STATUTORY INSTRUMENTS

2017 No. 89

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Teignmouth (Transfer of Undertaking) Harbour Revision Order 2017

Made - - - -	*1st February 2017*
Laid before Parliament	*7th February 2017*
Coming into force - -	*1st March 2017*

Teignmouth Quay Company Limited has applied for a harbour revision order under section 14 of the Harbours Act 1964(**1**) ("the Act").

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(**2**) under section 42A of the Act(**3**) delegated the functions of the appropriate Minister under section 14 of the Act(**4**) to the Marine Management Organisation(**5**).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) of the Act and in exercise of the powers conferred by section 14(1) and (3), makes the following Order.

Citation and commencement

1. This Order may be cited as the Port of Teignmouth (Transfer of Undertaking) Harbour Revision Order 2017 and shall come into force on 1st March 2017.

Interpretation

2. In this Order—

"A.B. Ports" means Associated British Ports;

(**1**) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraphs 1 and 10, by S.I. 2006/1177, regulation 2 and Schedule (Part I), by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c. 56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(**2**) See S.I. 2010/674.

(**3**) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(1).

(**4**) For the definition of "the Minister" (mentioned in section 14(7)), see section 57(1).

(**5**) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c. 23), section 1.

"the Port of Teignmouth" means the docks and harbour at Teignmouth regulated by the Teignmouth Quays Orders;

"Teignmouth Quays Orders" means the Teignmouth Quays Orders 1887 (**6**), and 1893 (**7**) and the Teignmouth Quays Harbour Revision Order 2004 (**8**);

"TQC" means Teignmouth Quay Company Limited;

"the transfer date" means 1st April 2017; and

"the undertaking" means the undertaking of TQC in relation to the Port of Teignmouth.

Establishment of A.B. Ports as harbour authority for the undertaking

3. On the transfer date A.B. Ports shall be established as the harbour authority for the Port of Teignmouth in place of TQC.

Transfer of functions, property, etc.

4.—(1) On the transfer date all statutory and other powers and duties conferred or imposed on TQC by any provision of the Teignmouth Quays Orders in force immediately before that date shall be transferred from TQC to A.B. Ports.

(2) On the transfer date the undertaking as existing immediately before that date, including the lands, works, building, machinery stores and other real and personal property, assets and effects, rights, powers and privileges vested in or enjoyed by TQC, and all liabilities and obligations to which TQC is then subject in relation to the undertaking, shall be transferred to and vest in A.B. Ports.

(3) On and after the transfer date any statutory provision of local application or document whatsoever shall have effect in its application to the transferred undertaking as if any reference however worded and whether express or implied—

(a) to TQC, were construed as a reference to A.B. Ports; and

(b) to an officer, employee or servant of TQC, were construed as a reference to an officer, employee or servant of A.B. Ports.

Byelaws etc.

5. On and after the transfer date a byelaw, regulation, licence or consent made, issued or granted by TQC in relation to the undertaking and in force immediately before that date shall continue in force and have effect as if made, issued or granted by A.B. Ports.

Contracts to be binding

6. All purchases, sales, conveyances, deeds, contracts and agreements entered into or made by TQC and in force immediately before the transfer date shall, on and after that date, be as binding and of as full force and effect in every respect against or in favour of A.B. Ports as they have heretofore been against or in favour of TQC and may be enforced as fully and effectively as if in place of TQC, A.B. Ports had been a party thereto.

Proceedings not to abate

7. On and after the transfer date all legal and other proceedings begun before that date and relating to any property, rights or liabilities transferred to A.B. Ports by this Order may be carried on by or in relation to A.B. Ports.

(**6**) 50 & 51 Vict.Ch. lxxiv.
(**7**) 56 & 57 Vict. Ch. ciii.
(**8**) S.I. 2004/2469.