



East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT

Southwold Harbour Management Committee

Members:

Councillor David Ritchie (Chairman)
Councillor Maurice Cook (Vice Chairman)
Mr David Gledhill
Mr Alisair MacFarlane
Mr Richard Musgrove
Mr Mike Pickles
Councillor Craig Rivett
Councillor Mary Rudd
Councillor Letitia Smith

Members are invited to a **Meeting of the Southwold Harbour Management Committee**

to be held in the Stella Peskett Millenium Hall,
on **Thursday, 22 September 2022 at 4.00pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence

To receive apologies for absence, if any.

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 Minutes

To confirm as a correct record the minutes of the meeting held on 14 July 2022.

1 - 10

	Pages
4 Update from Royal Haskoning	11 - 15
To receive a presentation from Amy Savage, Principal Consultant, Royal Haskoning DHV.	
5 Caravan Site Consultation ES/1281	16 - 22
To receive an update on the consultation for the Southwold Caravan and Campsite.	
6 Southwold Harbour Revision Order - application and consultation ES/1282	23 - 200
To set out the proposed documents for consultation and approve the submission of a Harbour Revision Order (HRO).	
7 Update from the Committee's Working Groups	
To receive an update from the Committee's working groups.	
8 Update from the Stakeholder Advisory Group	
To receive an update from the Stakeholder Advisory Group.	
9 Work Programme	201 - 203
To consider the Southwold Harbour Management Committee's forward work programme.	
10 Date of Next Meeting	
To confirm the dates of the next meetings as 20 October 2022, 24 November 2022, 12 January 2023 and 9 March 2023.	

Part Two – Exempt/Confidential

Pages

No Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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Unconfirmed



Minutes of a Meeting of the **Southwold Harbour Management Committee** held in the Stella Peskett Millennium Hall, on **Thursday, 14 July 2022 at 4.00pm.**

Members of the Sub-Committee present:

Mr Richard Musgrove, Mr Mike Pickles, Councillor David Ritchie, Councillor Craig Rivett, Councillor Mary Rudd

Other Members present:

Councillor David Beavan, Councillor Steve Gallant

Officers present: Chris Bing (Head of Legal and Democratic Services), Kerry Blair (Head of Operations), Sharon Bleese (Coastal Manager (South)), Lara Moore (Partner, Ashfords LLP), Lorraine Rogers (Deputy Chief Finance Officer), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

1 Introduction from the Leader of the Council.

The Leader of the Council updated the meeting on the reason for the postponement of the May 2022 meeting and the status of the Harbour Management Committee (HMC) going forward.

In May East Suffolk Council was asked to consider a technical question about the way that the HMC had originally been constituted; namely whether the HMC with co-optees had the authority to take decisions. We postponed the May HMC meeting to consider this further.

The Leader confirmed that as the Cabinet held all of the of harbour authority function at East Suffolk Council, the HMC with external members can only be 'advisory', and that it could make recommendations to Cabinet but it cannot take decisions. Any decisions would have to be taken by the Cabinet, or the Leader on behalf of Cabinet. To date, the HMC had in fact functioned as an Executive Advisory Committee, with its recommendations reported to Cabinet and signed off.

The Leader stated that moving forward, the Terms of Reference for HMC would be amended to reflect that HMC had been operating as an Executive Advisory Committee and to provide for the Leader ratifying HMC recommendations on behalf of Cabinet to expedite decision making. This was a tried and tested mechanism with many precedents – and was used effectively by other committees, such as the Council’s successful Community Partnerships.

The Leader stated that East Suffolk Council believed that this was the best solution, providing a practical way forward, whilst recognising the expertise of the Harbour Management Committee to identify what was best for the Harbour and its users.

The Leader invited questions.

Mr Pickles asked that this comment be communicated to the wider community and reassurance provided that the remit of the HMC had not changed since the earlier consultation. The Leader agreed that this did need to be communicated as widely as possible, and that it was not the intention of the Council to change the HMC going forward. The HMC and the Council were governed by Local Government rules, and he reassured those present that the pause in meetings was not due to any internal decisions by the Council. The Leader reiterated that although he was required by law to make the final decision, he fully trusted and supported the information from the Committee and its members and he was not expecting to make decisions which differed to the advice coming from the Committee.

Mr Musgrove asked what the process was should a recommendation be rejected. The Leader confirmed that this was unlikely, he would be looking at the decisions the day following the Harbour Management Committee meetings and that he anticipated that if there was a delay it would be because he would require more background information from the HMC in order to fully understand the decisions being made.

2 Election of a Chairman

On the proposition of Councillor Rivett, seconded by Richard Musgrove, it was

RESOLVED

That Councillor Ritchie be elected as Chairman of the Southwold Harbour Management Committee for the 2022/23 municipal year.

3 Election of a Vice-Chairman

On the proposition of Councillor Ritchie, seconded by Councillor Rivett, it was

RESOLVED

That Councillor Cook be elected as Vice- Chairman of the Southwold Harbour Management Committee for the 2022/23 municipal year.

4 Apologies for Absence

Apologies for absence were received from Councillor Cook, David Gledhill, Alastair MacFarlane and Councillor Smith.

5 Declarations of Interest

Mike Pickles declared a non-registerable interest in item 11. The Monitoring Officer confirmed that Mr Pickles had been granted a dispensation pursuant to Section 33(a) of the Localism Act 2011 to remain in the room and speak, but not vote on this matter.

6 Minutes

RESOLVED

That the minutes of the meeting held on the 10 March 2022 be agreed as correct and signed by the Chairman.

7 Southwold Harbour Annual Report

The Committee received report **ES/1207** of the Head of Operations and Chief Finance Officer. The Head of Operations introduced the report which summarised activity in the Harbour and Caravan site in the last year, including income and expenditure.

The Head of Operations stated that the report was generally positive. Whilst operations had been impacted by Covid, both the Harbour and Caravan Site operations were returning to normal. Income from the harbour had exceeded the budget by around £77,000 and this was made up of income from an increased number of leases and increased use of the car parks in the Harbour.

In terms of the caravan site, the Head of Operations stated there was a larger impact due to Covid as the Council had refunded caravan owners for the period they could not use their caravans. However, there was increased income through touring fees and the campsite. The Council did also claim compensation for Covid income losses at the site through Government schemes. The Head of Operations added that much of the income from the site had been reinvested to improve facilities on the touring site.

The Chairman invited questions.

Councillor Beavan thanked the Committee for their transparency in publishing the accounts, but asked for further clarification around the figures for the depreciation in the report. The Deputy Chief Finance Officer confirmed she would discuss this with Councillor Beavan following the meeting.

Mr Pickles asked why there had been an increase in payments for capital investment in the last year compared to previous years. The Deputy Chief Finance Officer confirmed that this was due to the increased income from the campsite compared to previous years, which meant that the repayment for capital investment could be increased.

Mr Musgrove asked if the harbour dues included a charge which could be fed back into navigation and other aids. The Deputy Chief Finance Officer confirmed she would look

into this and circulate a response to the Harbour Management Committee and Stakeholder Advisory Group.

There being no further questions, on the proposal of Councillor Rivett and seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That having commented upon the Southwold Harbour Annual Report, the Harbour Management Committee (HMC) noted the contents.

8 Staffing Updates: General Manager and Designated Person

The Committee received report **ES/1200** of the Head of Operations, the purpose of which was to provide an update on the General Manager, Southwold Harbour Lands, and the appointment of a Designated Person.

The Head of Operations confirmed that three options were considered for the appointment of Designated Person, and the Council had decided to contract a firm to fulfil this role. Following an open market tender exercise, ABPmer had been appointed. They would be reviewing the marine safety system, navigation in the Harbour, the statement of compliance as well as providing ongoing monitoring and assurance to the HMC on compliance issues around the Harbour.

Mr Musgrove commented that he felt that the selection process was very thorough and that he was pleased that a Designated Person had been appointed.

The Head of Operations updated the Committee on the appointment of a General Manager to oversee the business of the harbour, including the delivery of the business plan, any major engineering works and projects. Interviews had taken place, and the position had been offered to a candidate. The Head of Operations confirmed that as soon as this candidate accepted the role he would communicate this to the HMC. Should the candidate refuse the role, there was a second choice candidate who would also be appropriate.

Mr Pickles asked who the candidate would be employed by and where they would sit in the staff structure. The Head of Operations confirmed they would be employed by the Council, and the Caravan Site Manager and Harbourmaster would report to the General Manager, and that the General Manager would in turn report to the Head of Operations.

Councillor Beavan commented that he was not convinced there was a need for this role. The Chairman responded that he felt there was a genuine need for this role as other staff involved were incredibly busy with work in other areas of the Council and there was a need to devote more resources to the Harbour to get projects underway.

Councillor Rivett agreed with this comment, it was important that there was staff resource for the works needed in the harbour to take place.

There being no further questions, on the proposal of Councillor Ritchie seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That having considered the report, the Harbour Management Committee (HMC) noted the update.

9 Draft Budget Monitoring Report Quarter 4 2021/22

The Committee received report **ES/1213** of the Deputy Chief Finance Officer, the purpose of which was to provide the committee with an overview of the draft outturn position for the year ending 31 March 2022.

The Deputy Chief Finance Officer summarised the report. As discussed under the Annual Report, income from the Harbour and Caravan and Campsite were both in a surplus despite the continued impact of Covid. Spending across within premises, supplies and services was slightly under budget, and this would be looked at in more detail to see what could be changed for the next year.

The Deputy Chief Finance Officer stated that going forward there would be a need to closely monitor areas such as utilities where costs were expected to rise.

The provision in the budget for support services was highlighted, and the Deputy Chief Finance Officer confirmed that this was to cover support services costs to the Harbour such as IT and Finance. The same methodology was applied across the Council and was not particular to the Harbour.

There being no questions, on the proposal of Councillor Rivett seconded by Mr Musgrove it was by a unanimous vote,

RESOLVED

That the Harbour Management Committee, having reviewed the Draft Budget Monitoring Report for Quarter 4 2021/22, report this to Cabinet.

10 Harbour Revision Order

The Committee received report **ES/1202** of the Head of Operations, the purpose of which was to set out the process and timeline for a Harbour Revision Order (HRO). The Head of Operations invite Ms Lara Moore, Ashfords LLP, to present to the Committee.

Ms Moore summarised the core test for any Harbour Revision Order (HRO). In order for a HRO to be successful, the Marine Management Organisation(MMO) would have to be

“Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships”.

Ms Moore confirmed the process and timeframe for a HRO. A draft Harbour Order and Statement of Support would be created and put out for pre-application consultation for 28 days. Following this consultation the Harbour Order and Statement of Support would be amended based on feedback. Whilst the Harbour Order used fairly standard wording, and the Statement of Support provided more context around each point and would be of more use and interest to the public.

This would then be submitted to the MMO. Costs for application would be rising in October and it was hoped that the Harbour Order could be submitted before the rise. Ms Moore confirmed that to meet this deadline the application could be submitted whilst pre-application consultation was ongoing and then updated post submission. The MMO would then consider the Harbour Order and ask for any clarification or updates. The Harbour Order would then be submitted for formal public consultation for 42 days. During this consultation any responses would be submitted to the MMO.

Responses would be sent to the Council who would then discuss options with those who had submitted them, make any amendments, and then resubmit the application to the MMO to determine the order and check it with the Department of Transport. The Order would then have to be laid in Parliament, and Ms Moore stated that this was the main cause of delays at present. The final Harbour Revision Order would then be published.

Ms Moore summarised the provisions which might be included in the Harbour Revision Order. Firstly, the Order would place the HMC and the Stakeholder Advisory Group on a statutory footing and ensure that they could not be dissolved. The revised Order would also update the wording to ensure that Harbour funds and capital money continue to be ringfenced for spending within the Harbour lands.

Further provisions included ensuring the rating and Harbour limits were the same, modernising the definition of vessels, obtaining powers of general direction and making the landside Harbour limits flexible to allow the Council to purchase and dispose of land without an additional HRO. Ms Moore confirmed that there would be restrictions on this provision to prevent the disposal of land which was essential to the running of the Harbour.

Ms Moore confirmed that ideally the pre-application consultation would start in mid-august and and it was realistic to draft an order for the October deadline as much of the wording in the Order itself was standardised.

The Chairman invited questions

Mr Musgrove asked if a requirement for vessels to be insured could be included as a power general direction. Ms Moore confirmed that this was possible.

Mr Pickles asked if there would be any additional responsibilities or requirements in the Harbour as a result of the revised Order. Ms Moore confirmed that there would not, rather the Order would make it easier to comply with current legislation and requirements and give the Harbour additional powers of enforcement.

Councillor Beavan stated that whilst he accepted it might not be feasible to increase the Harbour limits to include the estuary, but asked if anything could be included on the wider environment and show its importance to the management of the Harbour. Ms Moore confirmed that there would be something included to ensure that the wider environment was protected but stated that a HRO would not be successful if it required the Harbour to take on larger responsibilities. Ms Moore confirmed that wider discussions on this could take place during the pre-application consultation when a HRO had been drafted and it was clearer what was and was not included.

The Coastal Manager stated that the issue around maintaining estuary walls was that the Council did not have the power to maintain walls inland from a flood risk perspective. The Environment Agency were responsible for the maintenance of estuaries until they became uneconomic to maintain. At this point the Environment Agency would engage with landowners and pass the responsibility over. The Local Authority did not have powers to take on this responsibility to operate in this area. However East Suffolk Council did engage with the Environment Agency, landowners and other risk managers to discuss the management of the estuary walls.

Ms Moore suggested that stakeholders might want to submit comments on estuary management during the pre-application stage to enable discussions to take place more widely.

The Chairman agreed that the Harbour Revision Order needed to reflect that there was a relationship between the estuary and the Harbour, but the wording would need to be carefully considered to ensure that the Order was passed.

There being no further questions, on the proposal of Councillor Ritchie seconded by Mr Musgrove it was by a unanimous vote

RESOLVED

That the HMC recommends that the Leader of the Council:

1. Approves moving forward with an Harbour Revision Order, with the understanding that more work would need to be done on the flexibility of the harbour limits and understanding of responsibilities upstream of the harbour.
2. Grants Delegated Authority to the Head of Operations to appoint a Legal Advisor to support the HRO process.

11 Caravan Site Update

The Committee received report **ES/1204** of the Head of Operations, the purpose of which was to provide an update on the implementation of changes at Southwold Caravan and Campsite.

The Head of Operations stated that in 2019 the Council had commissioned a report into the development of the Caravan and Campsite. The main recommendation in the report focussed on improving service provision, modernising the site and modernising the lease arrangements between caravan owners and the Council. The recommendations from this report had been passed to the Southwold Caravan Owners Association (SCOA) for feedback.

The Head of Operations summarised the response from SCOA. Their main recommendation was that the Chair of SCOA should attend the Caravan Site Working Group as the main way of engaging around this issue, that a business plan for the site be created by December 2022 and the wider recommendations of SOCA members form the way forward.

The Chairman invited questions.

The Leader commented that the work on the Caravan and Campsite and with SCOA would be a key part of the Councils ambitions going forward, and that it was important to balance the interests of the caravan and campsite users, harbour users, the wider community and the Council. Whilst the caravan users would be engaged and have an important role going forward, it was important to consider the wider picture for all users.

Councillor Beavan stated that the town and Harbour were supportive of the Caravan and Campsite and that they looked forward to its success.

There being no further questions, on the proposal of Councillor Ritchie and seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That the Harbour Management Committee (HMC) note the update.

12 Term of Office of Co-opted Member Mike Pickles

The Committee received report **ES/1212** of the Deputy Democratic Services Manager, the purpose of which was to recommend that Mr Mike Pickles Term of Office be extended for a further three years.

Councillor Rivett thanked Mr Pickles for his service to the committee, and agreed that he was a valuable member of the committee.

On the proposal of Councillor Ritchie seconded by Councillor Rudd and by a majority vote it was

RESOLVED

That the HMC recommends to the Leader of the Council:

That Mike Pickles be Co-opted for a further 3 year Term of Office onto the Southwold Harbour Management Committee.

13 Appointment of a Substitute Representative to the Stakeholder Advisory Group

The Committee received report **ES/1211** of the Deputy Democratic Services Manager, the purpose of which was to nominate a substitute to attend the Stakeholder Advisory Group meeting if the representative from Southwold Town Council, Councillor Will

Windell, was unable to attend. The Monitoring Office confirmed that the Town Council had proposed this substitution.

On the proposal of Councillor Rudd and seconded by Councillor Rivett it was by a unanimous vote

RESOLVED

That Southwold Town Councillor, Ian Bradbury, be able to attend as a Substitute for Southwold Town Councillor, Will Windell, at future meetings of the Stakeholder Advisory Group (SAG).

14 Appointment of a Representative for Blythburgh Parish Council to the Stakeholder Advisory Group

The Committee received report **ES/1210** of the Deputy Democratic Services Manager, the purpose of which was to appoint a representative for Blythburgh Parish Council onto the Stakeholder Advisory Group (SAG).

Councillor Ritchie thanked Mr Blois for agreeing to be a member of the Advisory Group, and stated that he would be an asset to the group.

On the proposal of Councillor Rudd seconded by Mr Pickles it was by a unanimous vote

RESOLVED

That Mr Andrew Blois be appointed as East Suffolk Council's named representative for Blythburgh Parish Council on the Stakeholder Advisory Group, with immediate effect.

15 Southwold Harbour Management Committee's Work Programme

The Committee considered the forward work programme.

The Head of Operations informed the Committee that the results of the audit by the Designated Person and the report from Royal Haskoning would be added to the work programme for September.

It was agreed that an additional meeting would be added in October to replace the meeting which had been cancelled in May.

16 Dates of Next Meeting

The dates of the next meetings were noted as 22 September and 3 November 2022.

17 Exempt/Confidential Items

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

18 Exempt minutes

On the proposal of Councillor Rivett and seconded by Mr Pickles it was by a unanimous vote

RESOLVED

That the Exempt minutes of the meeting held on the 10 March 2022 be agreed as correct and signed by the Chairman.

The meeting concluded at 5.50pm

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Chairman

Note / Memo

**HaskoningDHV UK Ltd.
Water & Maritime**

To: Southwold Harbour Management Committee and Stakeholder Advisory Group
 From: Amy Savage
 Date: Friday, 09 September 2022
 Our reference: PB9485-RHD-ZZ-XX-NT-Z-0002
 Classification: Project related

**Subject: Southwold Harbour Investment Plan
 Update to Harbour Management Committee (Sept 2022)**

1 Progress update

This memo provides an update on progress with finalising the recommendations of the Southwold Harbour Investment Plan, and the associated technical analysis.

The draft project reports were issued for comment in January 2022 and presented to the project's stakeholder group and the new HMC in March 2022. Various comments were received, including a request for additional assessment of a 'passive' spillway option.

Following discussion with the HMC and East Suffolk Council about the next steps for the project, it was agreed in late July 2022 that additional tidal modelling and associated analysis should be undertaken to review the following additional option:

- *Improving the standard of protection provided by the estuary defences, plus passive spillway(s) constructed within the embankments to Tinker's and/or Reydon Marshes.*

2 Summary of approach to the additional modelling

The assessment of the additional option began with considering a 500m long spillway within the flood bank to Tinker's Marsh, to the north of the Bailey Bridge, as shown in Figure 1 below. A long spillway is more likely to be effective. A spillway into Reydon Marsh was not considered at this stage, with the aim of minimising construction works and flood risk to Southwold.



Figure 1 - Location of proposed spillway into Tinker's Marsh

The following input conditions have been applied in the tidal model runs for the passive spillway option:

- **Spillway level 2.55m**, i.e. about 100mm lower than the 1:100 water level in the channel at the location of the proposed spillway, for the tide level that occurred during the 2013 flood event (3.1m at harbour entrance).
- **Spillway level 2.35m**, for tide levels of 3.1m and 3.57m (climate change scenario).
- **Spillway level 2.20m**, for a tide level of 2.7m.
- **Spillway level 2.00m**, for tide levels of 3.1m and 2.7m.

For all of the above options, the estuary flood banks were assumed to be raised to the level required to prevent overtopping, so any overflow is focussed at the spillway.

The influence of the Walberswick dunes was considered, with the model run both with and without overtopping of the dunes for some of the input conditions.

3 Results of additional modelling

The tidal modelling was undertaken during August and early September and the assessment of the results is ongoing. As this modelling has only just been completed, it should be noted that our internal review is not fully complete at the time of drafting this note.

The key findings to date from the additional model runs are shown in Figures 2 and 3, and are summarised below:

- The most effective spillway arrangement assessed to date is a spill level of 2.00m.
- For this spillway arrangement combined with improvements to the flood banks to Tinkers Marsh and Robinsons Marsh, the peak water level at the Blackshore during a flood event equivalent to 2013 would be about 2.45m.
- The peak flood level at the Blackshore is about 5cm lower than occurred during the 2013 event, and 23cm lower than if the estuary flood banks were raised to prevent flooding. Closer to the harbour entrance, the peak flood level is reduced by up to 180mm compared to the 2013 event.
- Overtopping of the spillway and associated flooding of Tinker's Marsh would occur for tide levels with a 1:10 year return period (tide level approx. 2.6m or higher at the harbour entrance). The return period causing overtopping of the spillway would be expected to reduce to 1:1 years by 2070.
- To prevent overtopping at locations other than the spillway, the flood bank to Robinsons Marsh would need to be raised to at least 2.65m at the south-east end, reducing to 2.45m at the Bailey Bridge. The flood banks to Tinker's Marsh, to the north-west of the proposed spillway, would need to be raised to at least 2.45m over a length of about 750m. The level of the flood banks would need to be raised by up to 500mm, or about 250mm on average.

Further model runs could be undertaken to optimise the preferred spillway solution, e.g.:

- Lower spillway level;
- Increase / reduce spillway length;
- Increasing spill of flood water into Robinson's Marsh;
- Including a spillway into Reydon Marsh;
- Including the narrowed channel option (rock groyne); and/or
- Assess performance for higher/lower water level events.

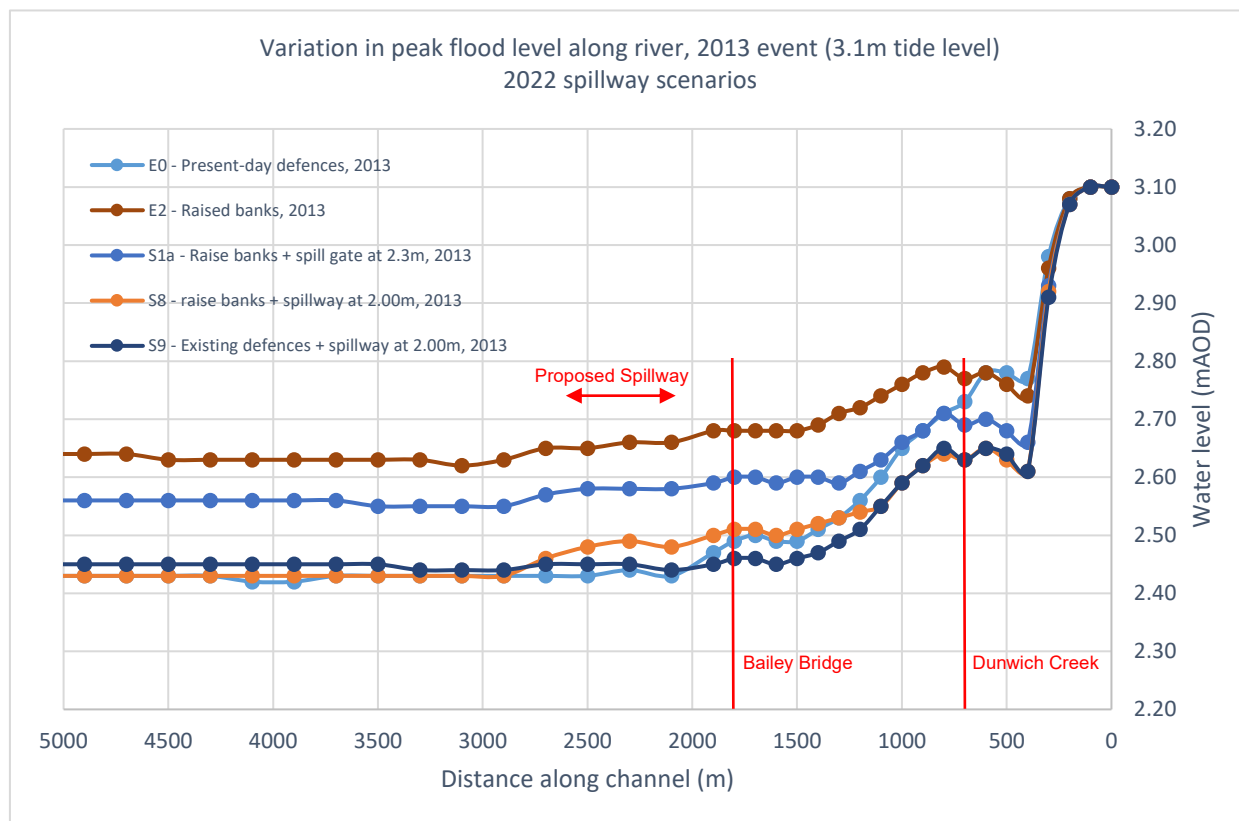
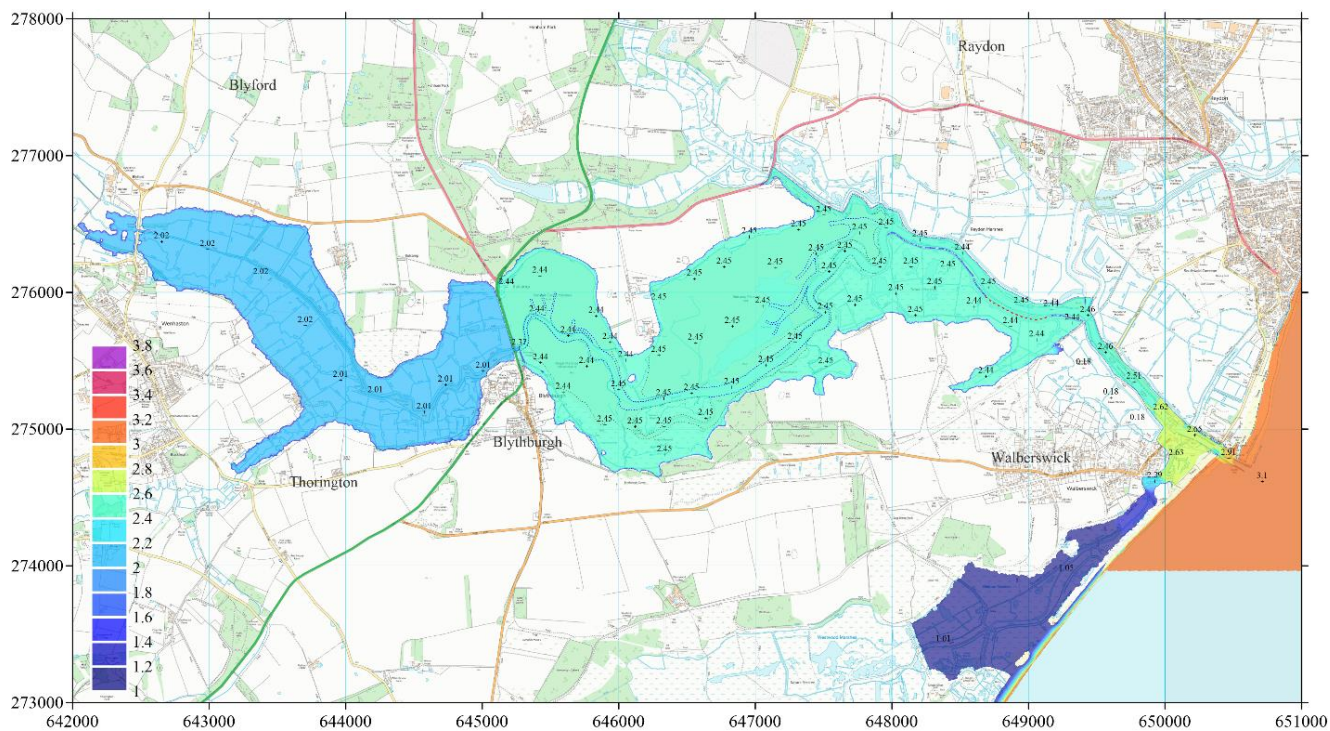


Figure 2 – Peak water levels in river channel with most effective spillway option



4 Proposed changes to Investment Plan

Based on the initial review of the modelling results described above, we currently expect to update the project report to recommend that the preferred option for the future management of the estuary defences would be improvements to the flood banks to Tinker's and Robinsons Marshes, plus construction of a reinforced spillway. The recommendations for works to replace the South pier would be unchanged.

