Clauses Act 1847, and whether the demand required by that section has been made or not, the Trustees may recover the amount of any authorised rates due to them as a debt in any court of competent jurisdiction. Recovery of
authorised
rates.

Harbourmaster may give directions as to mooring.

9. Section 52 of the Harbours Clauses Act 1847 in its application to the Trustees and the harbourmaster shall extend to empower the harbourmaster to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour.

Directions of harbourmaster need not be in writing.

10. Section 53 of the Harbour Clauses Act 1847 in its application to the Trustees and the harbourmaster shall not be construed to require the harbourmaster to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated to the master on any occasion when it is not reasonably practicable for a written notice to be served on the master.

As to customs limits of Port of Bristol.

11. Nothing in this Order shall affect the limits of the Port of Bristol appointed and declared by the Treasury under section 11 of the Customs Consolidation Act 1876.

Costs of Order.

12. All costs, charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees.

SCHEDULE

PART I

The area bounded by an imaginary line commencing at the intersection of latitude $51^{\circ} 30.1'$ north with longitude $2^{\circ} 50.8'$ west, thence drawn straight on a bearing of 053° true to the intersection of latitude $51^{\circ} 34.46'$ north with longitude $2^{\circ} 41.56'$ west, thence due south to the intersection with the boundary of the limits of the Port and Harbour of Bristol and thence along that boundary in a south-westerly direction to its intersection with longitude $2^{\circ} 50.8'$.

PART II

The area bounded by an imaginary line commencing at the intersection of latitude $51^{\circ} 34.46'$ north with longitude $2^{\circ} 41.56'$ west, thence drawn straight on a bearing of 053° true to the intersection of latitude $51^{\circ} 34.55'$ north with longitude $2^{\circ} 41.35'$ west, thence straight on a bearing of 116° true to the intersection of latitude $51^{\circ} 34.1'$ north with longitude $2^{\circ} 39.9'$ west, thence in a southerly direction along the line of mean high-water spring tides to the intersection of latitude $51^{\circ} 33'$ north with longitude $2^{\circ} 40'$ west, thence in a south-westerly direction along the boundary of the limits of the Port and Harbour of Bristol to its intersection with longitude $2^{\circ} 41.56'$ west, thence due north to the point of commencement.



Table of Statutes referred to in this Act

Short title	Session and chapter
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
General Pier and Harbour Act 1861	24 & 25 Vict. c. 45.
Customs Consolidation Act 1876	39 & 40 Vict. c. 36.
Pier and Harbour Orders Confirmation (No. 3) Act, 1890	53 & 54 Vict. c. xcvi.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Pier and Harbour Order (Gloucester) Confirmation Act 1959	7 & 8 Eliz. 2. c. xxxvii.

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Pier and Harbour Order (Gloucester Harbour) Confirmation Act 1963

CHAPTER XXI

ARRANGEMENT OF SECTIONS

Section

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2. Short title.

SCHEDULE

GLOUCESTER HARBOUR

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SCHEDULE—

Part I.

Part II.