

**2012 No. 2533**

**TRANSPORT AND WORKS, ENGLAND**

**The River Humber (Burcom Outfall) (Transfer) Order**

*Made* - - - - *4th October 2012*

*Coming into force* - - *5th October 2012*

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(a) for an Order under sections 3 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 30th August 2012.

The Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraph 15 of Schedule 1 to, the 1992 Act makes the following Order.

**Citation and commencement**

1. This Order may be cited as the River Humber (Burcom Outfall) (Transfer) Order 2012 and comes into force on 5th October 2012.

**Interpretation**

2. In this Order—

“the 1986 Act” means the River Humber (Burcom Outfall) Act 1986(c);

“Associated British Ports” means Associated British Ports Holding Limited with the company number 1612178 of Aldwych House, 71-79, Aldwych, London WC2B 4HN;

“RPM” means RPM Industrial Site Services Limited with the company number 5918088 of Moody Lane, Grimsby, North East Lincolnshire DN31 2SW; and

“Tioxide” means Tioxide Europe Limited with the company number 832447 of Haverton Hill Road, Billingham TS23 1PS, which was until 15 October 1991 known as Tioxide UK Limited, and includes its successors.

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(a) S.I. 2006/1466 as amended by SI 2012/1658.

(b) 1992 c. 42. amended by S.I. 1995/1541, 1998/2226, 2000/3199 and 2006/958.

(c) 1986 c.XXIV.

### **Transfer of powers**

3.—(1) Tioxide may enter into, and carry into effect, agreements for the transfer to RPM of the powers and duties conferred or imposed on Tioxide by the 1986 Act.

(2) RPM, or any person to whom it transfers powers under the 1986 Act under this paragraph, may, with the consent of the Secretary of State, which must not be sought without first notifying Associated British Ports in writing of the name and address of the intended transferee and of the intention to seek such consent, enter into, and carry into effect, agreements for the transfer to another person of the powers and duties conferred or imposed on Tioxide by the 1986 Act.

(3) The exercise of any power or duties conferred or imposed by the 1986 Act by any other person in accordance with an agreement under paragraph (1) or (2) is subject to the same liabilities, obligations and restrictions under that Act as would apply if that power were exercised by Tioxide.

(4) Not later than 21 days before any such agreement comes into effect the transferor must give written notice to the Secretary of State and to Associated British Ports stating the name and address of the person to whom the powers are being transferred and the date when the transfer is to take effect.

Signed by authority of the Secretary of State

4th October 2012

*David Cooper*  
A Senior Civil Servant  
in the Department for Environment, Food and Rural Affairs

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises Tioxide Europe Limited (“Tioxide”) and its successors to transfer its rights and obligations under the River Humber (Burcom Outfall) Act 1986.

That Act authorised Tioxide to construct and maintain an outfall in the River Humber notwithstanding the statutory prohibition contained in section 6 of the Humber Conservancy Act 1905 (c. clxxix) which precludes works beyond certain defined river lines in the Humber.

The authority granted by the 1986 Act is personal to Tioxide and hence new powers are needed to authorise a transfer. This is now needed as Tioxide is selling the land which is served by the outfall constructed under the 1986 Act.

A copy of the Order may be inspected free of charge during working hours at the offices of Tioxide Europe Limited, Titanium House, Hanzard Drive, Wynyard Park, Stockton-on-Tees, TS22 5FD.