5 Next steps

By the end of September, we aim to have completed the following outstanding actions relating to the assessment of the additional modelling results:

- Complete assessment of additional model runs, including flow rate at harbour entrance;
- Agree and undertake optimisation model runs (up to 3 more runs are within the current scope);
- Complete assessment of existing standard of protection provided by estuary flood banks, and process of overtopping on extreme events;
- Confirm cost estimate for preferred passive spillway option;

The project report will then be updated to include the further analysis and updated recommendations and will be issued to East Suffolk Council and relevant stakeholders for review and approval.

The project report will include recommendations for the next steps to progress the delivery of the recommended solutions, which we expect to include the following:

Development of a Management Plan for the Estuary Flood Banks

1. Condition assessment of embankment defences, and associated reporting, in a format compatible with the Environment Agency's AIMS database.
2. Topographic survey of the Harbour Road and the flood banks to Robinsons and Tinker's Marshes.
3. Review the potential for phasing of the proposed improvement works to the estuary flood banks.
4. Update the capital cost estimate for the preferred option, and the maintenance cost estimates for the other flood banks based on the condition assessment and recognising current construction cost risks.
5. Engagement with the Environment Agency, landowners and environmental stakeholders about the preferred option, followed by environmental assessment.
6. Preparation of a Business Case for the proposed works to the estuary flood banks, considering both costs and economic benefits, in support of potential funding applications.

Design Development for Replacement of the South Pier

7. Modelling of culverts – 3D hydraulic modelling of entrance channel to assess the influence of the proposed culverts hydraulic performance of the culvert.
8. Removal of shoal bank – qualitative assessment of the potential benefits of excavating the bank of sediment opposite the North Wall. Modelling may be required following this initial assessment.
9. Narrow channel – further consultation regarding the benefits/constraints of the rock groyne proposed for opposite the North Wall.
10. Confirm requirements for tie-in of the new breakwater at the landward end, to minimise the risk of wash-through of sand from the Walberswick dunes.
11. Environmental assessment and consultation in relation to the proposed South Pier works.
12. Preparation of a Business Case for the proposed works to the South Pier, considering both costs and economic benefits, to enable funding to be sought as soon as possible.
13. Engagement with harbour users to plan for improved resilience of businesses and the Harbour Road.



SOUTHWOLD HARBOUR MANAGEMENT COMMITTEE

Thursday, 22 September 2022

Subject	Caravan Site Consultation
Supporting Officer	Kerry Blair Head of Operations Kerry.blair@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Southwold

Purpose and high-level overview

Purpose of Report:

To provide members with an update and confirm the questions for the Southwold Caravan and Campsite consultation.

Recommendation/s:

That the Harbour Management Committee (HMC) recommend that the Leader of the Council approve the questions contained in this report as the basis for a consultation on the Southwold Caravan and Campsite.

Impact Assessment

Governance:

Part of the Southwold Caravan Site is located within the Harbour Undertaking as set out in the 1933 Harbour Order. The HMC is required to make recommendations relating to changes in this location.

Environmental:

Any redevelopment of the Caravan Site could have an impact on the ecology of the area. In addition, consideration will need to be given to the sustainability of any changes made. This report does not contain any matters for decision at this stage, but HMC members will need to consider the results of any environmental surveys before making any recommendations in the future.

SCOA members have provided feedback on proposals via an online questionnaire. The forthcoming consultation will include questions on sustainability and the environmental aspirations of the redevelopment.

Equalities and Diversity

This report does not ask HMC members to take any decisions that may have an impact on E&D. However, any changes that are proposed for the site – in particular, changes to leases, fees and charges and license arrangements will need to be subject to an E&D impact assessment.

Financial:

No impacts

Legal:

None

Risk:

None

Harbour Business Plan Priorities

To be added when the plan is in place.

East Suffolk Council Strategic Plan Priorities

Select the themes of the Strategic Plan which are supported by this proposal:	
T01	Growing our Economy <input type="checkbox"/>
T02	Enabling our Communities <input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability <input type="checkbox"/>
T04	Delivering Digital Transformation <input type="checkbox"/>
T05	Caring for our Environment <input checked="" type="checkbox"/>

Background and Justification for Recommendation

1 Background facts	
1.1	In 2019, East Suffolk Council employed an external consultant to carry out a review of Southwold Caravan and Camping Site, and to make recommendations to: <ul style="list-style-type: none"> • Improve service provision – mainly through the installation of water and power provision to each site. • Modernise the site – in a way that is sensitive to local wishes • Present options for changing the lease and license arrangements between the council and static caravan owners.
1.2	The report has been shared with Southwold Caravan Owners Association (SCOA) – who have carried out a survey of their members and provided a detailed response to the proposals in the report.
1.3	On the 1 st September, the Caravan Site Redevelopment working group met to agree next steps. Attendees included Cllr Letitia Smith (Chair), Cllr Maurice Cook, Alastair MacFarlane, Diane Perry Yates, Cllr Mary Rudd Kerry Blair (Head of Operations)
1.5	The meeting discussed the proposals in the Rural Solutions development report ('the report') and heard from the Chair of SCOA about the views of members. Issues for consultation were then discussed – and it these issues that are being brought to the HMC for discussion and approval.

2 Current position	
2.1	The Rural Solutions report made the following recommendations: <ul style="list-style-type: none"> • Review of the register of all caravans by manufacturer, date of manufacture / age, type, and size, together with insurance details. The intention is to promote the use of newer caravans to improve both appearance and compliance.

	<ul style="list-style-type: none"> • Review of licence agreements for all static owners in line with BH&HPA guidelines. Specifically – to offer longer period of tenure than the current annual license model • Implementation of the policy of caravan replacement / exchange for older inappropriate units / notification of implementation upon redevelopment. This is in support of the first objective. • Proactive approach to supplier agreements with several preferred caravan manufacturers, for example Pemberton, ABI, Willerby, and or second-hand unit provision. This brokerage process to be managed by the Site management. • Implementation of a new licence agreement policy defining the commission terms for the private sale of caravans – in support of the objective above. • Improved service provision across the site including electrical, water and sewage, in particular to those caravans currently on individual separate electrical supplies. • Review of all current pitch spacing and the site layout, to consider potential redevelopment spacing criteria, roadways etc. • Improvements to service standards: that management should seek to implement a series of KPI's against which to analyse the park performance objectively, including touring pitch occupation performance, average unit rates, revenue per available unit, static pitch churn rates, commissions levels (new, second hand etc), yearly competitor pitch rate comparisons etc.
2.5	<p>The report produced by SCOA on the back of the survey contained several points – both recommendations and issues for consideration. In summary, these included responses on the following areas:</p> <ul style="list-style-type: none"> • The restrictions and constraints offered by the current site. The size of pitches and the need to ensure a quality outlook for customers. • The phasing of the works – proposed over three years – and the impact on customers. • The assumptions on fees – and comments on the 'comparable' on which the report is based. • The desirability of additional services (bar, leisure facilities, play areas) for existing customers. • Comments on the need to retain the character of the existing site • Comments on how to ensure that a fair price is charged through metering of electricity.

	<ul style="list-style-type: none"> • Use of materials – such as concrete for hardstanding – and their environmental and aesthetic impact. • Opposition to the proposal in the RS report that site management act as a ‘broker’ for new caravan sales – as is standard practise elsewhere. • Issues relating to environmental sustainability.
2.6	<p>The purpose of the consultation is threefold:</p> <ul style="list-style-type: none"> • To allow members to provide input into the proposals • To allow wider stakeholders – including Southwold Town Council and the Stakeholder Advisory Group – to provide views on the proposed changes. • To provide data to allow the HMC and ESC to make decisions about the redevelopment of the site.

3 How to address current situation

3.1	The HMC values the contribution that SCOA has made through the conducting of the survey and the associated report.
3.2	The Working Group proposes the following areas be explored further during a consultation process. Suggested questions are set out below:
3.3	<p><u>Service level agreement – including expectations and standards, based on past discussions</u></p> <p>“Would you support the introduction of a service level agreement to set out the management standards for the site? Yes/ No”</p> <p>“If you answered yes – which of the following is most important to you? Grounds maintenance. Building cleanliness. Promptness of response. Security. Online information. Other”</p> <p><u>Licensing and tenure</u></p> <p>“The report proposes a 10–20-year license agreement instead of the rolling annual license currently offered.</p> <p>Would you support a longer period of tenure (Yes/ No)?</p> <p>Would you be more likely to invest in a new caravan (Yes/No)”?</p> <p><u>Sub-letting – allow all subletting, restrict to friends and family, or no sub-letting</u></p> <p>“Would you support the ability to sublet your caravan under the new agreement? Yes/ No</p> <p>Would you restrict the ability to sublet to friends and family only?”</p> <p><u>Phasing of works</u></p> <p>“Would you prefer to see the works to improve the site phased over three years in order to minimise disruption?”</p> <p><u>Amenities</u></p> <p>“Would you want to see additional amenities on site? If so – what?” (Free text)</p>

	<p><u>Planting and ecology</u></p> <p>“Would you like to see the following as part of any redevelopment?”</p> <p>Wildlife areas (for example, areas of grassland)</p> <p>Bat and bird boxes</p> <p>Sustainable planting</p> <p>Solar panels</p> <p>Sustainable planting</p> <p>Other</p> <p><u>Sales of caravans</u></p> <p>“The report proposes that residents would be required to purchase a van and that van age be restricted to 15 years. In addition, that residents would purchase a van from an approved suppliers list. What is important to you when purchasing a van through this arrangement:</p> <p>Price</p> <p>Quality</p> <p>Brand/ Manufacturer</p> <p>Other</p> <p>What manufacturers would you want to see on the preferred supplier list? (Free choice)”</p> <p><u>Touring side proposals – increases in pitches</u></p> <p>“Would you support an increase in the number of tents and campervans on the site”</p> <p><u>Security and public access</u></p> <p>“What security arrangements would you like to see on the site” (Free text)</p> <p>What do you see at the most important factor in the redevelopment of the site?</p> <ul style="list-style-type: none"> • Improving facilities • Improving appearance • Maintaining character • Increasing tourism • Increasing income to the local area • Other (free text)”
3.4	<p>It was agreed that a broad range of methods need to be employed to capture views. This is to include:</p> <ul style="list-style-type: none"> • Direct approaches via SCOA • Consultation with the SAG • Publishing of a SurveyMonkey report online – promoted by ESC • Face to face meetings on the site

4 Reason/s for recommendation

4.1	The HMC are asked to approve the above questions as basis for the consultation on the site.
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Appendices

Appendices:
None

Background reference papers:
None



SOUTHWOLD HARBOUR MANAGEMENT COMMITTEE

Thursday, 22 September 2022

Subject	Harbour Revision Order – Approval of documents for consultation
Supporting Officer	Kerry Blair Head of Operations kerry.blair@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Southwold

Purpose and high-level overview

Purpose of Report:

To set out the proposed documents for consultation and approve the submission of a Harbour Revision Order (HRO)

Recommendation/s:

That the Harbour Management Committee recommends that the Leader of the Council

1. Approves the application of a Harbour Revision Order
2. Approves the launch of a consultation on the Harbour Revision Order
3. Approves the attached documents as part of the Harbour Revision Order submission

Impact Assessment

Governance:

The HMC is required to recommend the proposed HRO for approval.

Environmental:

The HMC must act in the best interests of the Port, which includes ensuring its long term sustainability and success. Environmental factors will be taken into account in the decisions which the HMC will make.

Equalities and Diversity:

A consultation will be carried out on the proposed wording of the HRO

Financial:

No impact

Legal:

The documents attached have been produced by Ashfords, the legal advisors on the HRO project.

Risk

Harbour Business Plan Priorities

To be added when the plan is in place.

East Suffolk Council Strategic Plan Priorities

Select the themes of the Strategic Plan which are supported by this proposal:		
T01	Growing our Economy	<input type="checkbox"/>
T02	Enabling our Communities	<input type="checkbox"/>
T03	Maintaining Financial Sustainability	<input type="checkbox"/>

T04	Delivering Digital Transformation	<input type="checkbox"/>
T05	Caring for our Environment	<input type="checkbox"/>

Background and Justification for Recommendation

1 Background facts	
1.1	When setting up the HMC, a list of likely tasks and priorities were set out.
1.2	One task was to consider and progress an application for a HRO to modernise the statutory provisions applying to Southwold Harbour (including placing the HMC and Advisory Group on a statutory footing).
1.3	An HRO is made under the Harbours Act 1964, which amends the existing local harbour legislation of statutory harbour authorities.

2 Current position	
2.1	At it's meeting on 10 March 2022, the HMC received a report from Lara Moore from Ashfords LLP to talk through the process and background to an HRO. The minutes of the meeting detail the full discussion.
2.2	<p>The HMC were advised that Harbour Revision Order allowed existing local harbour legislation to be modernised, repealed or for new powers to be added to ensure that harbours could be properly managed by the statutory harbour authority. Any successful application had to pass the 'core test' which was that the Marine Management Organisation would be:</p> <p><i>"Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships"</i></p>
2.3	<p>At that meeting, the following benefits were set out</p> <ul style="list-style-type: none"> • Placing the HMC on a statutory footing • Placing the Advisory Board on a statutory footing • Modernising but retaining full ring fencing of the harbour funds • Modernising provisions related to capital monies • Short fall in harbour revenue • Ensuring the 'rating' and 'harbour' limits are the same • Modernising the definition of vessel • Obtaining Powers of General Direction • Fixing the landside harbour premises limits or making them flexible • Extension of the Harbour Limits
2.4	An HRO would also enable the ability to update some definitions in the Harbour Order, for Powers of General Direction and to enable further economic development.

3 How to address current situation

	<p>HMC agreed in July to prepare documents for consultation for an HRO application. Officers have been working with Ashfords to prepare the Order.</p> <p>In preparation for consultation and submission of the HRO, the following documents are appended to this report:</p> <ol style="list-style-type: none"> 1. The draft HRO 2. The draft Statement of Support 3. The 1933 Harbour Revision Order, showing changes to be made as a result of the HRO 4. A marked up copy of the Harbours, Docks and Piers Clauses Act 1847 as incorporated <p>As previously discussed, the deadline for submission of the HRO application to avoid the application fee increase (from £4,000 to £9,769) was the 30th September.</p> <p>However the MMO at very short notice have introduced a new ‘validation’ procedure which will take a minimum of 10 working days. It is our intention to submit these draft documents by the 23rd September in order to avoid the increase in fees.</p>
3.1	<p>Two issues have been raised via the Stakeholder Advisory Group during the drafting process:</p> <ul style="list-style-type: none"> • A request to include a prohibition against sale of land in the Harbour by the HMC. • A request to include a form of words that provides the HMC the opportunity – but not the obligation – to spend money upstream of the bailey bridge if required in order to maintain the interests of the harbour.
3.2	<p>On the second point – the SAG proposed the following wording:</p> <p>”The HMC recognises that lack of maintenance of estuary banks pose an existential threat to the harbour and commits to support the Blyth Estuary Partnership, landowners and agencies to build resilience both practically and financially if necessary “</p> <p>ESC and Ashfords considered the wording and have made an alternative suggestion set out below</p>
3.3	<p>To take both points in section 3.1 in turn</p> <p>Sale of Harbour Land</p> <p>The Council cannot ‘asset strip’ the harbour under the HRO. Under the HRO the HMC can only make a freehold disposal if:</p> <ul style="list-style-type: none"> • if the land is no longer required for harbour purposes; or

	<ul style="list-style-type: none"> it would conduce to the improvement, maintenance, operation or management of the harbour in an efficient and economical manner for the property to be held by a person other than the Council. <p>In addition, in a strengthening of the usual level of protection in modern HROs, Ashfords have included at article 11(2) a requirement for all capital monies to be placed in the reserve fund (i.e. all monies from the sale of land would have to go into the reserve fund).</p> <p>The Advisory Group have a statutory right to be consulted and the HMC has a statutory obligation to maintain the harbour – therefore it seems a prohibition would be restrictive and remove the freehold disposal power – which may need to be exercised in the best interests of the harbour.</p> <p>If the Council were to sell land in the face of severe opposition from the Advisory Group and HMC it could be Judicially Reviewed.</p>
3.3	<p>Upstream works</p> <p>The HMC and SAG have discussed this issue at some length. If spending is to be permitted on up stream works then this will potentially have a knock on effect of harbour dues, as there is a requirement that any additional maintenance liability is funded – and this would mainly come from fees and rents.</p> <p>One option for including reference to this would be to include it in a separate article or in article 5 (General Functions) – and a proposed wording is set out below in section 3.4</p> <p>It should be noted that including the wording in red in the general functions article could effectively place an implied duty on the Council to do those things (if necessary or desirable as set out in the wording of (1) even though it says ‘may’ not ‘shall’ / ‘must’). If we have a separate article we can expressly state it is not a duty, but even so, it will place pressure (at least locally) on the Council to do works.</p>
3.4	<p>Taking these points into account, the proposed new wording for the HRO is in red</p> <p>Works in the River</p> <p>[]. It the Council considers it necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities afforded therein or in connection therewith, and for the conservation of the harbour’s flora, fauna and geological and physiographical features of special interest, it may (but it under no duty to)</p>

	<p>i. subject to obtaining the necessary rights in or over land, carry out works; or</p> <p>ii. provide funding towards the carrying out of works in the area shown [] on the [] plan.</p> <p>General Functions</p> <p>5.—(1) The Council may, subject to the provisions of this Order, take all such steps from time to time as it considers necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities afforded therein or in connection therewith, and for the conservation of the harbour's flora, fauna and geological and physiographical features of special interest.</p> <p>(2) For those purposes and without limiting the scope of paragraph (1), the Council may—</p> <p>(a) improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities therein;</p> <p>(b) subject to obtaining the necessary rights in or over land—</p> <p>(i) execute and place in and over the harbour such structures, harbour facilities, works and equipment as are required, and</p> <p>(ii) operate, maintain, renew, alter, extend, demolish and reconstruct structures, harbour facilities, works and equipment in the harbour (including those executed or placed pursuant to sub-paragraph (i)),</p> <p>(iii) carry out works or provide funding towards works in the area shown [] on the [] plan.</p> <p>(c) acquire land; and</p> <p>(d) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the harbour undertaking.</p> <p>(3) The Council must, from time to time, formulate, publish and review a business plan or business plans ("Harbour Business Plan") in relation to its maintenance, conservation, operation, management and improvement of the harbour undertaking, which it must have regard to when performing its functions.</p> <p>(4) In the exercise of the powers of sub-paragraph (2)(b), the Council must not—</p> <p>(a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or</p> <p>(b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus, without the consent of the statutory undertaker concerned.</p> <p>(5) This article is without limitation of the powers of the Council under or by virtue of any other enactment.</p>
3.5	<p>It should be noted that the attached documents form the basis of a consultation. The results of that consultation will form the basis of any further changes to the wording of the HRO and associated documents.</p>

3.6	It is therefore recommended that the attached documents are used as the basis of the consultation, which will start following their approval at the HMC meeting.
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4 Reason/s for recommendation

4.1	It is recommended that the attached documents are recommended to the Leader of the Council for approval as the basis of the consultation on the Harbour Revision Order.
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Appendices

Appendices:

Appendix A	Draft Southwold Harbour Revision Order
Appendix B	Draft Statement of Support
Appendix C	1933 Harbour Revision Order
Appendix D	Harbours, Docks and Piers Clauses Act 1847

Background reference papers:

Date	Type	Available From
March 2022	Minutes of the HMC Meeting held on 10 March	CMIS

STATUTORY INSTRUMENTS

202[] No. 0000

HARBOURS, DOCKS, PIERS AND FERRIES

The Southwold Harbour Revision Order 202[]

<i>Made</i>	- - - -	202[]
<i>Laid before Parliament</i>		202[]
<i>Coming into force</i>		202[]

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SCHEDULES

SCHEDULE 1 — PURPOSES FOR WHICH BYELAWS MAY BE MADE

SCHEDULE 2 — REVOCATION / REPEAL

East Suffolk Council has applied for a harbour revision order in accordance with section 14(2)(a) of the Harbours Act 1964(a) (“the Act”).

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(b) made under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) to the Marine Management Organisation(e).

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

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) This Order may be cited as the Southwold Harbour Revision Order 202[] and shall come into force on [DATE].

(2) The Southwold Harbour Order 1933(f) and this Order may be cited together as the Southwold Harbour Orders 1933 to 202[].

(3) This Order extends to England and Wales.

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- (a) 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, paragraph 1, by S.I. 2006/1177, regulation 2 and the 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).
 - (b) S.I. 2010/674.
 - (c) Section 42A was inserted, in relation to England and Wales, by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).
 - (d) For the definition of “the Minister”, see section 57(1) of the Harbours Act 1964 (c. 40).
 - (e) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23). The head office address of the Marine Management Organisation is located at Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH.
 - (f) 23 & 24 Geo 5. Ch. liii.

Interpretation

2.—(1) In this Order

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847(**a**);

“the Order of 1933” means the Southwold Harbour Order 1933(**b**);

“the Act of 1964” means the Harbours Act 1964(**c**);

“the Act of 1966” means the Docks and Harbours Act 1966(**d**);

“the Act of 1995” means the Merchant Shipping Act 1995(**e**);

“aids to navigation” includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

“ashore” means all those parts of the harbour which is not constituted of land covered by water at the level of low water;

“the Board” means the Southwold Harbour Board established under article 4 of this Order;

“the Council” means East Suffolk Council;

“charges” means the charges, rates, tolls and dues which the Council is for the time being authorised to demand, take and recover in relation to the harbour undertaking;

“commercial refuelling activities” includes recharging or emptying (in whole or part) a vessel with fuel in exchange for financial payment or other valuable consideration;

“electronic communications network” has the meanings given by section 32 to the Communications Act 2003(**f**);

“functions” means the powers and duties at and in connection with the harbour authorised by the Southwold Harbour Orders 1933 to 202[];

“general direction” means a direction given under article 25 of this Order;

“harbour” means Southwold Harbour the limits of which include the harbour premises and are defined in article 4(1) of this Order;

“the Harbour Advisory Group” means the body or bodies established in accordance with article 36 of this Order;

“harbour facilities” includes, but is not limited to, shipping, fisheries, marine, recreational, leisure, tourism and retail facilities (including buildings);

“the harbour master” means any person appointed as such by the Council, and includes the duly authorised deputies and assistants of the harbour master and any other person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour limits plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed plan referred to in the Southwold Harbour Revision Order 202[]”, one copy of which is deposited at the offices of the Marine Management Organisation(**g**) and the other at the harbour office of the Council(**h**);

“harbour operations” includes—

(a) the marking, lighting or dredging of the harbour or any part thereof;

(b) the berthing, mooring, dry docking or storage of a vessel;

(c) the laying and maintenance of moorings or other similar apparatus in the harbour;

(a) 1847 c. 27.

(b) 23 & 24 Geo. 5. Ch. liii.

(c) 1964 c. 40.

(d) 1966 c. 28; section 37(3) was repealed by the Transport and Works Act 1992 (c. 42), Schedule 4 (Part II).

(e) 1995 c. 21.

(f) 2003 c. 21.

(g) The Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

(h) Southwold Harbour Office, 7 Southwold Harbour, Southwold, IP18 6TA

- (d) the warehousing, sorting, weighing or handling of goods;
- (e) the movement of goods and vehicles (including parking, designated and prohibited areas, speed limits, removal from the harbour);
- (f) the towing, or moving of a vessel;
- (g) the loading or unloading of goods, or embarking or disembarking of passengers;
- (h) energy generation;
- (i) the control of use of the harbour by members of the public and other third parties (including movement, conduct, authorised activities, designated and prohibited areas) but not so as to cause an interference with any public right of way;

“harbour premises” means land adjacent to the wet harbour area for the time being vested in, or occupied or administered by the Council as part of the harbour undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, car parks, other buildings and all other works and conveniences, land and premises;

“harbour revenue” means and includes all moneys receivable by the Council for and in relation to the harbour undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

“the harbour undertaking” means the undertaking carried on by the Council at and in connection with the harbour authorised by the Southwold Harbour Orders 1933 to 202[];

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“jet bike” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a water jet engine or other mechanical means of propulsion and steered either—

- (a) by means of a handlebar-operated linkage system (with or without a rudder at the stern);
- (b) by the person or persons riding the craft using their body weight for the purpose; or
- (c) by a combination of the methods referred to in (a) and (b) above;

“land” includes land covered by water except where expressly stated otherwise;

“the level of high water” means the level of mean high-water spring tides;

“the level of low water” means the level of mean low-water spring tides;

“master”, in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being;

“Memorandum of Understanding” means the memorandum of understanding between the Council and the Board in force from time to time;

“operator” has the meaning given by paragraph 2 of Schedule 3A to the Communications Act 2003;

“personal watercraft” means a watercraft intended for sports and leisure purposes of less than 4 metres in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

“special direction” means a direction given under article 28 of this Order;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990(a);

(a) 1990 c. 8.

