STATUTORY INSTRUMENTS

2016 No. 415

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Hayle Harbour (Penpol Creek Footbridge) Order 2016

Made - - - -	*17th March 2016*
Coming into force - -	*7th April 2016*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**1**) for an Order under sections 3 and 5 of the Transport and Works Act 1992(**2**) ("the 1992 Act").

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an order under the Harbours Act 1964(**3**).

Notice of the Secretary of State's determination was published in the London Gazette on 4th March 2016.

The Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraphs 1, 2, 4, 7 and 8 of Schedule 1 to, the 1992 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Hayle Harbour (Penpol Creek Footbridge) Order 2016 and comes into force on 7th April 2016.

(**1**) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.
(**2**) 1992 c. 42. Section 3 was amended by paragraphs 51 and 53 of Schedule 2 to the Planning Act 2008 (c. 29); section 5 was amended by S.I. 2012/1659.
(**3**) 1964 c. 40.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**4**);

"address" includes any number or address used for the purposes of electronic transmission;

"the authorised works" means the scheduled work and any other works authorised by this Order;

"the Authority" means the statutory harbour authority of Hayle Harbour in Cornwall as authorised under the Hayle Harbour Act 1989(**5**);

"building" includes any structure or erection or any part of a building, structure or erection;

"the deposited plans" means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;

"the deposited sections" means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

"electronic transmission" means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

"the limits of deviation" means the limits of deviation for the scheduled work shown on the deposited plans;

"reference point" means Ordnance Survey National Grid reference point;

"maintain" includes inspect, repair, adjust, alter, remove, reconstruct and replace and "maintenance" is to be construed accordingly;

"mooring" means any buoy, pile, post, chain, pillar, pontoon, fixed rail or similar apparatus or convenience provided or used for the mooring of vessels;

"scheduled work" means the work specified in the Schedule or any part of it;

"Secretary of State" means the Secretary of State for Transport;

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

"tidal work" means so much of any work authorised by this Order as is in, under or over tidal waters or tidal lands below the level of high water; and

"vessel" means every description of vessel with or without means of propulsion of any kind and includes—

(c) anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water;

(d) a seaplane on or in the water; and

(e) a hovercraft within the meaning of the Hovercraft Act 1968(**6**).

(2) All distances, directions, lengths and reference points stated in the description of the scheduled work or in any descriptions of powers or lands are approximate and distances between points on a scheduled work are taken to be measured along the scheduled work.

(**4**) 1961 c. 33.
(**5**) 1989 c. xii.
(**6**) 1968 c. 59.

PART 2

WORKS PROVISIONS

Principal powers

Powers to construct and maintain works

3.—(1) The Authority may construct and maintain the scheduled work.

(2) Subject to article 4 (power to deviate), the scheduled work may only be constructed in the lines and situations shown on the deposited plans within the limits of deviation and in accordance with the levels shown on the deposited sections.

(3) The Authority may within the limits of deviation for the scheduled work, carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction, operation or maintenance of the scheduled work, namely—

(a) temporary moorings or other means of accommodating vessels during the construction or maintenance of the scheduled work;

(b) buoys, beacons, fenders and other navigational warning or ship impact protection works;

(c) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled work; and

(d) such other works of whatever nature as may be necessary or expedient.

Power to deviate

4. In constructing or maintaining any of the scheduled work, the Authority may deviate laterally from the lines or situations shown on the deposited plans to any extent within the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards.

PART 3

PROVISIONS RELATING TO TIDAL WORKS

Lights on tidal works during construction

5.—(1) The Authority must, at or near a tidal work during the whole time of the construction, alteration or replacement of that work, exhibit every night from sunset to sunrise, such lights, if any, 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 Authority fails to comply with any requirement of a direction reasonably given under paragraph (1), it is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Provision against danger to navigation

6.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part of that work the Authority must as soon as reasonably practicable notify Trinity House and 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.