(b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949(a); or

(c) any operator of an electronic communications network;

“Trinity House” means the Corporation of Trinity House of Deptford Strond(b);

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans, bicycles, and mobile homes and includes a hovercraft or any other amphibious vehicle;

“vessel” includes a ship(c), boat, houseboat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a jet bike, a personal watercraft, a hydrofoil vessel, or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

“wet harbour area” means those parts of the harbour which are covered by water at the level of low water.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) Reference points specified in this Order shall be construed as references to Latitude and Longitude reference points.

Incorporation of provisions of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The Act of 1847 (except sections 6 to 20, 22, 23, 25, 26, 28 to 32, 42, 49, 50, 66, 67, 70, 71, 77, 78, 84 to 90, 97, 98 and 101), (so far as applicable to the purposes and not inconsistent with the provisions of this Order), is hereby incorporated with this Order subject to the modifications stated in paragraphs (2) to (5) below.

(2) Any previous incorporation of the Act of 1847 into the Order of 1933 shall cease to have effect.

(3) Section 63 of the Act of 1847 (penalty on vessels lying near the entrance of harbour or dock without permission) shall have effect subject to the modification that for the words from “liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(4) Section 69 of the Act of 1847 (combustible matter on quays, &c., to be removed) shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(5) In construing the provisions of the Act of 1847 as incorporated with this Order—

(a) the expression “the special Act” means this Order;

(b) the expression “the undertakers” means the Council;

(c) the expression “the harbour, dock, or pier” shall mean the harbour, and includes those docks, piers, berths, quays, landing places and wharves forming part of the harbour premises;

(d) for the definition of the word “vessel” in section 3 of the Act of 1847 (interpretation) there shall be substituted the definition of that word in article 2(1) of this Order;

(e) the reference in section 53 of the Act of 1847 (penalty on shipmasters not complying with directions of the harbour master) to notice of a direction by the harbour master served

(a) 1949 c. 74, section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.

(b) The Corporation of Trinity House, Tower Hill, London, EC3N 4DH.

(c) As defined in section 57 (Interpretation) of the Harbours Act 1964 (c. 40).

upon a vessel shall not be construed as requiring the notice to be in writing and may be construed as including the communication of the notice orally or otherwise.

PART 2

HARBOUR JURISDICTION, GENERAL FUNCTIONS, WORKS AND THE BOARD

Harbour Jurisdiction

4.—(1) The limits of the harbour within which the Council shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Act of 1964 (Interpretation), and the powers of the harbour master shall be exercisable shall comprise—

- (a) the area below the level of high water included within a line drawn from []; shown shaded blue on the harbour limits plan for illustrative purposes; and
- (b) the extent of those parts of the harbour premises not within sub-paragraph (a).

(2) In the event of any discrepancy between the descriptions of the boundaries of the harbour referred to in paragraph (1) and the boundaries shown on the harbour limits plan the descriptions in question shall prevail over the said plan.

(3) The Council must keep, and make available for inspection at its harbour office and on its website(a) from the day on which this Order comes into force, an illustrative plan.

(4) The Council must update the illustrative plan to reflect any alterations to the extent of the harbour premises within the period of 30 days beginning with the day on which the alterations are made.

(5) In this article “illustrative plan” means a plan showing, for illustrative purposes only, the harbour limits as described in paragraph (1).

(6) In the event of the harbour premises being amended, the Council must prepare an updated plan for illustrative purposes only, to be made available at the harbour office of the Council and on its website within the period of 30 days beginning with the day on which the changes are made.

(7) For and incidental to the performance of its functions under this Order, the Council may employ and appoint harbour masters.

(8) The Council shall, within the harbour, be a local lighthouse authority within the meaning of sections 193 (general and local lighthouse authorities) and 201 (powers of harbour authorities) of the Act of 1995.

General Functions

5.—(1) The Council may, subject to the provisions of this Order, take all such steps from time to time as it considers necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities afforded therein or in connection therewith, and for the conservation of the harbour’s flora, fauna and geological and physiographical features of special interest.

(2) For those purposes and without limiting the scope of paragraph (1), the Council may—

- (a) improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities therein;
- (b) subject to obtaining the necessary rights in or over land—
 - (i) execute and place in and over the harbour such structures, harbour facilities, works and equipment as are required, and

(a) Southwold Harbour Office, 7 Southwold Harbour, Southwold, IP18 6TA and <https://www.eastsuffolk.gov.uk/visitors/southwold-harbour/>.

- (ii) operate, maintain, renew, alter, extend, demolish and reconstruct structures, harbour facilities, works and equipment in the harbour (including those executed or placed pursuant to sub-paragraph (i)),
 - (iii) carry out works or provide funding towards works in the area shown [] on the [] plan,
 - (c) acquire land; and
 - (d) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the harbour undertaking.
- (3) The Council must, from time to time, formulate, publish and review a business plan or business plans (“Harbour Business Plan”) in relation to its maintenance, conservation, operation, management and improvement of the harbour undertaking, which it must have regard to when performing its functions.
- (4) In the exercise of the powers of sub-paragraph (2)(b), the Council must not—
- (a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or
 - (b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus, without the consent of the statutory undertaker concerned.
- (5) This article is without limitation of the powers of the Council under or by virtue of any other enactment.

Works in the River

6. If the Council considers it necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities afforded therein or in connection therewith, and for the conservation of the harbour’s flora, fauna and geological and physiographical features of special interest, it may (but it under no duty to)—
- (a) subject to obtaining the necessary rights in or over land, carry out works; or
 - (b) provide funding towards the carrying out of works,
- in the area shown [] on the [] plan.

Establishment and Role of Board

- 7.—(1) Within 12 weeks of this Order coming into force the Council shall establish a Board of members constituted and appointed as provided for within this Order and they and their successors from time to time appointed under this Order shall be called the “Southwold Harbour Board”.
- (2) The Board shall conduct itself in accordance with, and be responsible for, those matters set out in the Memorandum of Understanding in force from time to time.

Composition of the Board

- 8.—(1) From the establishment of the Board, the composition of the Board shall be as follows—
- (a) five members of the Council; and
 - (b) four independent lay members.
- (2) Each person appointed under paragraph (1) shall be a person who appears to the Council to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Board of its functions including, but not limited to, special knowledge, experience or ability in one or more of the following matters—
- (a) maritime industry and activities;
 - (b) commerce;
 - (c) health and safety;
 - (d) management;

- (e) public relations and community issues;
- (f) industrial relations;
- (g) shipping, fishing or cargo handling;
- (h) accountancy or financial management;
- (i) boating and other water related leisure activities;
- (j) environmental matters affecting harbours; and
- (k) any other skills and abilities considered from time to time by the Council to be relevant to the discharge by the Board of its functions.

(3) The Council shall secure, so far as reasonably practicable, that the persons appointed by it under paragraph (1) will, between them, have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by them of the Board's functions.

(4) The Council must act in accordance with any guidance issued by the Secretary of State from time to time with regards to exercise of such functions when—

- (a) making an appointment under paragraph (1)(b);
- (b) setting the length and number of terms of any person appointed under paragraph 1(b).

(5) In making an appointment under paragraph (1)(a) the Council must have regard to, any guidance issued by the Secretary of State from time to time with regards to exercise of such functions.

(6) All members of the Board appointed under paragraph (1) shall be bound by the Code of Conduct for East Suffolk Council members and co-opted members (or replacement thereof) in force at that time.

Non-voting co-opted members

9. From the establishment of the Board, the Board may from time to time co-opt no more than [two] persons to attend Board meetings as additional (non- voting) attendees for a fixed term of up to 12 months.

Disqualification or removal of Board members

10.—(1) A person shall be disqualified from being a member of the Board if—

- (a) a member of the Board appointed under article 7(1)(a) ceases to be a member of the Council or becomes suspended or disqualified from the Council;
- (b) a member of the Board has been absent from any meeting of the Board for six consecutive months or more than three meetings in any 12 month period without the permission of the Board;
- (c) a member appointed under article 7(1)(b) becomes bankrupt;
- (d) a member appointed under article 7(1)(b) is incapacitated by physical or mental illness from discharging their duties as a member of the Board and the Board does not consider there is merit from the Board exercising its powers under paragraph (2);
- (e) they are removed in accordance with the Council's constitution.

(2) If the Council is satisfied that a member of the Board—

- (a) has acted in a manner which has seriously impeded or prejudiced the Board in the performance of its functions;
- (b) has failed to declare an interest or to comply with the standards of behaviour required for members of the Board;
- (c) has acted in a manner which may bring the Board into disrepute or which is inappropriate having regards to the functions of the Board; or

- (d) is otherwise unable, unwilling or unfit to discharge adequately the duties as a member of the Board,

the Council may, remove a member appointed under article 7(1) and on removal of the member, the Council may appoint a new person in their place in accordance with the provisions of this Order.

PART 3

FINANCES

Application of finances

11. The Council must apply the harbour revenue in the manner following and not otherwise—

- (a) first in payment of the working and establishment expenses and cost of maintenance of the harbour;
- (b) secondly in payment of the interest on any moneys borrowed by the Council for the harbour under any statutory borrowing power;
- (c) thirdly in payment of all other expenses properly chargeable to harbour revenue;
- (d) fourthly to the general reserve fund.

Reserve fund

12.—(1) The Council must establish and maintain a reserve fund.

(2) The Council must carry to a reserve fund such part of the harbour revenue as may be available for the purpose in accordance with article 11(d) and any capital monies received in respect of the harbour undertaking.

(3) Any reserve fund established or maintained under this article may from time to time be applied by the Council in its discretion—

- (a) in or towards meeting any deficiency on harbour revenue account in any year;
- (b) to meet any extraordinary claim or demand in respect of the harbour undertaking;
- (c) in or towards payment of the cost of renewing, improving, extending or replacing any part of the works forming part of the harbour undertaking or any vessels, plant or equipment of the Council connected to the harbour undertaking;
- (d) for improving the operational area and the navigation of the harbour and the approaches to the harbour;
- (e) in repaying any monies borrowed under any statutory borrowing power, or provided to the harbour undertaking under the provisions of articles 30 or 40 of the Order of 1933; or
- (f) for any other lawful purpose sanctioned by the Council and connected with the harbour undertaking.

Borrowing

13.—(1) The Council may from time to time, for the general purposes of the harbour undertaking, borrow upon the security of all or any of the harbour revenue and property and by any method or methods which it sees fit such sums of money as it considers necessary.

(2) Moneys borrowed under paragraph (1) may be applied only to purposes to which capital money is properly applicable.

(3) Without limiting the scope of paragraph (2), purposes to which capital money is properly applicable shall be deemed to include—

- (a) any major works of improvement, construction, repair or maintenance of any part of the works forming part of the harbour undertaking;

- (b) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Council under this article;
- (c) the repayment within 12 months from the date of borrowing of any sum for the time being outstanding by way of principle on any amount previously borrowed; and
- (d) a payment relating to pensions paid or to be paid to past or present employees of the Council whose employment related to the harbour undertaking or to the family or dependants of such persons.

Temporary borrowing

14. The Commissioners may borrow temporarily, by way of overdraft or otherwise, such sums of money as the Commissioners may require for the purposes of the general purposes of the harbour undertaking.

PART 4

CHARGES

Charges other than ship, passenger and goods dues

15. The Council may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig, or floating platform, or any other vessel, not being a ship as defined by section 57(1) of the Act of 1964, entering, using, operating within or leaving the harbour such reasonable charges as it may determine, and sections 30 and 31 of the Act of 1964 shall with all necessary modification apply to the charges authorised by this article as they may apply to ship, passenger and goods dues demanded under section 26 (repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them) of the Act of 1964.

Charges for services or facilities

16. In addition to article 15 of this Order and its power to demand ship, passenger and goods dues under section 26 of the Act of 1964, the Council may demand, take and recover such reasonable charges for services and facilities provided by the Council at the harbour or in connection with the harbour undertaking as it may from time to time determine.

Payment of charges

17.—(1) The charges which the Council is for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment—

- (a) are payable before the removal from the harbour of any vessel or goods in respect of which they are payable; and
- (b) may be demanded, taken and recovered—
 - (i) by such persons,
 - (ii) at such places,
 - (iii) at such times, and
 - (iv) under such terms and conditions,

as the Council may from time to time specify in its published list of charges.

(2) Charges payable to the Council on or in respect of—

- (a) a vessel, shall be payable by the owner or master;
- (b) goods, shall be payable by the owner, consignee or shipper of the goods.

(3) Where charges payable to the Council may be recovered by it from more than one person, the persons from whom they may be recovered shall be jointly and severally liable.

(4) Without limitation to paragraph (1), the terms and conditions as to the payment of charges which the Council may from time to time specify may include the time when a charge falls due for payment and may require such information to be given to the Council by the owner or master of a vessel or a person using a service or facility of the Council as the Council may require in connection with the assessment or collection of a charge.

(5) Where charges payable to the Council have not been paid by the time they fall due for payment, the Council may at any time thereafter detain within or refuse entry to, or require removal from the harbour of—

- (a) the vessel or goods to which the charges relate; and
- (b) any other vessels or goods that the owner or master of the vessel or goods to which the charges relate is also the owner or master of,

until such charges have been paid in full.

Compounding arrangements and rebates

18.—(1) The Council may confer total or partial exemptions from, or allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption, rebate or composition.

(2) Nothing in section 30 of the Act of 1964 (duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges) shall require the Council to include in the list of ship, passenger and goods dues, as required by subsection (1) of that section, charges reduced by a total or partial exemption, a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

Deposit for charges

19.—(1) The Council may, if it thinks fit, require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required, the Council may detain in the harbour the vessel or goods in respect of which the charge has been or will be incurred, or refuse entry to, or require removal from the harbour in respect of the vessel or goods, until the requirement has been complied with or the charge paid.

Liens for charges

20.—(1) A person who by agreement with the Council collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession shall have a lien on those goods for the amount paid or security given in respect thereof.

(2) A wharfinger or carrier who is not themselves liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in their custody, and in that event they shall have a like lien on the goods for the amount of those charges as they would have in respect of their charges for safe custody or carriage of the goods, as the case may be.

Refusal to pay charges for a landing place

21. The harbour master may prevent a vessel from entering the harbour or using a landing place, mooring or other facility provided by the Council, if the master of the vessel refuses to pay the charges for such use.

Exemptions from harbour dues

22.—(1) Except insofar as may be agreed between the Council and the government department or person concerned the Council shall not be entitled to demand harbour dues from, or in respect of—

- (a) a vessel—
 - (i) in the service of HM Revenue and Customs or the Secretary of State for Defence in the execution of their core duties and not carrying persons or goods for reward,
 - (ii) belonging to or used by a lifeboat service whilst employed in or in connection with the core functions of that service,
 - (iii) in the service of a police force or other emergency service in the execution of their core duties and not carrying persons or goods for reward,
- (b) HM Revenue and Customs or any officer or other person employed in their service in execution of their core duties in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;
- (c) an officer of HM Revenue and Customs or any other person employed in their service while in the execution of their core duties;
- (d) a person employed by the Secretary of State for Defence while in the execution of core duties;
- (e) Officers of the Department for Transport in the execution of their core duties.

(2) In this article “dues” means ship, passenger and goods dues which the Council may demand under section 26 of the Act of 1964.

Recovery of charges

23.—(1) In addition to any other remedy given by this Order and by the Act of 1847 as incorporated with this Order, the Council may recover any charges payable to it as a debt in any court of competent jurisdiction.

(2) Where the master of a vessel in respect of which a charge is payable to the Council refuses or neglects to pay the same or any part thereof, paragraph (1) applies whether or not the Council’s collector has gone on board the vessel and demanded the charge pursuant to section 44 of the Act of 1847 (recovery of tonnage rates by distraint of ship and tackle).

Harbour master may prevent sailing of vessels

24. The harbour master may prevent the removal or sailing from the harbour of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

- (a) the vessel;
- (b) passengers of the vessel; or
- (c) goods imported or exported on the vessel.

PART 5

GENERAL DIRECTIONS, SPECIAL DIRECTIONS AND BYELAWS

Power to make general directions as to the use of harbour, etc.

25.—(1) The Council may, in accordance with the requirements of article 26, give a direction for—

- (a) the ease, convenience or safety of navigation;

- (b) the safety of persons;
- (c) the protection of property, flora or fauna; or
- (d) the ease, convenience or safety of harbour operations ashore,

within the harbour.

(2) A direction under this article may apply—

- (a) to all vessels or to a class of vessels;
- (b) to all vehicles or to a class of vehicle;
- (c) to persons designated in the direction;
- (d) to the whole of the harbour or to a part; or
- (e) at all times or at certain times or at certain states of the tide,

and every direction must specify the extent of its application including its geographical extent in relation to the matters referred to in sub-paragraphs (a), (b), (c), (d) and (e).

(3) The Council may amend or revoke a direction given under paragraph (1).

(4) The Council must keep and make available for inspection at its harbour office and on its website a public register of all in force general directions(a).

Procedure for giving, amending or revoking general directions

26.—(1) Subject to paragraph (7), if the Council proposes to give, amend or revoke a general direction, it must—

- (a) give notice in writing of the proposal and a plan of the area over which the proposal applies to the “designated consultees” them being—
 - (i) the Chamber of Shipping,
 - (ii) the Royal Yachting Association,
 - (iii) the Harbour Advisory Group, and
 - (iv) such other persons or organisations as it considers appropriate for the purposes of the application of this provision,
- (b) place a notice of the proposal on its website and in prominent locations at the Council’s harbour office on the same date as the notice given in accordance with sub-paragraph (a) and keep that notice on display for a minimum of 6 weeks;
- (c) consult with the designated consultees upon the proposal and allow a period of not less than 6 weeks beginning with the date of the notice given in accordance with sub-paragraphs (a) and (b) for written representations to be made by the designated consultees and any other persons to the Council regarding the proposal;
- (d) have regard to all representations made during consultation;
- (e) give notice in writing to the designated consultees, and to those other persons that have provided a consultation response, following consultation as to whether the Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for so doing; and
- (f) if the Council proposes to proceed with the proposal and a designated consultee has made representations against the proposal, invite that designated consultee to confirm in writing whether they maintain their objection to the proposal within 28 days beginning with the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Council may specify.

(a) The public register of all in force directions may be inspected during office hours at the Council’s harbour office located at Southwold Harbour Office, 7 Southwold Harbour, Southwold, IP18 6TA and at <https://www.eastsuffolk.gov.uk/visitors/southwold-harbour/>.

(2) Where the Council has complied with paragraph (1), it may proceed to give, amend or revoke a general direction if—

- (a) none of the designated consultees have made representations against the proposal;
- (b) none of the designated consultees which made representations against the proposal have confirmed in writing that they are maintaining their objection to the proposal in accordance with paragraph (1)(f); or
- (c) where a designated consultee has maintained an objection in accordance with paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Council that they maintain their objection to a proposal—

- (a) the issue must be referred to an independent person (“the adjudicator”) appointed—
 - (i) by agreement between the Council and each designated consultee maintaining an objection in accordance with paragraph (1)(f) (“the parties”), or
 - (ii) failing agreement, by the President of the London Maritime Arbitrators Association on the application of either of the parties,
- (b) so far as is reasonably practicable within 12 weeks beginning with the date of the referral, the adjudicator must—
 - (i) provide a reasonable opportunity for the parties to make representations to or be heard by the adjudicator at a hearing, and
 - (ii) make a written report to the parties with findings and recommendations on the issue, and
- (c) the Council must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator’s report (but it is not bound to give effect to any recommendations) and, once it has decided, must give notice in writing to the designated consultees and to any other person that provided a consultation response of its decision and the reasons for that decision.

(4) Except as otherwise provided for in paragraph (3), the adjudicator may determine the procedure for the making of representations and the conduct of any hearing.

(5) The costs incurred by the adjudicator and the parties from a referral under paragraph (3) are to be paid by one or more of the parties as the adjudicator may direct.

(6) If the Council wishes to exercise the power to give, amend or revoke a general direction in a form materially different from both the form notified to the designated consultees under paragraph (1)(e), and where paragraph (3) applies, the form recommended by the adjudicator under paragraph (3)(b), it must proceed, as if the proposal is a new proposal to which paragraph (1) applies.

(7) Paragraphs (1) to (6) do not apply where in the interests of navigational safety, or safety of persons the Council proposes to give or amend a general direction—

- (a) in an emergency; or
- (b) relating to an intended activity or operation within the harbour if—
 - (i) the intended activity or operation is expected to commence within 16 weeks of the Council having been notified or otherwise becoming aware of the intended activity or operation,
 - (ii) the intended activity or operation is to last less than 28 days, and
 - (iii) the Council considers that the giving or amending of a general direction in relation to the intended activity or operation is required, taking into account other activities or operations in the harbour which may be affected.

(8) Where the Council proceeds to give or amend a general direction in accordance with paragraph (7), it must—

- (a) as soon as is reasonably practicable give notice of the direction or amendment to those persons who would have been designated consultees had paragraph (1)(a) applied; and

- (b) if the direction or amendment is intended to continue in force for more than 12 weeks, apply the procedure under paragraphs (1)(c) to (f) and (2) to (6) to the direction or amendment with the following modifications—
 - (i) a reference to the ‘proposal’ in those paragraphs is to be read as a reference to the direction or amendment,
 - (ii) in paragraph (1)(c), for “sub-paragraphs (a) and (b)” substitute “paragraph (8)(a)”, and
 - (iii) a reference to the Council ‘proceeding’ with a proposal is to be read as a reference to the Council determining that the direction or amendment should remain in force.

Publication of general directions

27.—(1) Subject to paragraph (4), the Council must publish a notice of the giving, amendment or revocation of a general direction as soon as reasonably practicable on one occasion in a newspaper circulating in the area of the harbour and electronically on the its website for the period of 28 days from the date of publication of the notice in the newspaper.

(2) The notice must state a place at which copies of the general direction may be inspected.

(3) The Council must display notices of general directions that apply to harbour premises at prominent locations within the harbour.

(4) In an emergency, the Council may give notice of the giving or amendment of a general direction in any manner which it considers to be appropriate.

Special Directions

28.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the harbour for any of the following purposes—

- (a) requiring a person to comply with a requirement made in or under a general direction;
- (b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;
- (c) regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the harbour premises;
- (d) specifying the precautions to be taken in respect of apparatus, machinery and equipment;
- (e) prohibiting, extinguishing, or restricting the use of fires or lights;
- (f) regulating the use of ballast;
- (g) requiring the removal of the vessel from any part of the harbour if the vessel—
 - (i) is on fire,
 - (ii) is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life or property,
 - (iii) is making an unlawful use of the harbour or interfering with the reasonable use or enjoyment of the harbour by other vessels or persons or the dispatch of business in the harbour, or
 - (iv) needs to be removed to enable maintenance or repair work to be carried out to the harbour, and
- (h) requiring the vessel to be removed to a place outside the harbour if such removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property.

(2) A special direction relating to a vessel shall specify a particular person or particular persons to whom the direction is addressed, either by name or by a description sufficient to enable the person or persons in question to be identified.

(3) A special direction may be given in any manner considered by the harbour master to be appropriate.

- (4) The harbour master may amend or revoke a special direction.

Failure to comply with directions

29.—(1) A person who fails to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for the person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Enforcement of directions

30.—(1) Without limitation to any other remedy available to the Council, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no-one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with, provided that the powers of this paragraph shall not be exercised—

- (a) in relation to a vessel other than a lighter unless, after reasonable inquiry has been made, the master cannot be found; or
- (b) in relation to a lighter unless it is obstructing or interfering with navigation.

(3) Expenses incurred by the Council in the exercise of the powers conferred by paragraph (1) shall be recoverable by the Council as if it were a charge of the Council in respect of the vessel.

Master's responsibility in relation to directions

31. The giving of a general direction or special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to the vessel, to persons on board the vessel, to the cargo or any other person or property.

Boarding of vessels and vehicles

32. A duly authorised officer of the Council may, on producing their authority if so required, enter and inspect a vessel or vehicle in the harbour for the purposes of any enactment relating to the harbour (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Council relating to the harbour, including the enforcement of any such enactment, byelaw or general direction.

Power to make byelaws

33.—(1) The Council may make such byelaws as it thinks fit for the efficient management and regulation of the harbour.

(2) Without limitation to paragraph (1), the Council may make byelaws under this article for any of the purposes set out in Schedule 1 but such byelaws shall not come into operation until the same have received the allowance and the confirmation of the Secretary of State which shall be sufficient for all purposes.

(3) In this article “signals” includes sound signals.

(4) Byelaws made under this article may—

- (a) provide for imposing upon a person offending against them, or against any condition, requirement or direction imposed, made or given thereunder, a fine not exceeding level 4 on the standard scale on summary conviction;
- (b) relate to the whole of the harbour or to any part thereof;

- (c) make different provisions for different parts of the harbour or in relation to different classes of vessels or vehicles; and
- (d) otherwise make different provision for different circumstances.

(5) Where a person is charged with an offence against a byelaw in force under this article, it shall be a defence for the person to prove—

- (a) that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence;
- (b) that they had a reasonable excuse for their act or failure to act; or
- (c) that the offence was not caused or facilitated by any act or neglect on their part or on the part of any person engaged or employed by them and that all reasonable steps were taken to prevent the commission of the offence.

(6) The powers in the article are in addition to the powers conferred by section 83 of the Act of 1847 (byelaws may be made for all or any of the purposes herein named).

Confirmation of byelaws

34.—(1) The provisions contained in subsections (3) to (8) of section 236 (procedure etc. for byelaws) and section 238 (evidence of byelaws) of the Local Government Act 1972^(a) shall apply to all byelaws made after the coming into force of this Order, by the Council under this Order or section 83 of the Act of 1847.

(2) In its application to byelaws made under this Order or section 83 of the Act of 1847, subsection 236 shall have effect, subject to paragraph (3), as if after the word “confirm” in the first place where that word occurs there were inserted the words “with or without modification”.

(3) Where the confirming authority proposes to make a modification which appears to the confirming authority to be substantial, then—

- (a) the confirming authority shall inform the Council and require it to take any steps the confirming authority thinks necessary for informing persons likely to be concerned with that modification; and
- (b) the confirming authority shall not confirm the byelaws until there has elapsed such period as the confirming authority thinks reasonable for the Council and other persons who have been informed of the proposed modifications to consider and comment on it.

(4) The confirming authority for the purposes of this article and of section 236 in its application to byelaws made under this Order or section 83 of the Act of 1847 shall be the Secretary of State.

Saving for existing directions, byelaws etc.

35. Any general direction, special direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Council in relation to the harbour undertaking and in force on or immediately before or on the date on which this Order comes into force, shall, notwithstanding the amendments set out in article 63 and the repeals and revocations set out in article 64 and Schedule 2, continue to have effect.

(a) 1972. c.70

PART 6

MISCELLANEOUS AND GENERAL

Advisory bodies

36.—(1) The Council must establish one or more advisory bodies which the Council must consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and its navigation.

(2) The Council must make arrangements for every such advisory body to meet not less than twice a year.

(3) The Council must take into consideration within a reasonable period any matter, recommendation or representation which may from time to time be referred or made to it by such an advisory body whether or not that advisory body has been consulted by the Council on the matter, recommendation or representation so referred or made.

(4) Any advisory body established pursuant to this article must consist of such number or numbers of persons appointed by the Council as the Council from time to time considers appropriate.

(5) Appointments to any such advisory body must be made by the Council in accordance with a scheme prepared by it for that purpose and the scheme must provide for the appointment of persons who, in the opinion of the Council, are representative of persons having an interest in the functioning of the harbour.

(6) Any such advisory body may determine its own quorum and procedure and must appoint a chair.

(7) An individual member of any such advisory body may hold office for the period of three years from the date of their appointment and at the end of that period will be eligible for reappointment.

(8) A member of any such advisory body may resign their office at any time by notice in writing given to the Council.

Development of land etc.

37.—(1) The Council may, subject to obtaining the necessary rights in or over land—

- (a) use or develop for any purpose, and deal with, any land within or in the vicinity of the harbour; or
- (b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the harbour,

provided that it is conducive to the improvement, maintenance or management of the harbour in an efficient and economical manner.

(2) Except as is otherwise provided by any enactment or rule of law, the powers of the company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Council would not itself have the power to do that thing.

Powers to grant tenancies and to dispose of land

38.—(1) The Council may, for the purposes of or in connection with the carrying on of the harbour undertaking, lease or grant the use or occupation of, or any right or interest in or over, any lands, works, buildings, machinery, equipment or other property forming part of the harbour for such period, at such rents and other considerations and on such terms and conditions as it thinks fit.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the Council other than those specified in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Act of 1964.

(3) The Council may also dispose of, or grant the use or occupation for any purpose of, any lands, works, buildings, machinery, equipment or other property vested in it if it considers that—

- (a) the property is surplus to that which is required for the purpose of the harbour; or
- (b) it would conduce to the improvement, maintenance, operation or management of the harbour in an efficient and economical manner for the property to be held by a person other than the Council, for such consideration and on such terms and conditions as it thinks fit.

Power to appropriate lands and works for particular uses, etc.

39.—(1) Notwithstanding anything in any statutory provision of local application the Council may from time to time for the purpose of or in connection with the management of the harbour set apart and appropriate any part of the harbour for the time being vested in, or occupied or administered by the Council as part of the harbour undertaking for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Council may think fit.

(2) No person or vessel shall make any use of any part of the harbour so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council and—

- (a) the harbour master, or as the case may be, such officer, may order any person or vessel making use of the harbour without such consent to leave or be removed; and
- (b) the provisions of section 58 of the Act of 1847 (powers of harbour master as to mooring of vessels in harbours) shall extend and apply with the necessary modifications to and in relation to such vessels.

Other commercial activities

40.—(1) The Council may, in addition to any other powers conferred on the Council—

- (a) carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person; and
- (b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company, for carrying on any part of the harbour undertaking or carrying on at any place a trade or business of any kind,

provided that it is conducive to the improvement, maintenance, operation or management of the harbour in an efficient and economical manner.

(2) Except as is otherwise provided by any enactment or rule of law, the powers of a company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Council would not itself have the power to do that thing.

(3) The powers of the Council under this article are additional to the powers of the Council under section 37 of the Act of 1966 (powers of harbour authorities to acquire a harbour business or shares in a harbour business).

Power to delegate functions

41. Subject to paragraph 9B of Schedule 2 to the Act of 1964 (functions which cannot be delegated under a power conferred by a harbour revision order), the Council may delegate the performance of any of its functions to be carried out by any such company as is referred to in article 40(1)(b).

Power to lay moorings

42.—(1) The Council may place, lay down, maintain, retain, renew, use or remove such moorings in the harbour as it considers necessary or desirable for the convenience of vessels—

- (a) on land owned or leased by it; and
- (b) on any other land in the harbour, with the consent in writing of the owner and any lessee.

(2) The Council may make reasonable charges in respect of any vessel using any moorings provided under this article.

(3) In this article and articles 43 and 44, “mooring” includes any buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience used or capable of being used for the mooring of vessels.

Licensing of moorings

43.—(1) The Council may from time to time grant a licence to any person to place, lay down, maintain, retain, renew and use moorings for vessels in the harbour.

(2) A licence—

- (a) may be granted for such a period and on such terms and conditions as the Council thinks fit; and
- (b) may relate to one mooring, or to several moorings.

(3) The Council may make reasonable charges for the grant of a licence under this article.

Offences as to moorings etc.

44.—(1) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Council in setting out moorings in the harbour;
- (b) intentionally and without lawful authority pulls up or removes any mooring or any part of any mooring in the harbour;
- (c) places, lays down, maintains, renews or has in the harbour any mooring not provided under article 42 or licensed under article 43;
- (d) without reasonable excuse causes or permits a vessel to be moored in the harbour except at a mooring provided or licensed by the Council or at a quay, jetty or other work provided for the mooring of vessels; or
- (e) without reasonable excuse causes or permits a vessel to be moored at a mooring provided under article 42 or licensed under article 43 which the person concerned is not entitled to use,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) If any person commits an offence under paragraph (1)(c) the Council may remove the mooring in question and recover from that person the expenses incurred in doing so as a debt.

(3) Subject to paragraph (6), if any person commits an offence under paragraph (1)(d) or (1)(e) the Council may—

- (a) remove the vessel, including any tackle with the vessel;
- (b) sell or otherwise dispose of the vessel and tackle; and
- (c) recover out of the proceeds of sale—
 - (i) any unpaid charge payable under article 42;
 - (ii) any unpaid licence fee payable under article 43, and
 - (iii) the expenses of removal and disposal under this paragraph.

(4) If the proceeds of sale under paragraph (3)(b) are sufficient to allow the Council to recover all amounts permitted by paragraph (3)(c), the Council shall hold any proceeds of sale on trust for the owner.

(5) If the proceeds of sale under paragraph (3)(b) are insufficient to allow the Council to recover all amounts permitted by paragraph (3)(c), or there is no sale of the vessel, the Council may recover the amounts referred to in paragraph (3)(c) net of any proceeds of sale from the owner as a debt.

(6) The Council must not exercise its power to remove a vessel under paragraph (3) unless—

- (a) it has given to the owner seven clear days' notice in writing of its intention to do so; or
- (b) it is an emergency.

(7) Where paragraph (6)(b) applies, the Council must notify the owner that it has removed the vessel as soon as reasonably practicable afterwards.

Bunkering

45.—(1) The Council may from time to time grant to a person with or without conditions a licence to carry out commercial refuelling activities related to vessels in the harbour.

(2) Nothing in any licence granted under paragraph (1) shall entitle a person to carry out commercial refuelling activities from or on land not owned or leased by that person or by the Council or in which that person has no interest.

(3) Any licence granted under paragraph (1) shall be valid only for a period of one year commencing with the date on which it is granted.

(4) The Council may charge for a licence granted under paragraph (1) such reasonable fee as the Council may from time to time prescribe.

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity related to a vessel in the harbour except in accordance with a licence issued by the Council under this article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Aids to navigation

46.—(1) In addition to its powers under section 201 of the Act of 1995 (powers of harbour authorities as local lighthouse authorities) but subject to obtaining any necessary interest in or over land, the Council may erect or place, alter, discontinue or remove aids to navigation in any place adjacent to the harbour.

(2) The Council must not exercise the powers of paragraph (1) without the approval of Trinity House.

Power to dredge

47.—(1) The Council may, appears to it to be necessary or desirable for the purposes of the harbour undertaking, deepen, widen, dredge, scour, cleanse, alter and improve the harbour below the level of high water.

(2) Subject to paragraph (3), all materials dredged up or removed by the Council in exercise of the powers of this article shall be the property of the Council and may be used, sold, deposited or otherwise disposed of as the Council may think fit.

(3) No such materials shall be laid down or deposited in contravention of the provisions of any enactment as respects to the disposal of waste.

Repair of landing places, etc.

48.—(1) In this article, “relevant feature” means any landing place, jetty, wall, pontoon, pile, embankment, bridge, structure or other work in the harbour or on land immediately adjoining the waters of the harbour other than one under the control or management of the Council.

(2) The Council may by notice require the owner, lessee or occupier of a relevant feature which in the opinion of the Council is, or is likely to become, by reason of its insecure condition or want of repair—

- (a) dangerous to persons or vessels using the harbour; or
- (b) a hindrance to the navigation of the harbour,

to remedy its condition to the Council’s reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice.

(3) If a person to whom notice is given under this article fails without reasonable excuse to comply with the notice within the time stated in the notice or such other time as the Secretary of State on an appeal may substitute therefor—

- (a) that person shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; and
- (b) the Council may carry out the work required by the notice and may recover the expenses of so doing from the person on whom the notice was served.

(4) A notice under this article must have annexed to it a copy of this article.

(5) A person aggrieved by a notice served by the Council under this article may, during the period of 21 days beginning with the date on which the notice was served, appeal to the Secretary of State against the notice.

(6) An appeal under paragraph (5) must be made by notice in writing stating the grounds of the appeal.

(7) A person who appeals under paragraph (5) must give to the Council notice of the appeal accompanied by a copy of the statement of appeal; and the Council shall, within 21 days of receipt of the notice, be entitled to furnish to the Secretary of State its observations on the appeal.

(8) On an appeal under paragraph (5), the Secretary of State shall either quash the notice, modify its requirements or dismiss the appeal.

(9) In this article “owner”, “lessee” and “occupier”, in relation to a relevant feature, means the person who was the “owner”, “lessee” or “occupier” of the relevant feature at the date the notice is served, or if the “owner”, “lessee” or “occupier” of the relevant feature is not readily identifiable, the “owner”, “lessee” or “occupier” of the land on which the relevant feature is situated at the date the notice is served.

Restriction of works and dredging

49.—(1) Subject to paragraph (3), no person other than the Council shall—

- (a) construct, alter, renew or extend any works; or
- (b) dredge,

on, under or over tidal waters or land below the level of high water in the harbour unless that person is licensed so to do, in the case of works by a works licence and in the case of dredging by a dredging licence, and no such person shall do so except upon the terms and conditions, if any, upon which the licence is granted and in accordance with plans, sections and particulars approved in pursuance of 51 of this Order or, as the case may require, 52 of this Order.

(2) The Council may by notice require a person who contravenes this article to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site thereof to its former condition; and if that person fails to comply with the notice, the Council may carry out the works so required and may recover from that person the cost of so doing.

(3) Nothing in this article shall apply to—

- (a) any operations or works specifically authorised by any enactment;
- (b) any operations or works of a statutory undertaker; or
- (c) any operations or works authorised by a moorings licence granted under article 42 of this Order.

(4) Any person who without reasonable excuse contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Control of certain operations and works of statutory undertakers

50.—(1) This article applies to any operations or works in the harbour of a statutory undertaker on, under or over tidal waters or land below the level of high water, not being operations or works which are specifically authorised by an enactment.

(2) Subject to paragraph (3), a statutory undertaker must not carry out any operations or works to which this article applies unless it has given notice of its intention to do so to the Council and has supplied the Council with such particulars as it may reasonably require.

(3) Where, in an emergency, it is impracticable to give notice as required by paragraph (2), the statutory undertaker must inform the Council of the operations or works as soon as reasonably practicable.

(4) Any operations or works to which this article applies must be carried out subject to any directions which may from time to time be given by the Council to the statutory undertaker, being directions for the avoidance of danger and the prevention, so far as possible, of interference with navigation in the carrying out of such operations or works.

(5) Any person who, without reasonable excuse, contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Licensing of works

51.—(1) The Council may upon such terms and conditions as it thinks fit grant to any person a licence to construct, alter, renew or extend any works in the harbour on, under or over tidal waters or land below the level of high water, notwithstanding that the works as constructed, altered, renewed, or extended interfere with the public right of navigation or any other public right.

(2) Application for a works licence must be made in writing to the Council and must—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates; and
- (b) specify whether the applicant holds such rights in, under or over land as are necessary to enable the applicant to enjoy the benefits of the licence and, if not, the action taken to enable the applicant to obtain such rights if the licence is granted,

and, in granting a licence, the Council may require modifications in the plans, sections and particulars so submitted.

(3) The Council may require an applicant for a works licence, on making the application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application.

(4) As a condition of the granting of a licence, the Council may require a licensee, being an applicant to whom a licence has been granted or the applicant's successor, where works are constructed pursuant to the licence, to pay such reasonable fees in respect of the Council's administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the works.

(5) Where the Council refuses to grant a works licence which has been applied for it must give reasons in writing for its refusal.

(6) Where the Council grants a works licence upon terms or conditions or require any modification in the plans and particulars, it must give reasons in writing for the terms and conditions imposed or the modifications required.

(7) If within 16 weeks from the receipt of the application under paragraph (2) the Council does not grant a works licence, it shall be deemed to have refused the application.

(8) In the carrying out of operations in pursuance of a works licence, the holder of the licence must not—

- (a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or
- (b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus,

without the consent of the statutory undertaker concerned.

Licence to dredge

52.—(1) The Council may upon such terms and conditions as it thinks fit grant to any person a licence to dredge in any part of the harbour.

(2) Application for a dredging licence must be made in writing to the Council and must be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence, and in granting any such licence the Council may require modifications in the plans, sections and particulars so submitted.

(3) Paragraphs (3) to (8) of article 51 of this Order shall apply in relation to a dredging licence as they apply in relation to a works licence.

(4) Any materials, other than wreck within the meaning of Part IX of the Act of 1995, taken up or collected by means of dredging in pursuance of a dredging licence shall be the property of the holder of the licence and that person may use, sell or otherwise dispose of or remove or deposit the materials as that person thinks fit—

- (a) provided that no such material shall be laid down or deposited in any place within the harbour below the level of high water except in such positions as may be approved by the Council and subject to such conditions as may be imposed by the Council;
- (b) if it appears to the holder of the dredging licence that the Council has unreasonably withheld or refused its approval under paragraph (a) of this proviso or that any condition imposed by the Council under that paragraph is unreasonable, that person may appeal to the Secretary of State whose decision shall be binding upon the parties.

Appeals in respect of works or dredging licences

53.—(1) An applicant for a works licence or a dredging licence who is aggrieved by—

- (a) a refusal of the Council to grant a licence;
- (b) any terms or conditions subject to which the licence is granted; or
- (c) any modifications required by the Council in the plans, sections and particulars submitted by the applicant,

may, within 28 days from the date on which the Council notifies the applicant of its decision or the date on which the Council is, under article 51(7) of this Order, deemed to have refused the application, appeal to the Secretary of State.

(2) An appeal under paragraph (1) must be made by notice in writing stating the grounds of the appeal.

(3) The appellant must send to the Council a copy of the notice of the appeal; and the Council may, within 28 days of the receipt of the notice, furnish to the Secretary of State its observations on the appeal.

(4) The Secretary of State may confirm, vary or revoke the decision appealed against and may make such consequential amendments as the Secretary of State may specify.

(5) The Secretary of State may direct the Council to give effect to the decision, and the Council must forthwith comply with any direction given.

Obstruction of works

54. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of, or in construction of any works authorised by any enactment, or who interferes with, moves or removes any pole, stake, station point or bench mark established for the purposes of such setting out, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Parking places and related facilities

55. The Council may provide facilities within the harbour for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and may make reasonable charges for the use of such facilities.

Removal of vehicles and vessels

56.—(1) If a vehicle or vessel is left within the harbour without permission of the Council—

- (a) in any place where it is likely to obstruct or interfere with the use of the harbour; or
- (b) in any part of the harbour where the parking of vehicles or leaving of vessels is prohibited by notice erected by the Council,

the Council may, at the risk of the owner, remove the vehicle or vessel or cause it to be removed.

(2) Any notice erected under paragraph 1(b) shall be conspicuously posted in or close to the place to which it relates.

(3) Where the Council in exercise of the powers of this article remove a vehicle or vessel or cause it to be removed it must as soon as practicable report that fact to a constable or to a police station.

(4) The expenses of and incidental to the removal of a vehicle or vessel under this article shall be recoverable from any person responsible.

(5) For the purposes of paragraph (4) “person responsible” means—

- (a) the owner of the vehicle or vessel at the time when it was put in the place from which it was removed under paragraph (1); or
- (b) any person by whom the vehicle or vessel was put in that place.

(6) If the Council in the exercise of the powers of the article remove a vehicle to a place not readily visible from the place whence it is so removed the Council must, as soon as it is reasonably practicable to do so, send to the person for the time being registered as the keeper of the vehicle for the purposes of the Road Vehicles (Registration and Licencing) Regulations 2002^(a) or any other regulations having the like effect for the time being in force, at that person’s last known address, the person’s registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of the article and of the place to which the vehicle has been removed.

(7) A notice stating the general effect of paragraph (1) must be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the harbour.

Power with respect to disposal of wrecks

57.—(1) In its application to the Council, section 252 of the Act of 1995 (powers of harbour and conservancy authorities in relation to wrecks) has effect in relation to the harbour and its

(a) S.I. 2002/2742.

approaches in relation to a vessel sunk, stranded or abandoned before, as well as after, the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting a person's liability, the Council may recover from the owner of any vessel sunk, stranded or abandoned on or after the date of coming into force of this Order in relation to which it has exercised its powers under section 252 any expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Council an emergency, paragraph (2) shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on it by section 252, other than the power of lighting and buoying, the Council has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If before the notice expires the Council receive from the owner counter-notice in writing that the owner desires to dispose of the vessel themselves, the owner shall be at liberty to do so; and the Council shall not exercise the powers in section 252 in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by the Council.

(5) Notice under paragraph (3) to the owner of any vessel may be served by the Council either by delivering it to the owner or by sending it to the owner by registered post or the recorded delivery service addressed to the owner at their last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Council, or is not in the United Kingdom, by displaying the notice at the harbour office of the Council and electronically on its website for the period of its duration.

(6) In this article "owner", in relation to any vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment.

(7) The powers conferred on the Council by this article shall be in addition to and not in derogation of any other powers exercisable by it for or with respect to the removal of wrecks within the harbour and the approaches thereto.

Power to deal with unserviceable vessels

58.—(1) In addition to the powers conferred on the harbour master by section 57 of the Act of 1847 (unserviceable vessels to be altogether removed from harbour) and on the Council by section 252 the Act of 1995 (Powers of harbour and conservancy authorities in relation to wrecks) the Council may sell, break up or otherwise dispose of any vessel which is unserviceable and has been laid by or neglected in the harbour or on land immediately adjoining the harbour.

(2) The Council may retain out of the proceeds of sale and such vessel, or any part of such proceeds, any expenses incurred by it in respect of the vessel, or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and any expenses incurred by the harbour master under section 57 of the Act of 1847 and must pay the surplus, if any, to the person or body entitled to that surplus.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the said expenses, or there is no sale, the Council may recover the deficiency, or where there is no sale, the whole of the expenses, from the owner as a simple contract debt.

(4) Except in the case of emergency, the Council must, before exercising its powers under this article, give 14 days' notice in writing of its intention to do so to the registered owner of the vessel and by advertisement in each of two successive weeks in a local newspaper circulating the area of the harbour, provided that, if the registered owner or their place of business or address is not known to the Council or is outside of the United Kingdom, the notice may be given by displaying it at the harbour office of the Council and on its website for two successive weeks.

Removal of obstructions other than vessels

59.—(1) The Council may remove anything, other than a vessel, causing or likely to become an obstruction to, or cause interference with, navigation in any part of the harbour or any approach to the harbour.

(2) The Council may take such steps as appear to it to be appropriate to prevent or minimise such obstruction or interference for the purposes of paragraph (1).

(3) If anything removed by the Council under paragraph (1) is so marked as to be readily identifiable as the property of any person, the Council must, within 28 days of its coming into the Council's custody, give written notice to that person stating that—

- (a) upon proof of ownership to the reasonable satisfaction of the Council; and
- (b) upon payment of any reasonable expenses incurred by the Council under this article,

possession may be re-taken at a place named in the notice within the period specified in the notice (being not less than 14 days after the notice is served).

(4) If for the purposes of this article possession of anything removed is not so retaken it shall at the end of that period vest in the Council.

(5) Notwithstanding the provisions of paragraph (3) the Council may, at such time and in such manner as it thinks fit, dispose of anything removed under paragraph (1)—

- (a) which is not so marked as to be readily identifiable as the property of any person; or
- (b) which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(6) If anything disposed of by the Council under this article is sold, the Council must place a notice at the harbour office and on its website for a period of 28 days giving details of the property sold and may retain out of the proceeds of sale any expenses incurred by it under this article, and any surplus from the proceeds—

- (a) must be paid to any person who within 24 months from the time when the property came into the custody of the Council proves to the reasonable satisfaction of the Council that they were the owner at that time; or
- (b) if within the said period no person proves their ownership at the said time, shall vest in the Council.

(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Council for the expenses set out in paragraph (6), or there is no sale because the property is unsaleable, the Council may—

- (a) recover the deficiency; or
- (b) where there is no sale, the whole of the expenses,

from the person who was the owner at the time when the thing removed came into the custody of the Council or who was the owner at the time of its abandonment or loss.

Notices

60.—(1) Except where this Order expressly provides otherwise, a notice or other document required or authorised to be served for the purposes of this Order, or any direction given under this Order, must be in writing and must be sent by first class post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly given if it is given to the secretary or clerk of that body.

(3) Where a person on whom a notice or other document is to be served has agreed in writing that service may be by email, or other electronic means, the Council may provide notices by that means until such time as the person informs it in writing that they are no longer willing to receive notices or documents by email or by such other electronic means.

(4) For the purposes of section 7 of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of a person in relation to the service on them of a notice or document under paragraph (1) is, if they have given an address for service that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, their last known address at the time of service.

(5) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person whose name and address cannot be ascertained after reasonable inquiry—

- (a) in the case of a notice or document to be served on a person as having an interest in or as the occupier of, any land, it may be served by—
 - (i) addressing it to them by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
 - (ii) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land,
- (b) in the case of a notice or document relating to a vessel (including a wreck), it may be served by exhibiting it in a conspicuous position on or near the vessel (unless it would not be reasonably practicable to exhibit the notice or document in this manner or if the notice or document would not be likely to be seen if it were so exhibited) or by handing it to a member of the crew; and
- (c) in the case of any other notice or document or a notice or document that is not capable of being served pursuant to sub-paragraph (b) it may be served by displaying it at the harbour for the period of its duration.

Saving for Trinity House

61. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of Trinity House.

Crown Rights

62.—(1) Nothing in this Order shall—

- (a) prejudicially affect any estate, right, power, privilege, authority or exemption of the Crown; or
- (b) authorise the Council or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—
 - (i) Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of the Crown Estate Commissioners, or
 - (ii) a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1)(b) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

(a) 1978 c. 30.

Amendment of the Order of 1933

63.—(1) The Order of 1933 is amended as follows.

(2) In article 3(1) (Interpretation)—

(a) in the appropriate places insert the following definitions—

““Order of 202[]” means the Southwold Harbour Revision Order 202[];”.

““reserve fund” means the reserve fund established under article 11 of the Order of 202[];”.

(b) omit the definition of “authorised rates”;

(c) for the definition of “harbour” substitute—

““harbour” means Southwold Harbour as defined by article 2(1) and article 4(1) of the Order of 202[];”.

(d) for the definition of “harbour revenue” substitute the definition of “harbour revenue” in article 2(1) of this Order.

(e) for the definition of “harbour undertaking” substitute the definition of “harbour undertaking” in article 2(1) of the Order of 202[].

(3) Omit article 3(2).

(4) In article 8 omit “not exceeding in the whole fifty acres”.

(5) In article 30—

(a) omit “this Order or any of them and of”;

(b) omit “by this Order”.

(6) In article 36—

(a) after “of this Order” insert “or the Order of 202[]”.

(b) for “and shall be applied in” to the end of the article substitute “maintained under article 4(1) of this Order.”.

(7) In article 47—

(a) in paragraph (1) for “Ministry of Transport” to the end of the paragraph substitute “Department for Transport and section 42 of the Harbours Act 1964 shall apply to the accounts.”;

(b) omit paragraphs (2) and (3).

Revocation/ Repeal

64. On the date of this Order the enactments mentioned in the first and second columns of the Schedule 2 to this Order shall be revoked or repealed (as appropriate) to the extent specified in the third column of that Schedule.

Signed by the authority of the Marine Management Organisation

Tom McCormack
Chief Executive Officer

Date

An authorised employee of the Marine Management Organisation

SCHEDULES

SCHEDULE 1

Ref Article 33

PURPOSES FOR WHICH BYELAWS MAY BE MADE

1. regulating the use of pontoons, stagings, quays, jetties, piers, walkways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buildings, parking places, and other works and facilities provided by the Council;

2. regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;

3. preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property, or persons within the harbour and to any aids to navigation used in connection with the harbour;

4. regulating, preventing or licencing the conduct of all persons in vessels or otherwise in the harbour not being—

- (a) members of a police force;
- (b) officers or servants of the Crown; or
- (c) members of a fire brigade,

whilst in the exercise of their duties as such;

5. regulating the placing, laying down, maintenance, removal and use of moorings within the harbour;

6. preventing or removing obstructions (including vessels and vehicles) or impediments within the harbour;

7. regulating the launching of vessels into the harbour and/or from the harbour;

8. regulating or prohibiting the mooring, careening, beaching or anchoring and keeping of vessels in the harbour;

9. regulating or prohibiting the use in the harbour or onboard any vessel in the harbour of fires, lights, or any other equipment, tools or appliances which the Council considers involves a risk of fire, explosion or chemical reaction and for the prevention of smoking;

10. regulating the removal of rubbish (including ballast, earth or clay or other refuse) and sewerage for vessels in the harbour;

11. the prevention of the disposal of such rubbish and sewerage from vessels, in the harbour;

12. prohibiting the use of or regulating the use, movement, speed, placing, loading, unloading, driving and parking of vehicles in the harbour and the removal of vehicles from the harbour (including by the Council);

13. requiring the use of effectual silencers or other similar apparatus and the control of noise generally on vessels in the harbour;

14. regulating vessels in the harbour and their entry into and departures from the harbour and, without limitation to the generality, for prescribing rules for regulating the speed and manner of navigation or movement and the lights and signals exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;

15. regulating the embarkation of persons on to, or their disembarkation from, vessels within the harbour;

16. regulating the holding of regattas and other public events in the harbour;
17. prescribing the lights and signals to be exhibited or made—
 - (a) by vessels aground in the harbour; and
 - (b) by vessels or other devices used for marking obstructions within the harbour;
18. assisting the navigation of vessels within the harbour, at the entrance to any dock or at any wharf, pier or other work;
19. preventing nuisances in the harbour;
20. prohibiting or regulating the discharge by land or sea of any material, substance or thing within the harbour or its approaches;
21. regulating or prohibiting fishing for marine creatures of any type and by whatever means from any pier, jetty, breakwater, wharf, or other installation or structure of any kind within the harbour, from any vessel within the harbour or from the foreshore where such fishing interferes with the operation of the harbour or the safety of navigation in the harbour;
22. regulating or prohibiting aquaplaning, water skiing or diving or other similar activities in the harbour;
23. regulating or prohibiting bathing, and for securing the protection of bathers, within the harbour;
24. regulating or prohibiting the use of vehicles on the foreshore within the harbour;
25. regulating the use of ferries within the harbour and the conduct of boatmen, ferry men, and others plying for hire in the harbour and of persons resorting to any works constructed or operated by the Council;
26. regulating the exercise of powers vested in the harbour master; and
27. the regulation of vessels and vehicles and for the regulation of persons embarking or disembarking frequenting or employed in the harbour.
28. the purposes specified in section 83 of the Act of 1847 (byelaws may be made for all or any of the purposes herein named).

SCHEDULE 2

Ref Article 64

REVOCATION / REPEAL

Table 1

<i>Number</i>	<i>Short Title</i>	<i>Extent of Revocation/Repeal</i>
23 & 24 Geo. 5. Ch. liii.	Pier and Harbour Orders (Elgin and Lossiemouth and Southwold) Confirmation Act, 1933.	Articles 7, 11, 14, 18 to 26, 29, 31 to 35, 37 to 39, 42 to 46, 49 to 63, 69 and 70 and the Second Schedule of the Southwold Harbour Order 1933

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of East Suffolk Council, modernises and consolidates the statutory harbour powers applying in relation to Southwold Harbour and provides for:

(2) The Jurisdiction (article 4) and General functions (article 5) of the Council as the statutory harbour authority for Southwold Harbour).

(3) The establishment, role and composition of the Southwold Harbour Board and related provisions (articles 6 to 9).

(4) Powers to vest in the Council relating to finances including application of revenue (article 11), reserve fund (article 12) and borrowing powers (articles 13 and 13).

(5) A modern suite of charging powers (articles 15 to 24) including exemptions from harbour dues (article 22), recovery of charges (article 23) and prevention of sailing of vessels (article 24).

(6) Powers of general and special direction on the Council and the harbour master (defined in article 2(1) for the regulation and management of the harbour (articles 25 to 28).

(7) This Order creates an offence of failing to comply with special or general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 29). A defence of due diligence is available to a person charged (article 27).

(8) Provisions for the enforcement of directions (article 30) and clarifying the Master's responsibility in relation to directions (article 31)

(9) The Power for a duly authorised officer of the Council to enter and inspect a vessel or vehicle for the purposes of any enactment relating to the harbour or any byelaw or general direction, including enforcement of such (article 32).

(10) Powers to make byelaws (article 33), confirmation of byelaws (article 34) and savings for existing directions and byelaws (article 35).

(11) The establishment of an advisory body consisting of harbour stakeholders with which the Council are required to consult on material matters (article 36).

(12) Powers relating to development of land (article 37), power to grant tenancies and dispose of land (article 38), power to appropriate lands and works for particular uses, etc. (article 39), other commercial activities (article 40), power to delegate functions (article 41).

(13) Powers relating to moorings (article 42) bunkering (article 45), aids to navigation (article 46) power to dredge (article 47), repairing of landing places (article 48).

(14) Restrictions of works and dredging (article 49) and control of certain operations of works of statutory undertakers (article 50).

(15) Powers relating to the licensing of works (article 51), dredging (article 52), appeals of such licences (article 53), and obstruction of works (article 54).

(16) Powers relating to parking places and related facilities (article 55) and the removal of vehicles and vessels from the harbour where left without permission (article 56).

(17) Powers relating to disposal of wrecks (article 57), unserviceable vessels (article 58), removal of obstructions other than vessels (article 59) and notices (article 60).

(18) Savings for Trinity House (article 61) and the Crown (article 62).

(19) To facilitate that above, this Order repeals and revokes the Order of 1993 to the extent set out in Schedule 2 to this Order and amends the Order of 1933 as set out in article 63.

An impact assessment has not been prepared for this Order as there is no, or no significant, impact predicted on businesses, charities, voluntary bodies or the public sector.

An Explanatory Memorandum is available alongside the instrument on the UK legislation website at www.legislation.gov.uk



Marine
Management
Organisation

Statement in Support of Harbour Revision Order (HRO) Application

Table 1: Application details

1. Date application made to MMO	insert
2. Name of primary contact	Lara Moore
3. Contact details of primary contact	Lara Moore, Ashfords LLP l.moore@ashfords.co.uk
4. Address of primary contact	Ashfords LLP, Ashfords House, Grenadier Road, Exeter, EX1 3LH
5. Name of statutory harbour authority	East Suffolk Council ("the Council")
6. Is this a Works Order?	No.
a. Brief description of proposed works	N/A
b. Date when notification of intention was submitted to MMO	N/A
c. Date when EIA screening opinion was issued by MMO	N/A

d. If screened in, date when scoping opinion was issued by MMO	N/A
e. If screened in and if an optional ES review was undertaken, date when review was completed by MMO	N/A
7. Non-technical summary – please explain what you are seeking to achieve in this application in no more than 200 words.	<p>This application is for a harbour revision order to be made under the powers conferred on the Secretary of State for Transport by section 14 of the Harbour Act 1964 which are delegated to the MMO by the Harbour Act 1964 (Delegated Functions) Order 2010 (S.I. 2010/674).</p> <p>The HRO would consolidate and modernise existing local statutory harbour legislation in respect of the Harbour and confer further modernised powers on the Council considered conducive to the efficient and economical operation, maintenance, management and improvement of the Harbour. The HRO confers modern powers on the Council to give general directions to vessels using Southwold Harbour, and persons and vehicles using the Harbour, together with powers exercisable by the harbour master appointed by the Council to give special directions. These powers are required to support the effective management of those using the Harbour, as recommended by the Port Marine Safety Code.</p>
8. Location (coordinates must be provided in WGS84 format if this is a works order)	Southwold Harbour ("the Harbour")
9. State the title of all relevant charts/maps/plans included with application (if appropriate)	<p>Southwold Harbour Limits Plan</p> <p>Southwold Harbour Premises Plan</p>

10. State the legislation relevant to the Harbour Council and included with this application (if appropriate)	The Southwold Harbour Order 1933 and plan.
1. If you have received any pre-application guidance from the MMO in relation to this application please briefly describe this here.	N/A
2. Have you included the required fee for your application?	Sent by BACS.

Table 3: statutory harbour authority background

<p>The statutory harbour authority:</p> <p>East Suffolk Council, is the statutory harbour authority ('SHA') for Southwold Harbour. As the SHA it is governed by its own local legislation. The only currently in-force piece of local legislation applying to the Harbour is the Southwold Harbour Order 1933. For ease of reference, East Suffolk Council, in the exercise of its SHA functions at the Harbour, is referred to as "the Council" throughout this Statement of Support.</p> <p>The Council is responsible for the administration, maintenance and improvement of the Harbour, which is further described below.</p> <p>The Council is also the Local Lighthouse Authority for the Harbour and surrounding areas.</p> <p>In managing the Harbour, the Council strives to observe industry standards set out in Government guidelines. The Council is committed to complying with the principles of the various codes and reports applying to the harbour and harbour industry, except where not relevant to the Council's constitution.</p> <p>Southwold Harbour:</p>

Southwold Harbour is situated in an area that is designated as an area of outstanding beauty and adjacent to the Southwold Denes Beach. Southwold has a historic town centre, which is within easy walking distance and is the home of the famous Adnams brewery. The Harbour provides permanent and short stay moorings for the local community and visitors to the district,

The approaches to Southwold are dogged by a series of sand and shingle banks which are constantly on the move especially in the winter months.

he principal activities are the provision and maintenance of anchorage, moorings, pontoons and associated harbour facilities as well as the management of leases for harbour land and buildings. There is also a caravan site within the harbour premises.

Table 3a: Need and justification for order

Port Marine Safety Code:

As the harbour authority for Southwold Harbour, the Port Marine Safety Code (November 2016) published by the Department for Transport (“the Code”) applies to the Council as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK. The Executive Summary to the Code explains that:

“The Code has been developed to improve safety in the harbour marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbour or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the harbour marine environment and to clarify the responsibilities of organisations within its scope.”

The Code identifies a number of tasks which harbour authorities should undertake in order to comply with the Code including reviewing and being aware of existing powers based on local and national legislation and advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the Code states “... *harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already*”.

As the Council does not currently have a power of General Direction or Harbour Direction, the Council is seeking to obtain further modern powers of General Direction in addition to this power (covering both vessels and vehicles) to enable it to have a set of General Directions covering the Harbour instead of having separate byelaws and directions. Designation with powers of General Direction is an important tool which will assist the Council with compliance with the Port Marine Safety Code.

Harbours Act 1964:

Section 14 of the Harbours Act 1964 ("the 1964 Act") confers powers which have been devolved to the MMO to make an order under that section (known as a harbour revision order) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects specified in Schedule 2 of the 1964 Act.

Section 14(2)(a) of the 1964 Act requires that written application be made to the MMO by the authority engaged in improving, maintaining or managing the harbour in question and section 14(2)(b) provides that the MMO must be:

"satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships".

The matters set out in Schedule 2 to the 1964 Act include, in particular, at paragraph 4:

"Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above".

And, at paragraph 6:

"Settling (either for all purposes or limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled".

Because this is not an application for a harbour revision order which, directly or indirectly, authorises a project (within the meaning of paragraph 1 of Schedule 3 to the 1964 Act), prior notification to the MMO under paragraph 3(a) of Schedule 3 to the 1964 Act is not required.

This application for the HRO under section 14 of the 1964 Act meets the conditions set out in that section. In particular, the application meets the requirements of:

- (A) Section 14(1) of the 1964 Act because it is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to the Act.
- (B) Section 14(2) of the 1964 Act because:
 - (i) The application is made upon the written application of a harbour authority engaged in improving, maintaining or managing a harbour; and
 - (ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner.

General:

In July 2021 after extensive public consultation the Council established both a Harbour Management Committee and shortly afterwards a formal Stakeholder Advisory Group (as per the recommendations of the Ports Good Governance Guidance). As part of the process, the Council publicly committed to seeking an HRO to modernise the current local legislation in the following respects:

1. Placing the HMC on a statutory footing;
2. Placing the Advisory body on a statutory footing;
3. Modernising but retaining ring fencing of harbour funds;
4. Modernising provisions related to capital monies;
5. Short fall in Harbour Revenue.
6. Ensuring the 'rating' and 'harbour' limits are the same;
7. Modernising the definition of 'vessel';
8. Obtaining Powers of General Direction;
9. Making the landside harbour premises limits flexible.

Through implementing the above (and the additional provisions contained in the proposed HRO) it modernises and extend the powers of the Council considered conducive to the efficient and economical operation, improvement, maintenance or management of the Harbour.

It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner that the Council is provided with a set of modern flexible statutory powers contained within the proposed HRO and that the current local statutory harbour legislation for Southwold Harbour is amended due to the fact that some of the relevant provisions are no longer not fit for purpose, or are not required as a result of the provisions in the proposed HRO.

The modernised and additional powers include powers reflective of those contained in modern HROs. Other HROs which contain some similar provisions include the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012, the Cowes Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014 and the Portland Harbour Revision Order 1997. They include standard statutory harbour powers, such as the power to borrow, application of revenue, reserve fund powers, powers to dispose of and develop land, powers associated with charges (including deposits and liens associated with charges) and miscellaneous powers including a power of general direction, a power to dredge, powers related to the removal of wrecks and other obstructions and various powers related to commercial activities.

An explanation of, and the need for, each substantive article in the HRO is set out below. Some examples of how the powers may be exercised are described below. These examples are not intended to be exhaustive of the ways in which the powers may lawfully be exercised.

Articles 1 and 2 are not dealt with below since they are ancillary to the substantive provisions of the HRO.

Table 2b: Justification for inclusion of provisions

Article in HRO	Summary of Provision	Requirement for provision
<p>3</p> <p>Incorporation of the Harbours, Docks and Piers Clauses Act 1847</p>	<p>This article incorporates the said Act except in relation to the sections listed as being excepted. Those sections included predominantly relate to:</p> <ul style="list-style-type: none"> (A) Power to construct warehouses and other works (section 21). (B) Rates (sections 27 and 33). (C) Collection of rates (sections 34 – 41 and 43 – 46 and 48). (D) Harbour, dock and pier master (sections 51 - 65). (E) 68, 69, 72 – 76 (relating to the discharge or cargoes, removal of goods and the protection of the harbour, dock and pier); (F) Harbour and dock police (sections 79 – 80). (G) Meters and weighers (sections 81 – 82). (H) Byelaws (section 83). (I) Recovery of damages and penalties (sections 92, 94). (J) 99, 100, 102 and 103 (relating to the saving of rights for the Crown, Trinity House and general Acts). 	<p>This is an incorporation of clauses of the Harbours, Docks and Piers Clauses Act 1847 into the proposed HRO and the Southwold Harbour Order 1933.</p>
<p>4</p> <p>Jurisdiction and Limits</p>	<p>This article provides that the Council shall exercise jurisdiction as a harbour authority, and the powers of the harbour master shall be exercisable within the Harbour (which includes the harbour premises, the limits of which are described fully in article 4(1)).</p> <p>The clarified harbour limits are important to secure the management of the Harbour in an efficient and economic manner.</p>	<p>The article incorporates the harbour premises. This is necessary to ensure that all the land the Council own or is used or intended to be used in connection with the undertaking falls within the limits. The extent of 'harbour premises' has been a matter of local concern and discussion for a number of years. The Council has publicly committed to ensuring all land above high water within the area shaded red on the plan to the Southwold Harbour Order 1933 is included on the harbour premises plan being deposited with the HRO. The plan to the 1933 Order has been provided to the MMO a part of the pack of application documents</p> <p>It is conducive to the efficient and economic management of the</p>

		<p>Harbour to express them clearly in the Order and to deposit plans clearly delineating the harbour limits. All of the land (including land covered by water) that is currently understood to fall within the harbour limits has been included.</p> <p>In respect of the harbour premises, in the event of any future alteration to the extent of the harbour premises (because the Council buys, sells etc. land), the HRO requires the Council to publish an updated plan on the harbour website and to display one in the Harbour office within 30 days of the alteration. The Council's bylaw and general direction enforcement powers can be exercised over the entire area of jurisdiction.</p> <p>The definition of harbour premises (defined in article 2(1) of the Order) is flexible, meaning that if further land was purchased in the future for the harbour undertaking, it would automatically become part of the undertaking (or if land no longer required for the purposes of the harbour undertaking was sold, it would cease to be a part of the harbour undertaking). All monies from the sale of any land is required to be treated as capital belonging to the harbour undertaking (see article 12 of the proposed HRO and the amendments to article 3 of the 1933 Order).</p> <p>This article is authorised by paragraph 6 of Schedule 2 to the 1964 Act, as follows:</p> <p><i>"Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled."</i></p>
<p>5</p> <p>General Functions</p>	<p>This article provides that Council may take such steps as it may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the Harbour, its approaches and facilities.</p>	<p>For those purposes, this article authorises the Council to improve maintain, regulate, manage, mark and light the Harbour and provide harbour facilities; carry out various activities related to works, structures and equipment at the Harbour (including the harbour premises) and do all other things which in its opinion are expedient to facilitate the proper operation, improvement or development of the</p>

		<p>Harbour including acquiring land..</p> <p>The definition of harbour facilities highlights the importance of the fishing, leisure, recreational and tourism industries to the future viability of the Harbour.</p> <p>This article is authorised by paragraph 3 of Schedule 2:</p> <p><i>"Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of- (a) improving, maintaining or managing the harbour; (b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or (c) regulating the carrying on by others of activities relating to the harbour or of activities on harbour land".</i></p>
<p>6</p> <p>Works in the River</p>	<p>This article provides that the Council may, if considered necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities:</p> <p>(a) subject to obtaining the necessary rights in or over land, carry out works; or</p> <p>(b) provide funding towards the carrying out of works,</p> <p>in the area shown [] on the [] plan.</p>	<p>This article permits the Council to carry out works or provide funding towards the carrying out of works in the area shown [] on the [] plan. This article imposes no duty on the Council and instead provides only that that Council "may" exercise it, and only insofar as it is considered to be necessary or desirable for the maintenance, operation, management and improvement of the harbour and the harbour facilities, and this limitation therefore brings the article in line with section 14(1) and 14(2)(b) of the 1964 Act. It is therefore considered that this power is sufficiently safeguarded under the provisions of the article.</p> <p>This article is authorised by paragraph 17 of Schedule 2 to the 1964 Act where <i>"any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour"</i>.</p>
<p>7</p>	<p>Articles 7 to 10 place the Southwold Harbour Board (currently known as the Southwold Harbour Management Committee) on a statutory footing.</p>	<p>In July 2021 following extensive local consultation, skills audit and public advertisement, the Council established the Southwold Harbour Management Committee to assist it with its management of the</p>

<p>Establishment and Role of the Board</p> <p>8</p> <p>Composition of the Board</p> <p>9</p> <p>Non-voting co-opted members</p> <p>10</p> <p>Disqualification of Board members</p>	<p>Article 7 establishes the Board and provides that its functions will be as set out in the Memorandum of Understanding which exists between the Board and the Council from time to time.</p> <p>Article 8 sets out how the Board will be constituted and article 9 provides that up to two additional non-voting co-opted members may be appointed for periods of up to 12 months if the need should arise.</p> <p>Article 10 sets out the circumstances in which a Board member may be removed from the Board and provides that the Council may appoint a new person in their place once removed.</p>	<p>harbour, in line with the recommendations in the Ports Good Governance Guidance. Prior to that the Harbour was managed by a Joint Committee of East Suffolk Council and Southwold Town Council.</p> <p>The Committee is currently constituted as set out in article 8 of the HRO and during its first year of operation has provided valuable advice to the Council, with the co-opted members providing particular industry expertise, thereby improving the Council's management of the harbour. The Committee has been operating under a Memorandum of Understanding ('MoU') and a copy of the current MoU has been provided to the MMO with the application document pack. As such article 7 reflects the current arrangements in place.</p> <p>Article 9 provides the flexibility to co-opt up to two additional (non-voting) persons for periods of up to 12 months. This provides useful flexibility, if for example, additional expertise is required for a specific project.</p> <p>Article 10 sets out the circumstances in which member can be removed from the Board.</p> <p>Because the harbour is a municipal port, the Board is partly governed by the constitutional arrangements of the Council and has been operating successfully with no local statutory underpinning. As such it does not require extensive provisions within the HRO setting out how it should conduct meetings etc. This would be unnecessarily restrictive and would not allow future changes to be made without a further HRO. As such the MoU, which can be updated from time to time is a more appropriate document to include such arrangements in.</p>
<p>11</p> <p>Application of Finances</p>	<p>This article provides that the Council shall apply the harbour revenue in the manner following and not otherwise:</p> <p>(A) first in payment of the working and establishment expenses and costs of maintenance of the Harbour;</p>	<p>Article 39 of the Southwold Harbour Order 1933 relates to 'application of finances'. This section is being repealed as part of the proposed HRO, but the Council has made a public commitment to retain ring fenced funds in respect of monies received as harbour revenue. Article 11 of the proposed HRO reflects this commitment.</p> <p>The equivalent of paragraph (7) of article 39 of the 1933 Order is</p>

	<p>(B) secondly in payment of the interest on any moneys borrowed by the Council for the Harbour under any statutory borrowing power;</p> <p>(C) thirdly in payment of all other expenses properly chargeable to harbour revenue; and</p> <p>(D) fourthly to an account established as a reserve fund for the Harbour.</p>	<p>replicated in article 12(3)(e) of the proposed HRO.</p> <p>This article is authorised by paragraph 13 of Schedule 2 of the 1964 Act:</p> <p><i>“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”</i></p> <p>This article is required to fully ringfence the use of harbour revenue. Some of the benefits of surplus funds being ring fenced for the benefit of the harbour undertaking are highlighted in paragraph 4.19 of the Ports Good Governance Guidance (March 2018).</p>
<p>12</p> <p>Reserve Fund</p>	<p>This article provides that the Council shall establish and maintain a reserve fund covering the Harbour and carry to such a fund any part of its harbour revenue as is available for the purpose and any capital monies of the harbour undertaking.</p>	<p>This article is authorised by paragraph 13 of Schedule 2:</p> <p><i>“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”</i></p> <p>It is an essential part of prudent financial management that the Council should have the power to maintain a reserve fund to enable the Council to plan for future expenditure across the Harbour in an economic and efficient manner.</p> <p>This provision ensures both harbour revenue and capital are placed into a reserve fund.</p>
<p>13</p> <p>Borrowing</p> <p>14</p> <p>Temporary borrowing</p>	<p>This article provides that the Council may borrow such sums of money as it considers necessary for the purpose of meeting its obligations in carrying out its functions and that it may secure such borrowing against the assets and revenues of the harbour undertaking.</p>	<p>The article reflects modern statutory harbour borrowing powers as can be seen in the powers conferred by article 9 of the Dover Harbour Revision Order 2014.</p> <p>There is no need to place a limit on the amount of money which can be borrowed by the Council because, in reality, borrowings will be limited by the amount a lender is prepared to loan. In addition, the unlimited borrowing power will avoid the requirement for an HRO at a future date to extend the borrowing powers as the value of money decreases as a result of inflation.</p>

		<p>These articles are authorised under paragraph 10 of Schedule 2 of the 1964 Act, as follows:</p> <p><i>“Empowering the authority to borrow money, with or without limitation with respect to the amount that may be borrowed or the time or manner in which the power may be exercised.”</i></p>
Charges (generally)	<p>The articles contained within this Part of the HRO (Charges) set out the Council's powers with respect to charges it may levy. They are reflective of modern statutory harbour powers relating to charges and are conducive to the improvement, maintenance and management of the Harbour in an efficient and economical manner. A similar suite of powers can be found in the Weymouth Harbour Revision Order 2021 and the Poole Harbour Revision Order 2012.</p>	<p>See below for further justification of particular provisions. The majority of the existing provisions in the 1933 Order are being repealed and these new articles ensure that the Council can levy charges in the ‘harbour’ as defined. There will no longer be any separate ‘ratings’ limits (as per the Council’s public commitment).</p>
15 Charges other than ship, passenger and goods dues	<p>This article provides that in addition to ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover reasonable charges in respect of all vessels. It also expressly states that charges may be made in respect of a variety of other floating platforms etc. so that no dispute will arise as to whether such structures fall within the definition of vessel contained within the Order.</p>	<p>It is important to the Harbour’s future viability that all users of the Harbour contribute to the cost of the management and maintenance of the Harbour.</p> <p>It would be detrimental to the improvement, maintenance or management of the Harbour in an efficient and economical manner if charging powers did not to exist in respect of one type of vessel or floating structure using the harbour (unless exempt under the HRO). This provision is particularly important because the Order provides for the existing charging provisions in current local statutory harbour legislation to be repealed.</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p> <p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p>

16 Charges for services or facilities	This article provides that in addition to ship, passenger and goods dues under section 26 of the Harbour Act 1964, the Council may demand, take and recover reasonable charges for services and facilities provided by it.	<p>This provision is common as it is required for the Harbour to be managed economically and efficiently.</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p> <p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p> <p>This is pursuant to securing the improvement, maintenance and management of the Harbour in an efficient and economical manner.</p>
17 Payment of Charges	This article provides that charges are payable before the vessel or goods against which they are payable are removed from the Harbour or harbour premises. It also sets out who charges are payable by and who they can be recovered from and when.	<p>This article is included to ensure that the payment of charges authorised to be levied are consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner. For these purposes, it is essential that the HRO is clear as to when charges must be paid and from whom charges must be taken. It would be counter-productive to exclude such a provision from the HRO as this would negatively impact the Council’s ability to efficiently and economically manage the Harbour.</p> <p>Furthermore, this article is authorised by paragraph 12 of Schedule 2 of the 1964 Act in that it secures the efficient collections of charges levied by the Council, specifying the times at which and the persons by whom charges are to be paid:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p>
18	This article provides the Council with a power to confer exemptions from dues, allow rebates or make compositions with any person with respect to charges. In addition, it provides that the Council does not have to	This article is important to enable the Council to act in a commercial manner when entering into arrangements with customers, thereby managing the harbour in an efficient and economical manner. This

Compounding arrangements and rebates	<p>include on its list of ship, passenger and goods dues kept at the harbour office, charges which have been reduced by a rebate or a compounding arrangement in respect of a due included on the list.</p>	<p>would be extremely difficult if the Harbour was required to publish commercially sensitive information.</p> <p>The great majority of ports operate on a commercial basis, in competition with each other (domestically and abroad) and in some cases with other modes of transport. This is recognised by the Ports Good Governance guidance at paragraph 1.15. The commercial relationship formed with harbour stakeholders in particular is also recognised at paragraph 2.10 and 2.11, and paragraph 2.28 specifically states:</p> <p><i>“All SHAs are encouraged to consider meeting the reasonable requests for information from stakeholders, where practical. This does not mean that SHAs should be expected to make available information that is commercially or otherwise sensitive...”</i></p> <p>On this basis, it is considered this article is consistent and with the Ports Good Governance Guidance and is therefore justified.</p> <p>A similar article can be found in, for example, the recent Weymouth Harbour Revision Order 2021.</p>
<p>19</p> <p>Deposits for charges</p>	<p>This article provides that the Council may require from a person who incurs or is about to incur a charge with it, a reasonable deposit or guarantee. It also provides the Council with the power to detain a relevant vessel or goods until the deposit has been paid or the required guarantee made.</p>	<p>It is essential for the economic management of the Harbour to be able to secure the reasonable charges due to the Council by virtue its charging powers under the local legislation applying to the Harbour, the 1964 Act or otherwise. Should it become apparent that such a guarantee is not going to be provided by the person from whom it is due, then until such guarantee is received the SHA need to be able to secure the interests of the harbours by removing the relevant vessel or goods from the Harbour or refuse entry.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the order to be <i>“desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner”</i>. Furthermore, this article is authorised by paragraph 12 of Schedule 2 of the 1964 Act in that it secures the efficient collections of charges levied by the Council:</p>

		<i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i>
20 Liens for charges	This article provides for a right of lien over goods in the possession or custody respectively of a person collecting charges on behalf of the Council or, a wharfinger or carrier, who has paid or given security for charges on those goods.	This is a standard provision included to secure the financial interests of those who by agreement with the Council collects charges on its behalf, by securing said interest against goods in their possession. As that person will not themselves be liable for the payment of charges, this provision is required to secure debts owed.
21 Refusal to pay charges for landing places	This article provides that a vessel may be prevented from using a landing place supplied by the Council, if the master of the vessel refuses to pay the related charges.	<p>It is essential for the economic management of the Harbour for the Council to be able to secure the reasonable charges due to it by virtue its charging powers under the local legislation applying to the Harbour, the 1964 Act or otherwise. Therefore, the Council must be able to prevent vessels from sailing or using facilities at the Harbour (such as a landing place or mooring) in the event that the master of a vessel refuses to pay the reasonable charge required, as authorised under the HRO.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner. Furthermore, this article is authorised by paragraph 12 of Schedule 2 of the 1964 Act in that it promotes securing the efficient collections of charges levied by the Council:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p>
22 Exemption from Harbour Dues	This article is similar to other modern provisions providing for an exemption for harbour dues for certain vessels, persons and government departments (or their current equivalent) whilst in the exercise of their core duties.	This article is authorised by paragraph 14 of Schedule 2 to the 1964 Act, as follows:

		<i>“Varying or extinguishing any exemption from charges levied by the authority at the harbour or any other right or privilege enjoyed thereat.”</i>
23 Recovery of charges	This article provides that in addition to any other powers of recovery available to it, the Council may recover any charges payable to it as a debt in Court.	<p>It is essential for the economic management of the Harbour to be able to secure the reasonable charges due to the Council by virtue charging powers under the local legislation applying to the Harbour, the 1847 Act incorporated with the HRO or otherwise. Therefore, the Council must be able to rely on the resources of the Court to assist in securing any debts owed to them should the existing powers of recovery be insufficient to secure the debt.</p> <p>Article 23 is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner.</p>
24 Harbour master may prevent sailing of vessels	This article provides that the harbour master may prevent the removal or sailing from the Harbour of any vessel until evidence is produced that any charges payable in respect of the vessel, its passengers or goods have been paid.	<p>It is essential for the economic management of the Harbour for the Council to be able to secure the reasonable charges due to it in relation to:</p> <ul style="list-style-type: none"> - the vessel; - passengers on the vessel; and - goods imported, exported or carried on the vessel. <p>by virtue its powers under the local legislation applying to the Harbour or otherwise. Therefore, the harbour master is required to have an express power to prevent the sailing and/ or removal of a vessel from the Harbour until such a time as the charges payable have been paid.</p> <p>Should such a vessel be able to leave the Harbour without having paid the charges due, it would become difficult for the Council to recover said charges and therefore be detrimental to its ability to manage the Harbour in an economically efficient manner.</p>

		Article 24 is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner.
<p>25</p> <p>Power to make General Directions</p> <p>26</p> <p>Procedure for giving, amending or revoking General Directions</p> <p>27</p> <p>Publication of General Directions</p> <p>28</p> <p>Special Directions</p> <p>29</p> <p>Failure to comply with directions</p>	<p>The Council does not currently have powers of either General Direction or Harbour Direction. These articles introduce the new and extended power of General Direction to cover vehicles and directions given for the ease, convenience or safety of harbour operations ashore as defined under the Order (including speed limits for and parking of vehicles) and extended powers of Special Direction. They also set out the consequences of failing to comply with a General or Special Direction.</p>	<p>The Port Marine Safety Code, advises at paragraph 2.5 of Chapter 2 that:</p> <p><i>“In particular, harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already.”</i></p> <p>As set out above, the Council does not have existing powers of General Direction and seeks to obtain it in accordance with the recommendation of the Port Marine Safety Code and the necessity to secure the effective management of vessels in the Harbour. The process for keeping General Directions up to date is far more time and cost efficient than the byelaw making process, and due to the inclusion of the Harbour Advisory Group to be set up under the HRO as ‘designated consultees’ it contains a strong local consultation requirement.</p> <p>Therefore, in line with the Port Marine Safety Code, the Council is applying for a modernised power of General Direction that will enable the Council to have in place a single set of General Directions. In line with best practice, article 26 provides a statutory right for ‘designated consultees’ to be consulted about proposed General Directions (see article 26(1)(a) and (b)).</p> <p>A Harbour Advisory Group will be a ‘designated consultee’ within article 26(1)(a) alongside the Chamber of Shipping and the Royal Yachting Association.</p> <p>General Directions can be made over the entirety of the Harbour (which includes the harbour premises). Any future exercise of this power will be exercised in accordance with article 26. This means that representations received from the designated consultees will be considered by the Council and if they object to proposed General Directions and those concerns are unable to be resolved, there is a</p>

<p>30</p> <p>Enforcement of directions</p> <p>31</p> <p>Master's responsibility in relation to directions</p> <p>32</p> <p>Boarding of vessels and vehicles</p>		<p>statutory adjudication process contained in article 26. The process contained in article 26 is likely to be acceptable to the Royal Yachting Association as a similar adjudication process is contained within the Shoreham Harbour Council Revision Order 2021, Fowey Harbour Revision Order 2021 and the Dart Harbour and Navigation Order 2021.</p> <p>In terms of the precise scope of General Directions, it will be seen that article 25(1) would allow the Council to give or amend directions “...for the purpose of promoting or securing directions conducive to the ease, convenience or safety of navigation, the safety of persons, the protection of property, flora and fauna and the ease, convenience and safety of harbour operations ashore in the harbour”. Such a scope is consistent with the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within the harbour.</p> <p>Article 30 sets out the maximum fine level (level four on the standard scale) for failure to comply with a General Direction once made. The Council already has byelaw making powers (for example, under article 49 of the 1933 Order) and it is already entitled to impose fines of up to level 4 on the standard scale (section 57 of the Criminal Justice Act 1988), so the level four fine is considered justified.</p> <p>Article 32 provides that a duly authorised officer of the Council may, on producing if so required his authority, enter and inspect a vessel or vehicle in the harbour for the purposes of any enactment relating to the harbour (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Council relating to the Harbour, including the enforcement of any such enactment, byelaw or general direction.</p>
<p>33</p> <p>Power to make byelaws</p>	<p>This article provides the Council with the power to make byelaws in a range of circumstances in addition to the purposes in s83 of the Harbour, Docks and Piers Clauses Act 1847 (as incorporated under article 3 of the</p>	<p>This article incorporates the purposes in s83 of the Harbour, Docks and Piers Clauses Act 1847 and is in line with the modern practice of setting out a wide range of matters (contained in Schedule 1) upon which the Council will have the power to make Byelaws.</p>

	<p>Order) and is in line with the modern practice of setting out a wide range of matters upon which the Council will have the power to make byelaws.</p>	<p>The alternative practice is to set out a more general range of byelaw making powers and rely on the width of the wording of the provision. However, setting out the detail in this way reduces the scope for challenging any prosecution on the basis that the byelaw in question is outside the range of matters for which the Council has the power to make byelaws. This leads to increased costs and delays in prosecutions and therefore the more modern approach is to set out expressly a wider range of byelaw making powers.</p> <p>A similar approach can be found in the Weymouth Harbour Revision Order 2021 and the Portland Harbour Revision Order 1997.</p> <p>The Council's existing byelaw powers in article 49 of the 1933 Order are being repealed as part of the modernisation process.</p> <p>Historically, there has been little need to initiate any prosecutions at the Harbour for breach of byelaws as harbour users have complied with the instructions of the harbour masters. Nevertheless, to comply with the Port Marine Safety Code (PMSA) and to meet its other duties (including navigational safety), it is important that the Council has modern and comprehensive byelaw making powers. It is anticipated that the current byelaws in place at Southwold Harbour will be reviewed and it is likely that they will be repealed and replaced with General Directions following grant of the HRO. However, it is important that the Council retains wide byelaw making powers in case it needs to introduce new byelaws in the future in respect of a risk not covered by the modernised power of General Direction sought above.</p> <p>The power to make byelaws is authorised by paragraph 4 of Schedule 2 of the 1964 Act:</p> <p><i>"Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above."</i></p>
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<p>34</p> <p>Confirmation of Byelaws</p>	<p>This article sets out the procedure by which byelaws made under the HRO shall be confirmed under the Local Government Act 1972.</p>	<p>A similar provision can be found in article 25 of the Folkestone Harbour Revision Order 2017.</p> <p>This provision is incidental to the power to make byelaws as described above and is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner</p>
<p>35</p> <p>Saving for existing directions, byelaws etc.</p>	<p>Due to the proposed repeal of the existing local legislation currently in force in respect of the Harbour, it is necessary to include a saving provision for existing byelaws etc. They will then remain in force until replaced in the future.</p>	<p>It is important that any existing byelaws, regulations, licences, leases etc. remain in force following the coming into force of this Order.</p> <p>This provision is incidental to the power to make byelaws and general directions that are being introduced under the provisions of the HRO, and is therefore consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner.</p>
<p>36</p> <p>Advisory bodies</p>	<p>This article covers the establishment of an external advisory body with an independent chairperson.</p>	<p>This article puts on a statutory basis the establishment and continuance of an advisory group or groups for the Harbour and their administration. It also requires the Council to consult the advisory group or groups. A suitable group was established during 2021 and the Council has been very grateful for its valuable input since its establishment. The inclusion of this article aligns with the Council's public commitment to place the existing stakeholder group on a statutory footing.</p>
<p>37</p> <p>Development of land</p>	<p>This article provides that the Council may use or develop for any purpose, and deal with, any land within or in the vicinity of the Harbour; or form invest in and promote, or join with another person in forming, investing in and promoting a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the Harbour.</p>	<p>Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary for the purposes of the objects for which it has been established notwithstanding that the Council would not itself have the power to do that thing.</p> <p>This article, as far as applying to land not required for the harbour, is authorised by paragraph 9A of Schedule 2 of the 1964 Act:</p> <p><i>"Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land".</i></p>

		<p>So far as relating to harbour land, it is considered that this article is authorised by paragraph 17 of Schedule 2 which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out below as an integral justification for this article.</p> <p>The purpose of this article is to give the Council the flexibility, subject to obtaining the necessary rights in or over land, to exploit opportunities to develop land (including harbour land) to maximise the efficient utilisation, expansion and regeneration of the harbour. The profits and revenues derived by the harbour undertaking from the development of any land under this article would be used to improve and develop the harbour and provide increased financial security.</p> <p>It should be noted that the powers in this article can only be exercised if <i>"it conduces to the improvement, maintenance or management of the harbour in an efficient and economical manner"</i>. This limitation brings this article within the powers of section 14(2)(b) of the 1964 Act.</p> <p>Similar powers to those in this article were conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 the Dover Harbour Revision Order 2014.</p>
<p>38</p> <p>Power to grant tenancies and to dispose of land</p>	<p>Paragraph (1) gives power to the Council, for the purposes of or in connection with the carrying on of the undertaking, to grant leases and other rights or interests over its land or other property forming part of the harbour.</p> <p>Paragraph (2) provides that the Council may also dispose of, or grant the use or occupation for any purpose of, land or property if they consider that the property is surplus to harbour requirements; or it would conduce to the improvement, maintenance or management of the harbour in an efficient and</p>	<p>Paragraph (1), which is needed to manage the Harbour, is authorised by paragraph 3(a) of Schedule 2 which relates to powers conferred for the purposes of <i>"improving maintaining or managing the harbour"</i>.</p> <p>Paragraph (3)(a) is authorised by paragraph 9 of Schedule 2:</p> <p><i>"Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes."</i></p> <p>It is considered that paragraph (3)(b) is authorised by paragraph 17 of Schedule 2 which enables a provision to be included in a harbour</p>

	<p>economical manner for the property to be held by a person other than the Council .</p>	<p>revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out as an integral part of the need for this article. Paragraphs (1) and (3)(a) are needed to enable the Council to manage the harbour undertaking effectively.</p> <p>These powers are similar to the powers conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014.</p> <p>Paragraph (3)(b) would enable the Council to grant leases or transfer land or property to a subsidiary or other body. This power is needed to enable the Council to have sufficient flexibility in how to structure the harbour undertaking in the future. The power in paragraph (3)(b) is only exercisable if <i>“it would conduce to the improvement, maintenance or management of the harbour in an efficient and economical manner”</i>. This limitation brings paragraph (3)(b) within the powers of section 14(2)(b) of the 1964 Act.</p> <p>In relation to the disposal of land, the provisions of the proposed Order provide that freehold disposal can only take place in the following circumstances:</p> <ul style="list-style-type: none"> (a) if the land is no longer required for harbour purposes; or (b) it would conduce to the improvement, maintenance, operation or management of the harbour in an efficient and economical manner for the property to be held by a person other than the Council. <p>In relation to disposal powers, the Council already has freehold disposal powers under article 10 of the 1993 Order which is being repealed under the proposed Order. The disposal powers included under the proposed Order will benefit from additional safeguarding by virtue of article 12(2) (reserve fund) which provides that all capital monies received in respect of the harbour undertaking (which includes land disposed of) must be carried into the reserve fund and therefore be applied in the manner described in article 12(3)(a) – (f) where (a) – (f) all include a requirement for monies to be applied in relation to the</p>
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		harbour undertaking and not otherwise. It is therefore considered that the power to dispose of freehold harbour land is sufficiently safeguarded for the benefit of the harbour.
39 Power to appropriate lands and works for particular uses etc.	This article provides that the Council may from time to time for the purpose of or in connection with the management of the Harbour set apart and appropriate any part of the Harbour for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Council may think fit.	<p>Section 33 of the Harbour, Dock and Piers Clauses Act 1847 is incorporated into the Order (the Open Port Duty) and as such the Council remain under a duty to keep the Harbour open for the shipping and unshipping of goods, and the embarkment and landing of passengers. Therefore, the power of this article will only ever operate insofar as it does not otherwise conflict with the duty under section 33 of the 1847 Act.</p> <p>In addition, the power under this article must only be exercised for the <i>“purpose of or in connection with the harbour”</i> and not for wider purposes. This article is therefore within the scope of section 14(2)(b) in that it will assist the Council in the management of the Harbour in an efficient manner and facilitate the efficient and economic transport of goods and passengers by sea, again for Harbour purposes only.</p>
40 Other commercial activities	Paragraph (1)(a) provides that the Council may carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person. Paragraph (1)(b) enables the Council to form, invest in and promote, or join with another person in forming, investing in and promoting, a company for carrying on any part of the undertaking or carrying on at any place a trade or business of any kind. Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary or expedient for the purposes of the objects for which it has been established notwithstanding that the Council would not itself (as harbour authority) have the power to do that thing.	<p>Paragraph (1)(a) would assist the Council to maximise the potential of the harbour undertaking by enabling it to carry on any business which could conveniently be carried on with the harbour undertaking. For example, the Council could utilise and develop the skill and experience of its staff by providing services to other harbour undertakings or to carry out business activities which are incidental to running a harbour.</p> <p>Paragraph (1)(b) would enable the Council to carry on such a business as part of a joint venture with another person or persons, for example enabling the Council to contribute land and/or harbour related expertise to the venture while the other party contributes complementary specialist business expertise.</p> <p>The profits and revenues derived from the business ventures under this article would be used to improve and develop the harbour and ensure increased financial security.</p>

		<p>It should be noted that the powers in this article can only be exercised if:</p> <p><i>“it conduces to the improvement, maintenance or management of the harbour in an efficient and economical manner”.</i></p> <p>This limitation brings this article within the powers of section 14(2)(b) of the 1964 Act.</p> <p>Similar powers were conferred in the Weymouth Harbour Revision Order 2021 and the Dover Harbour Revision Order 2014.</p> <p>It is considered that this article is authorised by paragraph 17 of Schedule 2 which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour.</p> <p>The case for this is set out as an integral part of the justification for article.</p>
<p>41</p> <p>Power to delegate functions</p>	<p>This article provides that the Council may delegate the performance of any of its functions to be carried out by any such company as referred to in paragraph (1)(b).</p>	<p>This article is authorised by paragraph 9B of Schedule 2:</p> <p><i>“Empowering the authority to delegate the performance of any functions of the authority except-</i></p> <p><i>(a) a duty imposed on the authority by or under any enactment;</i></p> <p><i>(b) the making of byelaws;</i></p> <p><i>(c) the levying of ships, passenger and goods dues;</i></p> <p><i>(d) the appointment of harbour, dock and pier masters;</i></p> <p><i>(e) the nomination of persons to act as constables;</i></p>

		<p><i>(f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and seamarks, so far as those functions are exercisable for the purposes of the safety of navigation."</i></p> <p>The power to delegate functions is needed to enable the Council to carry out day to day activities through a subsidiary or joint venture company. The power does not apply to the key functions which cannot be delegated under paragraph 9B of Schedule 2 to the 1964 Act.</p>
<p>42</p> <p>Power to lay Moorings</p> <p>43</p> <p>Licensing of moorings</p> <p>44</p> <p>Offences as to moorings</p>	<p>These articles provides the Council with powers related to the provision, maintenance and licensing of moorings within the Harbour. It is considered that modernised express provisions are conducive to the efficient and economical management and maintenance of the Harbour.</p>	<p>Similar provisions are found within articles 14-17 of The Yarmouth (Isle of Wight Harbour Revision Order 2011, articles 9-11 of The Poole Harbour Revision Order 2012, article 18 of The Watchet Harbour Revision Order 2000 and article 21 of The Burry Harbour Revision Order 2000.</p> <p>These articles provides for a level 4 fine for failure to comply with its requirements. This level of fine is required firstly to ensure that there is a sufficient level of deterrent (moorings in the Harbour are sought after and can be used to generate income, and the level of fine needs to be in excess of likely income generation) and secondly, a mooring obstructing safe navigation in the Harbour will constitute a navigational hazard and can interfere with the operation of the Open Port Duty. As such, it is considered that a level 4 fine is justified.</p>
<p>45</p> <p>Bunkering</p>	<p>This article provides the Council with powers in relation to licensing those persons carrying out commercial refuelling activities related to vessels in the Harbour.</p>	<p>To comply with the environmental duties contained in s48A of the Harbour Act 1964, the Council considers that it is important that it has express powers to licence such activities so that proper risk assessments can be carried out and persons carrying out such activities can be required to comply with terms and conditions, designed to mitigate against risks associated with such activities (including environmental). Due to the fact that such operations are being carried out commercially and the potential environmental implications, it is considered that a level 4 fine is justified.</p>
<p>46</p>	<p>This article provides that the Council may, with the approval of Trinity House, erect, place, alter, discontinue or remove any aids to navigation in any</p>	<p>This power is important for enabling the Council to meet its navigational safety duties and is therefore consistent with section 14(2)(b) of the 1964 Act to secure the management of the harbour in</p>

Aids to navigation	place adjacent to the harbour (subject to obtaining the necessary interest in or over land).	an efficient... manner or of facilitating the efficient and economic transport of goods or passengers by sea.
47 Power to dredge	This article provides the Council with a power to dredge.	<p>The power to dredge is a standard statutory harbour power and, under its existing local legislation (for example, article 14 of the 1933 Order), the Council already has the power to dredge with respect of Southwold Harbour.</p> <p>It is important that the Council is provided with the power so that it is able to dredge if and when required, and is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p> <p>If dredging is carried out at Southwold Harbour under the provision in the future, then in line with section 75 of the Marine and Coastal Access Act 2009, the Council will not need to obtain a marine licence for the dredging activities at the harbour. However, if disposal to sea is required in the future, then a marine licence will continue to be required for this disposal.</p>
48 Repair of landing places etc.	This article provides that the Council may by notice require the owner or occupier of any landing place, jetty, embankment or structure or other work in the harbour or on land immediately joining the waters of the harbour to repair it, within a reasonable time, to their reasonable satisfaction, if it is a danger to persons or vessels using the harbour or a hindrance to navigation of the harbour. The provision provides for a level 3 fine for non-compliance (on summary conviction) and a power for the Council to carry out the works and recover the cost from the person on whom the notice was served. There is right of appeal to the Secretary of State.	<p>This power is important in assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users. Due to the potential safety implications of failure to comply, a level 3 fine is justified. Similar provisions can be found in article 11 of the Portland Harbour Revision Order 1997.</p> <p>This article relates to navigational safety in that it applies to features which are “dangerous to persons or vessels using the harbour or a hindrance to the navigation of the harbour” and is therefore desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p>
49	These articles include the following:	The provisions ensure that the Council will be aware of all works and

<p>Restriction of works and dredging</p> <p>50</p> <p>Control of certain operations and works</p> <p>51</p> <p>Licensing of works</p> <p>52</p> <p>Licence to dredge</p> <p>53</p> <p>Appeals</p> <p>54</p> <p>Obstruction of works</p>	<p>(A) Restriction of works and dredging;</p> <p>(B) Control of certain operations of works of statutory undertakers;</p> <p>(C) Licensing of works;</p> <p>(D) Licence to dredge;</p> <p>(E) Appeals in respect of works or dredging licences; and</p> <p>(F) Obstruction of works;</p> <p>These articles provide the Council with modern powers regarding works and dredging carried out by third parties within the harbour limits. The provisions include requirements to obtain a licence from the Council prior to the undertaking of any works or dredging within the Harbour. The provisions are important to enable the Council to comply with its duties related to navigational safety, the Open Port Duty and in respect of the environment (in particular s48A of the 1964 Act).</p>	<p>dredging taking place in the Harbour and that it can require suitable safeguards to be put in place when they are being conducted. As such, the level 4 fine in article 49(4) and the level 3 fines in articles 50(5) and 53 for breach are considered appropriate and proportionate.</p> <p>In addition, where works are carried out without or in breach of the terms of a licence, the Council may require the works to be removed and the site restored to its former condition. If they/ it is not, the power to do so itself and recover the cost from the person liable.</p> <p>The provisions are important to enable the Council to comply with its duties related to navigational safety and in respect of the environment (in particular s48A 1964 Act) by requiring third parties to seek authorisation from the Council by way of a licence (unless specifically authorised in accordance with article 49(3)).</p> <p>Article 53 provides an appeal procedure in respect of any refusal to grant a licence, the terms of any licence granted or any modifications requested by the Council. Aggrieved applicants are able to appeal to the Secretary of State.</p> <p>And, as such, it is considered that this article is justified.</p> <p>Applications are made in writing and the Council may charge a reasonable in respect of its administrative expenses for dealing with the application.</p> <p>Similar provisions can be found in articles 8-10 of the Watchet Harbour Revision Order 2000.</p> <p>With regard to these provisions generally, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”</i></p>
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<p>55</p> <p>Parking places and related facilities</p>	<p>This article provides that the Council may provide parking spaces and connected works within the Harbour.</p>	<p>This power has been expressly included because the Harbour includes car parks which form part of the undertaking. Similar provisions can be found in article 20 Penzance Harbour Revision Order 2009.</p> <p>The charging for such facilities is authorised by paragraph 11 of the 1964 Act:</p> <p><i>“Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.”</i></p> <p>With regard to the provision of parking and related facilities generally, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”</i></p> <p>And, as such, it is considered that this article is justified.</p>
<p>56</p> <p>Removal of vehicles and vessels</p>	<p>This article authorises the Council to remove vehicles and vessels from the harbour that have been left in a place where they will or are likely to interfere with the use of the harbour or in any part of the harbour where parking is prohibited.</p>	<p>This power is important in assisting the Council in managing efficiently traffic within the Harbour and ensuring compliance with the Open Port Duty (in relation to vessels). Similar provisions can be found in article 22 Folkestone Harbour Revision Order 2017 and article 21 Penzance Harbour Revision Order 2009.</p> <p>This article is also desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act as the Council must be able to remove vehicles and vessels that contradict a prohibition notice (which must be conspicuously placed where appropriate) or that otherwise cause an obstruction or interfere with the use of the</p>

		<p>harbour. It would not be consistent with section 14(2)(b) of the 1964 Act if the Council were not afforded this express power.</p> <p>The article also provides the Council with the “lawful authority” required under section 52(1) of Part 4 Chapter 2 of the Protection of Freedom Act 2012, to remove vehicles, as the Council ought not commit an offence if it removes vehicles in such circumstances, for the reasons set out above.</p> <p>Finally, it is considered that the interests of people who aren’t the Council and otherwise entitled to remove said vehicles are sufficiently safeguarded by the provisions of 55(2) – (7).</p>
<p>57</p> <p>Power with respect of disposal of wrecks</p>	<p>This article extends the powers of the Council under section 252 Merchant Shipping Act 1995. In particular, it extends the circumstances in which the Council may recover expenses reasonably incurred by it in exercising said power from the owner of any such vessel. The provision includes notice requirements to the owner of the vessel and a period in which the vessel owner may dispose of the vessel itself.</p>	<p>This extension of the power in s252 Merchant Shipping Act is common and important if the harbour is to be run in an efficient and economic manner. Similar provisions can be found in article 24 of the Portland Harbour Revision Order 1997.</p>
<p>58</p> <p>Power to deal with unserviceable vessels</p>	<p>This article provides that the Council may sell, break up or otherwise dispose of any vessel which is unserviceable and had been laid by or neglected in the Harbour or on land immediately adjoining the Harbour.</p>	<p>This article applies in addition to the power under section 57 of the Harbour, Docks and Piers Clauses Act 1847 (unserviceable vessels to be altogether removed from harbour) and allows the Council to recover its costs for the exercise of removing unserviceable vehicles laid or neglected with the Harbour.</p> <p>This article is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p>
<p>59</p> <p>Removal of obstructions</p>	<p>This article provides that the Council may remove anything other than a vessel which is causing or likely to become an obstruction to, or cause interference with navigation in any part of the Harbour or its approaches. The provision deals with the recovery of costs by the</p>	<p>This power is important in assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users, and important if the Harbour is to be run in an efficient and economic manner. Similar provisions can be found in article 8 of the Portland Harbour Revision Order 1997.</p>

other than vessels	Council of reasonable expenses incurred by it in relation to the exercise of the power and sale of the item(s) recovered.	
60 Notices	This article sets out the process for serving any notices required under the Harbour Revision Order.	This article is conducive to the efficient management of the Harbour as required under section 14(2)(b) of the 1964 Act, clearly setting out the procedural requirements for Notices required under the Order.
61 Saving for Trinity House	This article provides the standard saving provision for the rights of Trinity House.	No further justification required.
62 Crown Rights	This article provides the standard saving provision for Crown Rights.	No further justification required.
63 Amendments	<p>This article provides for the amendment of the 1993 Order which will remain partially in force along with the proposed Order.</p> <p>The amendments assist in completing to process of modernising the local legislation applying to the harbour by, for example, inserting definitions of “reserve fund” and “Order of 202[]”, omitting the definition of “authorised rates” and replacing the definitions of “harbour”, “harbour revenue” and “harbour undertaking” to bring them up to date in line with the proposed Order.</p> <p>Additionally, small amendments have been made to articles 3, 8, 30, 36 and 47, which include the omission of wording no longer considered desirable in conjunction with the proposed Order. The words “Order of 202[]” are inserted after the words “this Order” in article 36 of the 1933 Order to ensure the article applies to both Orders which will remain in force.</p>	The amendments are necessary to complete the process of modernisation of the local legislation applying to the statutory harbour authority in conjunction with the provisions of the HRO and the repeals /revocations contained in article 64 and Schedule 2 of the HRO.
64	This article provides for the repeal and revocation (as appropriate) of the local legislation listed in the Schedule	This HRO is being promoted in accordance with the Port Marine Safety Code’s recommendation for harbour authorities to review and be aware

Revocation/ Repeal	referred to from the date of the HRO. These Acts and Orders (in so far as they are revoked) either are or will become obsolete once the HRO is fully in force.	of existing powers based in local and national legislation, seeking additional powers where necessary. The repeals set out in article 64 and the accompanying Schedule are required in conjunction with this HRO to complete the process of modernising the local legislation applying to the Council, granting the suite of modern powers and duties set out above which are consistent with section 14(2)(b) of the 1964 Act and which will assist the Council in meeting the recommendations of the Port Marine Safety Code.
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Table 4: Relevant policies, guidance and plans

Plan, policy or guidance	<i>Demonstration that application is compliant with relevant plan, policy or guidance.</i>
Relevant Marine Plan (or Marine Policy Statement if no plan or draft plan available)	<p>Southwold Harbour is situated within the East Inshore Marine Plan Area. Once published, Marine Plans become a material consideration and as such, it is considered in this Statement of Support in addition to the UK Marine Policy Statement. The relevant marine plan applying therefore is the 'East Inshore and East Offshore Marine Plan', April 2014 ("the East Marine Plan").</p> <p>The proposed HRO is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Council's existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of Southwold Harbour. The HRO modernises the Council's enforcement powers. The modernisation amends the process by which such enforcement provisions can be made, amended and repealed (General Directions).</p> <p>The proposed HRO also clarifies the existing harbour limits to expressly include the harbour premises removing uncertainty over the exercise of the Council's enforcement powers above high water. The other provisions of the proposed HRO are predominantly administrative (such as constitutional arrangements, financial, borrowing and charging powers; powers of development and disposal of land; and powers in relation to establishing advisory bodies, moorings, bunkering, dredging, and powers to deal with wrecks and vessels etc.). As such, it is expected that the effects of the proposed HRO on the East Inshore Marine Plan area will be very limited and that any effects will be positive as the proposed HRO supports the economic and efficient management of Southwold Harbour</p>

(including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.

Compliance with UK Marine Policy Statement

The UK Marine Policy Statement ('MPS') sets out (in section 2.1) that the UK vision for the marine environment is for '*clean, healthy, safe, productive and biologically diverse oceans and seas.*' The core purpose of the proposed HRO is to modernise the Council's enforcement powers enabling it to keep its enforcement provisions under review and to update, amend and repeal them in a more timely and efficient manner than through byelaws. This will support the Council in ensuring it meets both its environmental duties under s48A of the Harbour Act 1964 and compliance with the Port Marine Safety Code. Both of which will support the vision of ensuring that the marine environment is kept '*clean, healthy, safe, productive and biologically diverse.*' The provisions of the proposed HRO also support the following high-level objectives contained in the MPS:

- (A) **Achieving a sustainable marine economy:** Marine businesses are acting in a way which respects environmental limits and is socially responsible.
- (B) **Ensuring a strong, healthy and just society:** The coast, seas, oceans and their resources are safe to use.
- (C) **Living within environmental limits:** Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- (D) **Promoting Good Governance:** Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.

Compliance with the East Marine Plan

The East Marine Plan was published in April 2014. Through its modernisation of the Council's statutory powers enabling the efficient and economic management of the harbour and the activities that take place there, the proposed HRO will support the following objectives contained in the East Marine Plan:

- (A) **Objective 1:** To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas.
- (B) **Objective 4:** To reduce deprivation and support vibrant, sustainable communities through improving health and social wellbeing.

	<p>(C) Objective 6: To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas.</p> <p>In addition, the proposed HRO is supported by policy S-PS-1, which expressly supports competitive and efficient harbour and shipping operations, recognising that <i>‘ports and harbour are essential to realise economic and social benefits for the south marine plan areas and the UK. S-PS-1 makes sure proposals do not restrict current harbour and harbour activity or future growth, enabling long-term strategic decisions, and supporting competitive and efficient harbour and shipping operations.’</i></p>
Insert other relevant plans/policy/guidance in this section	<p>Port Marine Safety Code</p> <p>Please see our comments earlier in this Statement of Support relating to the Port Marine Safety Code (Table 3a).</p>

Table 5: Any other relevant information

No formal pre-application consultation.

In addition to the specific provisions of Schedule 2 to the 1964 Act, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:

“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”

For the reasons mentioned above, it is considered that to the extent that any provision contained in the HRO does not fall specifically within any other paragraph of Schedule 2, the provisions of the HRO would be conducive to the efficient functioning of the harbours and it is therefore within the scope of the 1964 Act for them to be included in the HRO.

ANNEX 1: ILLUSTRATIVE PLAN OF ADDITIONAL PORT PREMISES AREA

[SESSION 1932-33]

SOUTHWOLD HARBOUR.

Provisional Order to make further provision with respect to the Harbour of Southwold in the County of Suffolk and for other purposes. A.D. 1933.

PRELIMINARY.

1. This Order may be cited as the Southwold Harbour Order 1933. Short title.

5 2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." Commence-
ment.

10 3.—(1) In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires— Interpretation.

15 ~~"authorised rates" means the charges dues rates or tolls which the Corporation are for the time being authorised to levy demand and recover in pursuance of this Order and "authorised rate" means any one of the said charges dues rates or tolls ;~~

"the borough" means the borough of Southwold ;

20 "the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough ;

25 "the Conveyance" means the conveyance dated the seventh day of September one thousand nine hundred and thirty-one which is confirmed by this Order ;

A.D. 1933.

"the Corporation" means the mayor aldermen and burgesses of the borough of Southwold;

"the harbour" means Southwold Harbour in the County of Suffolk as comprised within the limits of this Order;

* As defined in new HRO

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"the Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"the harbour revenue" means and includes the charges dues rates tolls and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of this Order;

* As defined in new HRO

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"the harbour undertaking" means and includes as the case may require the harbour the lands property and conveniences held therewith the right to levy charges dues rates and tolls and all other powers rights authorities and privileges relating thereto conferred on or vested in the Corporation by this Order;

* As defined in new HRO

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"the Order of 1898" means the Southwold Harbour Order 1898;

"the Order of 1907" means the Southwold Harbour Order 1907;

"the Town Clerk" means the town clerk of the borough.

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~~(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "Packet Boat or Post Office Packet" and "Post Office Bag of Letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.~~

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UNDERTAKERS.

A.D. 1933.

4. The Corporation shall be the undertakers for Undertakers.
carrying this Order into execution.

5.—(1) The Lands Clauses Acts (except so much Incorporation
5 thereof as relates to the purchase and taking of lands of Lands
otherwise than by agreement and to the entry upon Clauses Acts.
lands by the promoters of the undertaking) are in-
corporated with this Order except as expressly varied
thereby.

10 (2) For the purposes of the incorporation of the
said Acts and of the Harbours Clauses Act 1847 the
expression "the Special Act" in those Acts shall mean
this Order.

ACQUISITION OF HARBOUR AND UNDERTAKING BY
15 CORPORATION.

6.—(1) The Conveyance (a copy of which is set forth Acquisition
in the First Schedule to this Order) is hereby confirmed of harbour
and made binding on the parties thereto respectively. and under-
taking by
Corporation.

(2) Subject to the provisions of the section of this
20 Order of which the marginal note is "Crown rights"
the harbour and the harbour undertaking are hereby
vested in and may be maintained and carried on by the
Corporation.

~~7. The Corporation may at any time and from time Harbour
25 to time by resolution appoint as members of any com- Committee.
mittee appointed by the Corporation for the manage-
ment of the harbour and for such period as the Cor-
poration may determine any number of persons not
30 in or having a special knowledge of the harbour under-
taking or being payers of harbour rates and any such
person may be at any time removed by the Corporation
from such committee and subject as aforesaid the
provisions of Section 22 of the Municipal Corporations
35 Act 1882 shall apply to any such committee as is referred
to in this section.~~

ACQUISITION OF LANDS.

8. The Corporation may for the purposes of the Power to
harbour undertaking by agreement purchase or take on take lands
by
agreement.

A.D. 1933.

lease (in addition to any lands now forming any part of the harbour undertaking) any interest in the foreshore and any lands or buildings which the Corporation may deem requisite or convenient ~~not exceeding in the whole fifty acres~~ but with respect to such additional lands nothing in this Order or in the Acts incorporated therewith shall exempt the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon.

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Power to
grant
easements.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may subject to the provisions of those Acts and of this Order grant to the Corporation for the purposes of this Order any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent charges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges respectively.

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Power to
retain and
sell lands.

10.—(1) Notwithstanding anything in any Act or Order to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange;

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Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Minister is necessary or has been obtained :

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A.D. 1933.

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Order had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Order had not been passed.

LIMITS.

11.—(1) The limits within which the power of the Corporation to levy rates under this Order may be exercised (hereinafter termed "the rating limits") shall comprise the lands and any piers quays wharves jetties buildings apparatus and conveniences connected with the harbour or which may be acquired leased or erected by the Corporation for the purposes of the harbour undertaking together with so much of the River Blyth as lies between an imaginary straight line drawn in a south south-westerly direction across that River from the western bank of Buss Creek at the confluence of that Creek and the River Blyth and the seaward extremities of the piers known as the North and South Piers at the mouth of the River Blyth the whole of Buss Creek below the line of high-water mark of ordinary spring tides Salt Creek and so much of Dunwich Creek below the sluice as is below the highest point to which ordinary tides flow which limits are coloured red on the map or plan referred to in sub-section (3) of this section.

(2) The limits within which the Corporation shall have authority and within which the powers of the Harbour Master may be exercised shall comprise the

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rating limits and the seaward area up to high-water mark of ordinary spring tides comprised within a radius of one thousand yards measured from the southern end of the North Pier at the mouth of the River Blyth which limits are in this Order termed "the limits of this Order." 5

(3) A map or plan showing the rating limits having been signed in quadruplicate by an assistant secretary to 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 10 the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the Clerk of the County Council of the County of East Suffolk and another copy thereof shall be deposited at the office of the Corporation. 15

(4) In case of any discrepancy between any limits delineated on the said map or plan and any limits described in this section the said map or plan shall be deemed to be correct and shall prevail.

WORKS AND POWERS.

20

Power to
maintain and
improve
works.

12.—(1) Subject to the provisions of this Order the Corporation may maintain alter improve and extend the harbour undertaking and in connection therewith may construct maintain alter and improve embankments walls stairs landing places approaches jetties piers 25 wharves quays slips warehouses offices sheds and other buildings cranes weighing machines machinery buoys moorings lights beacons groynes sluices roads sewers drains watercourses gas and water pipes electric light and power and other works and conveniences which 30 may be found necessary and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the piers quays wharves and other harbour works of the Corporation.

(2) A line of rails or tramway constructed under 35 the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Ministry of Transport to be fit for that use.

(3) Any electric light and power or other apparatus 40 constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Tele-

graph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

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(4) Nothing in this Order shall extend to or
5 authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of Section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that
10 section.

13.—(1) If the Corporation desire to execute any works within the limits of this Order which may affect the main channel of the River Blyth as marked on the map sealed by the Minister of Agriculture and Fisheries
15 on the 11th day of March 1931 in relation to the East Suffolk Rivers (excluding the River Waveney) Catchment Area they shall give to the East Suffolk Rivers (excluding the River Waveney) Catchment Board twenty-eight days' notice in writing of their desire to
20 execute any such works accompanied by a sufficient plan section and specification of the proposed work and shall not commence to execute or carry out such work until the plan section and specification have been approved by the engineer of the Catchment Board or
25 by an arbitrator to be appointed as hereinafter provided :

For protection of the East Suffolk Rivers Catchment Board.

Provided that the approval of the said engineer shall not be unreasonably withheld and shall be deemed to have been given unless the said engineer signifies his disapproval within the said twenty-eight days.

30 (2) Any difference between the Corporation and the said Catchment Board with respect to any of the provisions of this section shall unless otherwise agreed be referred to an engineer to be appointed in default of agreement between the Corporation and the Catchment
35 Board by the President of the Institution of Civil Engineers on the application of either party after notice thereof to the other.

~~14.—(1) The Corporation may deepen dredge scour and excavate the harbour as they may consider expedient
40 and may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour.~~

Power to dredge.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained. 5

(3) The powers of the Corporation under this section shall be exercisable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Corporation to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Corporation under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be. 15 20 25

(4) All money arising from any sale or other disposition of sand mud or other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the harbour revenue is to be applied. 30

Power to
purchase
dredgers, &c.

15. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same. 35

All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this

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5 Order to which capital is properly applicable.

16. The Corporation may provide purchase contract for or hire and may maintain use and let steam tugs hoppers barges or other power for the use and accommodation of vessels frequenting the harbour and
10 may also license such number of steam tugs hoppers barges or other power belonging to any person for such period and on such terms and conditions as the Corporation may think fit.

Power to provide steam tugs, &c.

17. The Corporation may fix such reasonable rates
15 as they may determine for or in respect of the use of any steam tugs hoppers barges or other power maintained used and let or licensed by the Corporation and those rates shall be paid by the owner agent master consignee or other person having charge of the vessel
20 obtaining the assistance of the steam tug hopper barge or other power to the Corporation or to the person with whom the Corporation may contract or to the owner of the steam tug hopper barge or other power if licensed by the Corporation as the case may be and those rates
25 shall be due and payable whether the steam tug hopper barge or other power is actually employed or not provided the assistance thereof has been required and in consequence of a requisition has been tendered by the Corporation or by the master or other person having the
30 command of the steam tug hopper barge or other power.

Charges for use of steam tugs, &c.

RATES.

~~18.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.~~

Power to levy rates.

~~(2) The Corporation may within the rating limits
35 subject and according to the provisions of this Order levy demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels boats persons goods and things of every description and for services described in the Second
40 Schedule to this Order any rates not exceeding those specified in that Schedule over and above the ancient~~

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and accustomed payments to the harbour master or masters of two shillings for every vessel entering the harbour.

Annulment
of Temporary
Increase of
Charges Order.

19. As from the commencement of this Order the Southwold Pier and Harbour (Temporary Increase of Charges) Order 1932 shall cease to have effect but without prejudice to the right of the Corporation to recover and receive any charges dues rates or tolls then already accrued due or payable. 5

Power to
vary exemp-
tions and
compound
for rates.

20. The Corporation may confer vary or extinguish 10 exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done 15 under this section shall not prejudice the other provisions of this Order.

Charges for
services not
otherwise
provided for.

21. The Corporation may make reasonable charges for all work done services rendered facilities afforded and plant and machinery or appliances pro- 20 vided by them for the despatch of business at the harbour or the convenience of shipmasters merchants and others concerned with the traffic thereat in so far as such charges are not expressly provided for by this Order.

Master of
fishing vessel
to report
take of fish.

22.—(1) The master or owner of any vessel (not 25 being a pleasure boat) with a take or cargo of fish shall if required by the Corporation on the arrival of the vessel within the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person 30 obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Harbour
Master may
prevent sail-
ing of vessels.

23. The harbour master may prevent the removal 35 or sailing from within the limits of this Order of any

vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take
5 or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish if required by the Corporation under Section 22 of this Order.

24. Fishing vessels belonging to countries with
10 which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking
15 bulk while making use thereof be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

25. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or
20 to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along
25 and from the harbour.

Exemption of lifeboat crew.

26.—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")—

Revision of rates.

30 (a) By any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose, or

(b) By the Corporation

35 that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an Order revising the authorised rates referred to in the application or any of them and may fix the date as from which such Order shall take effect and thenceforth such Order shall remain in
40 force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this section Provided that before making an Order

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under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of 5 authorised rates or an authorised rate an Order has been made or the Minister has decided not to make an Order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such Order or decision 10 as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu 15 of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub- 20 committee thereof to which the said advisory committee may under Section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee 25 ceasing to exist some persons with similar qualifications to be appointed for the purpose by an Order of the Minister under Section 2 of the said Act of 1874; and

(c) as if in Section 4 of the said Act of 1874 the 30 words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the Board".

(4) An application made to the Minister under this 35 section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and 40 accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have

power to take evidence on oath and for that purpose may administer oaths.

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POWERS OF SALE AND LEASING.

27—(1) The Corporation may at any time with the
5 previous consent in writing of and upon such terms
conditions and restrictions as may be approved by the
Minister of Transport sell the harbour undertaking or
any part thereof and the purchaser to the extent
authorised by his conveyance shall have and may exer-
10 cise all or any of the powers conferred upon the Cor-
poration by this Order or which the Corporation have or
might exercise under this Order and shall be subject to
all the liabilities and obligations to which the Corpora-
tion are subject and shall perform all the duties of the
15 Corporation under this Order.

Power to
sell.

(2) The Corporation shall within one month after
the date of any conveyance made under this section
deposit a certified copy thereof at the Ministry of Trans-
port and shall upon failure to do so be liable to a penalty
20 not exceeding £20.

28—(1) The Corporation may with the previous
consent in writing of and upon such terms conditions and
restrictions and for such period as may be approved by
the Minister of Transport lease to any Company Cor-
25 poration or person (a) the harbour undertaking or (b) the
right to collect and retain the authorised rates.

Power to
lease under-
taking or
rates.

(2) As from the commencement of any lease made
under the last preceding subsection the Lessee during
the continuance of and to the extent provided in his
30 lease shall have and may exercise all or any of the
powers conferred upon the Corporation by this Order
which the Corporation have or might exercise under this
Order and shall be subject to all the liabilities and obli-
gations to which the Corporation are subject and shall
35 perform all the duties of the Corporation under this
Order.

(3) No lease made under subsection (1) of this
section shall be assignable without the previous consent
in writing of the Minister of Transport and the provi-
40 sions of this Order with respect to such lease or to the
Lessee shall apply to any such assignment or to the
assignee respectively.

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(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding £20.

5

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts 10 and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the Lessee as the Corporation and all moneys re- 15 ceived by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to
lease ware-
houses, etc.

29. In addition to any general power in this Order contained the Corporation may let for hire or lease for 20 any term not exceeding seven years any rooms shops sheds warehouses or other buildings separately from any other part of the harbour undertaking to any Company Corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as 25 they may determine.

FINANCE.

Power to
Corporation
to provide
money for
purposes of
Order.

30. The Corporation may and shall provide such moneys as may become necessary for the purposes of ~~this Order or any of them and of~~ the harbour undertaking 30 and the maintenance management and improvement thereof and the payment of expenses in connection therewith out of the harbour revenue or subject to the provisions of this Order if that shall be insufficient out of the general rate fund and the general rate or one or other of 35 them save in so far as such moneys shall be properly payable out of moneys authorised by ~~this Order~~ to be borrowed.

* deletion
required as
there will
now be two
Orders.

Power to
borrow.

31—(1) The Corporation may independently of any other borrowing power from time to time borrow at a 40 rate of interest not exceeding without the consent of the Minister of Transport six per centum per annum—

(a) For the payment of the costs charges and expenses of and incidental to this Order such sum as may be required for the purpose, and

5 (b) With the consent of the Minister of Transport such further sum or sums as may from time to time be required for any of the purposes of the Harbour undertaking.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and
10 the payment of interest thereon the Corporation may mortgage or charge the harbour undertaking or any part or parts thereof respectively and the general rate fund and the general rate or either of them and the harbour revenue.

15 (3) Sections 236, 237 and 238 of the Public Health Act 1875 shall apply to all mortgages made under this Order.

32. The money borrowed under this Order shall be applied only for the purposes of this Order for which
20 capital money may properly be applied and not otherwise.

Application of money borrowed.

33. The Corporation may raise all or any moneys which they are authorised to borrow under this Order by mortgage or by the issue of debentures or annuity
25 certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Order relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed
30 under the Local Loans Act 1875 instead of the provisions of Section 15 (Discharge of loan by sinking fund) of that Act.

Mode of raising money.

34. A person lending money to the Corporation shall not be concerned to inquire as to the observance
35 by the Corporation of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Protection of lenders.

35. All moneys borrowed by the Corporation under
40 this Order shall be repaid within the respective periods

Periods for repayment of moneys borrowed.

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following that is to say:—

- (a) As to the moneys borrowed for the purpose (a) mentioned in the section of this Order of which the marginal note is "Power to borrow" within five years from the commencement of this Order and 5
- (b) As to moneys for the purposes (b) mentioned in the same section within such period from the date or dates of borrowing the same as the Minister of Transport shall prescribe. 10

Proceeds of
sale of lands
to be treated
as capital.

36. The proceeds of sale of any lands of the Corporation under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation under this Order. 15
Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Minister of Health. 20

*1, or the Order
of 2021]

*2 maintained
under article 41
of this Order.

Appointment
of a receiver.

37.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver. 25

(2) In order to authorise the appointment of a receiver in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten per centum of the total amount of the money then borrowed under this Order and not paid off. 30

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "Commissioners" shall mean the Corporation and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security. 35

Reserve
Fund.

38. The Corporation may if they think fit for the purpose of forming and maintaining a reserve fund not 40

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exceeding at any time the sum of five thousand pounds
or such larger sum as the Minister of Transport may from
time to time sanction which fund shall be applicable
to answer any deficiency at any time happening in the
5 income of the undertakers or to meet any extraordinary
claim or demand in respect of the harbour undertaking or
for payment of the cost of renewing any part of that
undertaking or for extending and improving any works for
the purpose of that undertaking appropriate and set
10 apart subject to the provisions of this Order as to
application of revenue any amount which they think
fit in any year out of the revenue received under this
Order and shall deposit any such amount in some joint
stock bank to be increased by accumulation in the way
15 of compound interest or otherwise or shall invest the
same in securities upon which trust moneys may be
invested (other than securities of the Corporation)
until required for any of the purposes aforesaid.

39. The Corporation shall apply the harbour
20 revenue including the interest on the reserve fund when
that fund amounts to the maximum prescribed in the
order following and not otherwise :—

Application
of harbour
revenue.

- 25 (1) In payment of the costs of and connected with
the preparation and making of this Order ex-
cept in so far as they may be provided for
out of money borrowed by the Corporation for
the purpose under this Order ;
- 30 (2) In payment of the expense properly chargeable
to revenue of the maintenance repair and man-
agement of the harbour undertaking and all
conveniences connected therewith ;
- (3) In payment year by year of the interest accruing
on money borrowed under this Order ;
- 35 (4) In payment of the instalments as they become
due in discharge of any moneys so borrowed
and repayable by instalments and in forming
a sinking fund in accordance with this Order
for payment of principal moneys borrowed
under this Order ;
- 40 (5) In extending and improving (if the Corporation
think fit) the harbour undertaking ;

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- (6) In making such payments (if any) as the Corporation think fit into a reserve fund established under the provisions of this Order;
- (7) In repayment to the general rate fund of all moneys paid thereout for the purposes of the harbour undertaking; and 5
- (8) In reduction of any principal moneys borrowed under this Order.

Making up
deficiencies
in harbour
revenue.

40. If the harbour revenue shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Corporation with respect to the harbour undertaking the Corporation shall include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general rate. 10 15

Separate
harbour
accounts.

41. The Corporation shall keep the accounts in respect of the harbour undertaking separate from all their other accounts distinguishing therein capital from revenue.

Mode of
payment off
of money
borrowed.

42. The Corporation shall pay off all money borrowed by them under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing or when the money is repayable by half-yearly instalments within six months. 20 25

Power to
re-borrow.

43.—(1) The Corporation shall have power— 30

- (a) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys. 35 40

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of

the original loan and shall be repaid within the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

44.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

Sinking Fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations by way of compound interest at a rate not exceeding three pounds per centum per annum or such other rate as the Minister of Health shall from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the in-

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vestments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest trust moneys or in mortgages bonds debentures 5 debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Corporation and the Corporation 10 shall be at liberty from time to time to vary and trans- pose the investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments 15 to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that if the Corporation shall 20 avail themselves of this power in the case of an accumu- lating sinking fund they shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part thereof so 25 applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were in- 30 vested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(6) If and so often as the income of an accumulating sinking fund is in excess of the income which would be 35 derived from the amount invested if the same were in- vested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such annual payments.

(7) Any expenses connected with the formation 40 maintenance investment application or management of or otherwise in relation to any sinking fund under this

Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(8) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(9) If the Corporation desire to accelerate the repayment of any loan they may with the approval of the Minister of Health increase the amounts payable to any sinking fund.

(10) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Minister may approve.

(11) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Minister of Health be sufficient without any further payments thereto to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the equal annual payments to the sinking fund until that Minister otherwise direct.

(12) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

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Sinking fund
may be adjusted
in certain events.

45. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Order the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Minister of Health. 5

Return to
Minister of
Health with
respect to
repayment
of debt.

46.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Order. 10

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Health may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. 20 25

(3) If it appears to the Minister of Health by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Order in pursuance of which the moneys are raised or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by Order direct that the sum in such Order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. 30 35 40

47.—(1) The Corporation shall within two months after the date to which their annual accounts relating to the harbour undertaking are made up send a copy in abstract to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Corporation and any and every such accounts.

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Annual account to be sent to Ministry of Transport.

*, Department of Transport and section 42 of the Harbours Act 1964 shall apply to the accounts.

(2) The Corporation shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Corporation referred to in this section and in Section 50 of the Harbours Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

48. The Corporation may accept and apply towards the purposes of the harbour and the harbour undertaking any moneys which may be granted or contributed to them for those purposes or any of them.

Power to accept contributions.

BY-LAWS.

49.—(1) In addition to the powers of making by-laws contained in the Harbours Clauses Act 1847 the Corporation may from time to time make vary or repeal such by-laws to take effect within the limits of this Order as they shall think fit for all or any of the following purposes (that is to say)—

Additional By-laws.

(i) For regulating the taking on board and landing or discharging of passengers ;
(ii) For the regulation licensing and control of vessels and boats plying for hire and also of persons plying for hire with such vessels or boats and for regulating and fixing the fares to be charged by such persons ;

(2) Any person aggrieved by the refusal of the Corporation to grant any license which they are empowered by the provisions of this section to grant or by the withdrawal of or refusal to renew any such license may appeal to a Petty Sessional Court who shall have the power to hear and determine such appeal and to make such order as they may think fit.

(3) The by-laws which may from time to time be made by the Corporation under this section or Section 83 of the Harbours Clauses Act 1847 may provide for

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imposing a penalty not exceeding five pounds for the breach or non-observance of any of the by-laws and no such by-law shall come into operation until it has received the allowance and confirmation of the Minister of Transport which allowance and confirmation shall be sufficient for all purposes. 5

Provided that in the case of any by-law which the said Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the said Minister and the allowance and confirmation of any such by-law by the Minister of Transport or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section. 15

(4) Sections 84 and 85 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

LIFE-SAVING APPARATUS.

Provision for
life-saving
apparatus.

50.—(1) Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order. 20

(2) The Corporation shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on or near the harbour and build on that site a house or other proper accommodation for a life-boat rocket apparatus and other life-saving apparatus. 25

(3) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 30

Life-saving
apparatus
may be
attached to
harbour.

51. The officers of the coast-guard and all other persons for the time being actually employed in connection with the life-boat of the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour. 35

Life-buoys
to be kept.

52. The Corporation shall at all times keep at convenient places in the harbour and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use. 40

LIGHTS.

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53.—(1) The Corporation shall every night from sunset to sunrise and according to the requirements of the traffic and season of the year exhibit and keep burning such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent
lights on
works.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

54. In case of injury to or destruction or decay of the harbour or any part thereof under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Corporation shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

MISCELLANEOUS.

55.—(1) Whenever any vessel is stranded sunk or abandoned in the harbour or in or near any approach thereto from the sea the Corporation may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its approaches therefrom.

Removal of
stranded,
sunk or
abandoned
vessels.

(2) The Corporation may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to Section 530 of the Merchant

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Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto : 5

Provided always that the Corporation shall before selling any such cargo goods chattels or effects as aforesaid pay all duties which may be payable to His Majesty 10 in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Corporation for the aforesaid expenses and duties the Corporation may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the person who at the time 20 of the sinking stranding or abandonment of the vessel was the registered owner thereof or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this section 25 for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and (if 30 so) what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable (as the case may be) shall be conclusive and binding on both parties. The costs of the appeal and the award 35 shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect 40 of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Corporation under subsection (1) of this section shall not be exercised in respect of a vessel if the registered owner thereof within

twenty-four hours after notice from the Corporation of the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and
5 does all things necessary to raise and remove the vessel as speedily as possible.

(6) The powers conferred by this section on the Corporation shall be in addition to and not in derogation of any other powers exercisable by them for or with
10 respect to the removal of wrecks.

(7) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Corporation to remove any wreck (as defined by Section 510 of the Merchant Shipping Act, 1894) to the
15 prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Corporation shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to
20 the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in sub-section (2) of this section in accordance with such directions (if any) as may be given to them by
25 the said receiver.

56. In addition to the powers conferred on the Corporation and the harbour master by Section 57 of the Harbours Clauses Act 1847 and to the powers conferred on the Corporation by the Merchant Shipping Act 1894
30 the Corporation may on giving notice of their intention by advertisement inserted three times in each of two local newspapers and in writing to the registered owner thereof if ascertainable sell break up or otherwise dispose of or cause to be sold broken up or otherwise disposed of
35 any vessel laid by or neglected as unserviceable in the harbour and may receive the moneys (if any) arising therefrom and may retain out of such moneys any expenses incurred by the Corporation in respect or on account of such vessel and also any charges or expenses
40 incurred by the Corporation or the harbour master under Section 57 of the Harbours Clauses Act 1847 or Section 530 of the Merchant Shipping Act 1894 rendering the balance (if any) to the owner and if there be no such moneys or if any such moneys be insufficient to cover the expenses or charges the Corporation may recover such

Further power to deal with unserviceable vessels.

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Cables, pipes
or wires
under or
across tidal
waters.

Meters and
weighers.

Appointment
of officers to
enforce by-
laws and
regulations.

Application
of Act, 10 &
11 Vict. c. 27.

Recovery of
penalties.

Officers
exempt from
rates.

Local Light-
house
Authority.

Crown
rights.

expenses or charges or the unsatisfied balance thereof from the owner by proceeding or action in any court of summary or competent jurisdiction.

57. Notwithstanding anything in this Order any cables pipes or wires to be laid or placed under the powers of this Order by the Corporation on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Board of Trade may require. 5 10

58. The Corporation shall have the appointment of meters and weighers within the limits of this Order.

59. The Corporation may appoint officers for securing the observance of the by-laws and regulations made by the Corporation under this Order in respect of the harbour and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant. 15

60. Sections 12 and 13 of the Harbours Clauses Act 1847 shall not be incorporated with this Order. 20

61. All penalties under this Order or under any by-law made under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847. 25

62. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

63. The Corporation shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. 30

64. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. 35 40

65. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Order as if the same were re-enacted herein.

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Application of Section 265 of Public Health Act 1875.

66. Nothing in this Order shall prejudice or affect the rights or privileges (if any) enjoyed by fishermen or boatmen of beaching boats or of erecting or occupying huts on the conditions obtaining prior to the commencement of this Order on the foreshore and beach adjacent thereto between a point two hundred and fifty yards measured from the southmost corner of the pier known as the North Pier at the mouth of the River Blyth and Gun Hill.

Saving rights of fishermen and boatmen.

67. Nothing in this Order shall prejudice or affect any right of fishing in or drainage into the harbour any rights of way whether public or private or any rights of ferry affecting the harbour.

Saving for other rights.

68. The harbour shall be deemed to be for all purposes within the borough.

Harbour to be in borough of Southwold.

69.—(1) The Order of 1907 and the Order of 1898 are hereby repealed.

Repeal and savings.

(2) The repeal of the said Orders shall not prejudice or affect:—

(a) any action or suit right or cause of action or suit or any remedy which at the commencement of this Order may be pending by or against the Corporation or which the Corporation may have against any person or which any person may have against the Corporation;

(b) any penalty forfeiture or punishment in respect of any offence against the said Orders or any by-laws made thereunder

and any such actions suits rights causes remedies penalties forfeitures and punishments may be instituted enforced prosecuted and imposed as if this Order had not been made.

(3) All by-laws with respect to the harbour undertaking legally in force at the commencement of this Order shall continue in force until repealed or altered by the Corporation and may be enforced by the Corporation.

70. 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 Corporation.

Costs of Order.

& att. and made

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SCHEDULES to which the foregoing Order refers.

Stamp
10s.FIRST SCHEDULE.Commission-
ers of Inland
Revenue
Adjudged
duly
stamped.
24/9/31.

THIS CONVEYANCE made the Seventh day of September
 One thousand nine hundred and thirty-one
 BETWEEN BARCLAYS BANK LIMITED whose 5
 Registered Office is at 54 Lombard Street in the
 City of London (hereinafter called the Bank) of the
 first part SYDNEY EDWARD JONES formerly of 7
 Lawrence Pountney Hill but now of 2 Suffolk Lane
 Cannon Street in the City of London Solicitor of the 10
 second part BERTHA BLES of Elterholm Madingley
 Road in the Borough of Cambridge Widow SIR
 FREDERICK GOWLAND HOPKINS of 71 Grange Road
 in the said Borough of Cambridge Knight M.A.,
 F.R.C.P., F.R.S. and GODFREY HAROLD ALFRED 15
 WILSON of the said Borough of Cambridge The
 Master of Clare College in the University of Cam-
 bridge M.A., M.P. (hereinafter called Bles' Trustees)
 of the third part SAMUEL DAVID BLES of 23 Down
 Street Mayfair in the County of London Merchant 20
 of the fourth part WILLIAM ASHLEY OAKES of 4
 South Place in the City of London Chartered
 Accountant and MAURICE CHARLES SPENCER of 3
 Fredericks Place Old Jewry in the City of London
 Chartered Accountant (hereinafter called Fasey's 25
 Trustees) of the fifth part and the MAYOR ALDERMEN
 AND BURGESSES OF THE BOROUGH OF SOUTHWOLD
 in the County of Suffolk (hereinafter called the
 Corporation) of the sixth part.

WHEREAS by the Southwold Harbour Order 1898 (hereinafter 30
 called the Order of 1898) the Harbour of Southwold as situate
 in the River Blyth below a straight line drawn across that river
 from the upper or north-western bank of Buss Creek including
 that Creek Saltworks Creek and Dunwich Creek the piers quays
 wharves houses warehouses sheds buildings machinery cranes 35
 work and conveniences lands property rights powers privileges
 connected therewith and appertaining thereto (therein and here-
 inafter called the Harbour) were vested in the Corporation and
 by the said Order the Corporation was empowered to sell the
 harbour undertaking of the Corporation or any part thereof in 40
 manner therein mentioned.

And whereas by an Agreement (hereinafter called the
 Agreement of 1906) dated the First day of June One thousand

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nine hundred and six and made between the Corporation of the
 one part and Anthony Fasey and William Robert Fasey carrying
 on business as the Southwold Harbour Company (hereinafter
 called the Company) of the other part the Corporation agreed to
 5 sell and convey to the Company the undertaking known as the
 Southwold Harbour as defined by the Order of 1898 (thereinafter
 referred to as the Harbour Undertaking) together with the full
 benefit of the Order of 1898 and the powers rights and privileges
 thereby conferred the said sale and transfer of the Harbour
 10 Undertaking to be subject to the sanction of the Board of Trade
 being obtained and by the Agreement of 1906 it was provided
 that the Corporation should be entitled within six calendar
 months after the Company or any member thereof becoming
 subject to the bankruptcy laws or insolvent to require an assign-
 15 ment and conveyance to the Corporation of the said undertaking
 on the terms therein mentioned.

And whereas by an Indenture (hereinafter called the Con-
 veyance of 1906) dated the Thirteenth day of July One thousand
 nine hundred and six and made between the Corporation of the one
 20 part and Anthony Fasey and William Robert Fasey carrying on
 business as the Southwold Harbour Company of the other part
 the undertaking known as Southwold Harbour including the
 land covered with water the foreshores and the lands contiguous
 to and held with the Harbour and all piers jetties quays and
 25 buildings forming part thereof as shown on the map annexed
 to the said Indenture except and reserved as therein mentioned
 was assured to the use of the Southwold Harbour Company in
 fee simple subject to the public highways therein mentioned and
 to the right of ferry therein mentioned And by the same
 30 Indenture the Southwold Harbour Order 1898 and the full
 benefit of all powers rights and privileges thereby conferred
 including the right to licence Harbour Pilots was assigned to
 the Southwold Harbour Company absolutely.

And whereas the said Anthony Fasey died on the Ninth day
 35 of December One thousand nine hundred and six having by
 his Will dated the Fifth day of April One thousand eight hundred
 and ninety-four appointed Eliza Fasey sole Executrix thereof
 who duly proved the same on the Ninth day of March One
 thousand nine hundred and seven.

And whereas by an Indenture (hereinafter called the Lease)
 dated the Eleventh day of April One thousand nine hundred
 and seven and made between the Corporation of the first part
 the said Eliza Fasey of the second part and the said William Robert
 Fasey of the third part All those several pieces or parcels of
 45 land situate lying and being near the Harbour at Southwold
 aforesaid containing Twenty-nine acres two roods more or less
 comprising numbers 4, 5 and 6 Haven beach marshes and a
 portion of the Denes contiguous thereto which said premises
 were shewn on the plan attached to the Lease were demised
 50 to the said William Robert Fasey from the First day of January
 One thousand nine hundred and seven for the term of Seventy-
 five years except and reserving as therein mentioned at the
 yearly rent of Twenty-nine pounds ten shillings and subject to
 the covenants on the part of the Lessee and conditions therein
 55 contained.

And whereas by the Southwold Harbour Order 1907 (here-
 inafter called the Order of 1907) the Agreement of 1906 which

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had been duly sanctioned by the Board of Trade was confirmed and the same was directed to be carried into effect and the Company (meaning the said William Robert Fasey carrying on business under the style of the Southwold Harbour Company and his assigns or other the persons or person or corporation carrying on that business other than the Corporation) was authorised to borrow as in the Order of 1907 mentioned. 5

And whereas by an Indenture (hereinafter called the First Charge) dated the Nineteenth day of July One thousand nine hundred and seven and made between the said William Robert Fasey of the one part and the Bank (therein called Barclay and Company Limited) of the other part the said William Robert Fasey charged in favour of the Bank the rent rates dues tolls charges and revenue arising from the Southwold Harbour Undertaking for securing payment to the Bank on demand of the moneys and interest therein mentioned. 10 15

And whereas by an Indenture (hereinafter called the Crown Grant) dated the Twelfth day of August One thousand nine hundred and seven and made between the King's Most Excellent Majesty of the first part the Board of Trade of the second part the said William Robert Fasey carrying on business as the Southwold Harbour Company of the third part and the said Eliza Fasey of the fourth part All those two pieces of land being part of the bed of the sea below low water mark situate at the mouth of the River Blyth at either side thereof and adjacent to the parishes of Southwold and Dunwich respectively in the County of Suffolk as would be occupied by the pillars and supports of the extensions which the said William Robert Fasey proposed to make to the then existing North Pier and South Pier at the entrance to the said Southwold Harbour which pieces of land were delineated on the plan annexed to the Crown Grant and therein coloured red Excepting and reserving as therein mentioned were assured to the use of the said William Robert Fasey his heirs and assigns at the yearly rent payable to the King's Majesty of One shilling if demanded and subject to the covenants on the part of the Grantees and conditions therein contained. 20 25 30 35

And whereas by an Indenture (hereinafter called the Second Charge) dated the Tenth day of October One thousand nine hundred and seven and made between the said William Robert Fasey of the one part and the said Sydney Edward Jones of the other part the said William Robert Fasey charged in favour of the said Sydney Edward Jones the rents rates duties tolls charges and revenue arising or to arise from the Southwold Harbour Undertaking with repayment to the said Sydney Edward Jones of the sum of Seven thousand five hundred pounds and interest as therein mentioned. 40 45

And whereas by a letter in writing dated the Twentieth day of February One thousand nine hundred and eight under the hand of the said William Robert Fasey and addressed to Messrs. Young Jones and Company (meaning thereby the said Sydney Edward Jones) the said William Robert Fasey charged certain moneys then to be received by the Southwold Harbour Company with repayment to the said Sydney Edward Jones of the sum of One thousand pounds and interest thereon. 50

And whereas by an Agreement (hereinafter called the Third Charge) dated the Seventeenth day of December One thousand 55

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nine hundred and ten and made between the said William Robert Fasey of the first part Charles Marcus Bles of the second part and the Bank (therein described as Barclay and Company Limited) of the third part after reciting amongst other things that the said

5 William Robert Fasey and Charles Marcus Bles were carrying on business together as contractors under the firm of Anthony Fasey and Son as further security for the payment of a sum of Five thousand pounds to be advanced by the Bank the said

10 William Robert Fasey and Charles Marcus Bles charged with repayment of the same and interest all the securities then held by the Bank as security for previous advances amounting to Thirty-eight thousand five hundred pounds And the said William

15 Robert Fasey by way of additional security for the repayment of the said sum of Five thousand pounds and interest thereon thereby charged with the payment thereof the Southwold Harbour Undertaking subject nevertheless to the then subsisting charges in such undertaking therein stated to amount in the whole to Thirteen thousand five hundred pounds.

And whereas by an Agreement (hereinafter called the

20 Fourth Charge) dated the Twenty-eighth day of November One thousand nine hundred and eleven and made between the said William Robert Fasey carrying on business as the Southwold Harbour Company (therein called the Company) of the one part and the said William Robert Fasey and Charles Marcus

25 Bles carrying on business as Anthony Fasey & Son (therein called the Firm) the Company charged in favour of the Firm the rents rates duties tolls charges revenue and all other the Southwold Harbour Undertaking with the payment to the Firm by the Company of the sum of Thirteen thousand pounds

30 and interest as therein mentioned subject to the then existing charges in favour of the Bank and the said Sydney Edward Jones.

And whereas by an Agreement (hereinafter called the Sub

35 Charge) dated the Twenty-sixth day of April One thousand nine hundred and twelve and made between the said William Robert Fasey and Charles Marcus Bles carrying on business as Anthony Fasey and Son and therein called the Firm of the one part and Edward Jeremiah Bles the said Samuel David Bles and Philip Brunner of the other part by way of security

40 for repayment to the said Edward Jeremiah Bles Samuel David Bles and Philip Brunner of the sum of Eight thousand pounds and such further sums and interest as therein mentioned the Firm charged in favour of the said Edward Jeremiah Bles Samuel

45 David Bles and Philip Brunner the said debt of Thirteen thousand pounds and interest secured by the Fourth Charge and by way of further security charged in favour of the said Edward Jeremiah Bles Samuel David Bles and Philip Brunner the benefit of and the security afforded by the charge in favour of the firm contained in the Fourth Charge.

50 And whereas by an Indenture (hereinafter called the Fifth Charge) dated the Twenty-third day of July One thousand nine hundred and fourteen and made between the said William Robert Fasey of the one part and the said Charles Marcus Bles of the other part after reciting that the said firm of Anthony

55 Fasey & Son was dissolved on the Thirty-first day of December One thousand nine hundred and thirteen and that upon taking the accounts of the said partnership it had been found that the sum of Fourteen thousand two hundred and seventy-four pounds

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and two pence with interest was due to the said Charles Marcus Bles from the said William Robert Fasey all the share estate and interest and all benefit and advantage whatsoever which the said William Robert Fasey then had or might at any time thereafter during the continuance of that security have of and in or under or by reason or in respect of the Southwold Harbour Undertaking was assigned to the said Charles Marcus Bles absolutely subject to the prior charges thereon by way of mortgage to secure repayment to the said Charles Marcus Bles of the said sum of Fourteen thousand two hundred and seventy-four pounds and two pence with interest as therein mentioned.

And whereas by an Indenture (hereinafter called the Transfer) dated the Twenty-third day of July One thousand nine hundred and fourteen and made between the said William Robert Fasey and Charles Marcus Bles of the one part and the said Charles Marcus Bles of the other part of the principal sum of Thirteen thousand pounds then owing upon the security of the Fourth Charge and the interest thereon was assigned and released to the said Charles Marcus Bles subject to the principal moneys and interest owing on the Sub Charge and by the Transfer all the security intended to have been effected by the Fourth Charge and the full benefit and advantage of the Fourth Charge and of all securities provisions and stipulations therein contained was assigned and released to the said Charles Marcus Bles subject to any equity of redemption in favour of the Southwold Harbour Company subsisting therein under the Fourth Charge and subject to the prior charge if and so far as subsisting And subject to the charges created by the Sub Charge.

And whereas the said Charles Marcus Bles duly made his Will dated the Eleventh day of April One thousand nine hundred and ten and thereby appointed the said Edward Jeremiah Bles (therein called Jeremiah Edward Bles) and the said Samuel David Bles Executors and Trustees of his Will and gave all the residue of his Estate to his Trustees upon trust to convert the same and thereout to pay his funeral and testamentary expenses and debts and to hold the residue in trust as to one moiety for the said Edward Jeremiah Bles absolutely and as to the other moiety for the said Samuel David Bles absolutely.

And whereas the said Charles Marcus Bles died on the Twenty-ninth day of August One thousand nine hundred and sixteen and on the Twenty-fourth day of December One thousand nine hundred and eighteen his said Will was duly proved by the said Edward Jeremiah Bles and Samuel David Bles.

And whereas on the Tenth day of January One thousand nine hundred and twenty-two a Receiving Order in Bankruptcy was made by the High Court of Justice against the said William Robert Fasey.

And whereas at an adjourned Meeting of Creditors of the said William Robert Fasey held on the Seventh day of February One thousand nine hundred and twenty-two the said William Ashley Oakes and Maurice Charles Spencer were appointed Trustees in Bankruptcy of the said William Robert Fasey and such appointment was duly confirmed by the Board of Trade.

And whereas on the Eleventh day of April One thousand nine hundred and twenty-two the said William Robert Fasey was duly adjudicated a bankrupt.

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And whereas the Corporation did not within the period
5 prescribed by the Agreement of 1906 require an assignment or Conveyance to the Corporation of the Harbour Undertaking.

And whereas by an Indenture dated the Eighteenth day of June One thousand nine hundred and twenty-three and made between the said William Ashley Oakes and Maurice Charles
10 Spencer of the first part the Corporation of the second part and the said Sydney Edward Jones of the third part All the premises demised by the Lease were assigned to the said Sydney Edward Jones for the residue of the term of Seventy-five years granted by the Lease subject to the rents covenants and conditions of
15 the Lease.

And whereas Jeremiah Edward Bles (also known as the said Edward Jeremiah Bles) duly made his Will dated the Fifteenth day of February One thousand nine hundred and twenty-three and thereby appointed the said Bertha Bles Sir
20 Hugh Kerr Anderson and the said Sir Frederick Gowland Hopkins to be Executors and Trustees of his Will and gave the residue of his estate to his Trustees upon trust for sale and conversion as therein mentioned.

And whereas the said Edward Jeremiah Bles died on the
25 Third day of May One thousand nine hundred and twenty-six and on the Twenty-third day of July One thousand nine hundred and twenty-six his said Will was duly proved by the said Bertha Bles Hugh Kerr Anderson and Frederick Gowland Hopkins.

And whereas the said Hugh Kerr Anderson died on the
30 Second day of November One thousand nine hundred and twenty-eight.

And whereas by an Appointment dated the Fourteenth day of May One thousand nine hundred and thirty and made between the said Bertha Bles and Frederick Gowland Hopkins of the
35 one part and the said Godfrey Harold Alfred Wilson of the other part the said Godfrey Harold Alfred Wilson was duly appointed a Trustee of the said Will of the said Edward Jeremiah Bles in the place of the said Hugh Kerr Anderson.

And whereas in the year One thousand nine hundred and
40 the said Edward Jeremiah Bles and Samuel David Bles acquired all the interest of the said Philip Brunner in the Sub Charge and by reason thereof and of the death of the said Edward Jeremiah Bles as aforesaid the said Samuel David Bles is now solely entitled in equity to the principal
45 moneys and interest secured by the Sub Charge.

And whereas the said Sydney Edward Jones having paid to the Bank under a guarantee in that behalf all the principal moneys and interest due to the Bank under and by virtue of the First Charge and the Third Charge is now entitled in equity to
50 the said two Charges and to have the same transferred to him (as the Bank hereby acknowledges).

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And whereas Fasey's Trustees have agreed with the Corporation for the sale and release to the Corporation of the Harbour Undertaking and also the property comprised in and conveyed by the Conveyance of One Thousand nine hundred and six and the Crown Grant and all the interest of the said William Robert Fasey therein for the sum of Ten shillings. 5

And whereas for the consideration hereinafter mentioned the said parties hereto of the second third and fourth parts have respectively agreed with the Corporation to assign and release to the Corporation their respective interests under the First Second Third Fourth and Fifth Charges respectively and the Sub Charge and the said Charge of the Twentieth day of February One thousand nine hundred and eight in the property hereby assured and the said Sydney Edward Jones has also agreed with the Corporation for the surrender to the Corporation of the premises comprised in the Lease for all the residue of the said term thereby granted. 10 15

And whereas the Bank at the request of the said Sydney Edward Jones has agreed to concur in these presents in manner hereinafter appearing. 20

NOW THIS DEED WITNESSETH AS FOLLOWS :—

1. In pursuance of the said agreement and in consideration of the sums paid by the Corporation as follows namely the sum of Ten shillings to the said Sydney Edward Jones the sum of Ten shillings to Bles' Trustees the sum of Ten shillings to the said Samuel David Bles and the sum of Ten shillings to the said William Ashley Oakes and Maurice Charles Spencer (the receipt of which respective sums is hereby acknowledged) the Bank as Mortgagee at the request of the said Sydney Edward Jones as to the First Charge and Third Charge hereby assigns and releases and the said Sydney Edward Jones as Mortgagee as to the First Charge the Second Charge and the Third Charge and the said Charge of the Twentieth day of February One thousand nine hundred and eight hereby assigns releases and confirms and Bles' Trustees as Mortgagees as to all their interest in the Fourth Charge and Fifth Charge respectively hereby assign and release and the said Samuel David Bles as Mortgagee as to the Sub Charge and as to all his interest in the Fourth Charge and the Fifth Charge respectively hereby assigns and releases and Fasey's Trustees as Trustees hereby convey and confirm unto the Corporation ALL THAT the Undertaking known as Southwold Harbour Undertaking the land covered with water the foreshores and other land contiguous to and held with the Harbour and all piers jetties quays and buildings forming part thereof as the same premises are more particularly delineated upon the Ordnance Survey Map annexed hereto and thereon coloured green and also the Southwold Harbour Order 1898 and the Southwold Harbour Order 1907 and the full benefit of all powers rights and privileges thereby conferred including the right to licence Harbour pilots and all other if any the property comprised in the Conveyance of 1906 To HOLD unto the Corporation in fee simple subject to the rights of fishing and drainage into the Harbour as now enjoyed Subject to the public highways from the town to the ferry in the Conveyance mentioned and to the right of ferry mentioned in the said Conveyance but discharged from all principal moneys and interest secured by and 25 30 35 40 45 50 55

from all claims and demands under the First Charge the Second Charge the Third Charge the Fourth Charge the Sub Charge and the Fifth Charge and the Charge of the Twentieth day of February One thousand nine hundred and eight or any of them.

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2. In further pursuance of the said Agreement and for the consideration aforesaid Fasey's Trustees as Trustees hereby convey and each of them the Bank the said Sydney Edward Jones, Bles' Trustees and the said Samuel David Bles as Mortgagee as to their several interests (if any) in the property hereby assured hereby respectively convey and release All and Singular the premises comprised in and granted by the Crown Grant To hold unto the Corporation in fee simple subject to the exceptions and reservations in the Crown Grant contained and subject to the rent thereby reserved and the covenants on the part of the Grantee and conditions therein contained.

3. In further pursuance of the said Agreement and for the consideration aforesaid the said Sydney Edward Jones as Beneficial Owner hereby surrenders and assigns unto the Corporation All and Singular the premises comprised in and demised by the Lease to the intent that the said term of Seventy-five years granted by the Lease may merge and be absolutely extinguished in the freehold reversion of the Corporation in the said premises.

4. The said Samuel David Bles as to the document specified in the First Schedule hereto (the possession of which is retained by him) and Bles' Trustees as to the documents specified in the Second Schedule hereto (the possession of which is retained by them) hereby respectively acknowledge the right of the Corporation to the production of the documents specified in the said Schedules and to delivery of copies thereof.

IN WITNESS whereof the Bank has caused its Common Seal and the Corporation has caused its Corporate Seal to be affixed to these presents and the other parties hereto have set their respective hands and seals the day and year first above written.


THE FIRST SCHEDULE above referred to.

DATE.	PARTIES.	DESCRIPTION.
24th December 1918	Jeremiah Edward Bles Samuel David Bles	Probate of Will of Charles Marcus Bles dated 11th April 1910.

THE SECOND SCHEDULE above referred to.

DATE.	PARTIES.	DESCRIPTION.
23rd July 1926	Bertha Bles Sir Hugh Kerr Anderson Frederick Gowland Hopkins	Probate of Will dated 15th February 1923 of Jeremiah Edward Bles (other- wise Edward Jeremiah Bles).

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DATE.	PARTIES.	DESCRIPTION.	
14th May 1930	1. Bertha Bles Sir Frederick Gowland Hopkins 2. Godfrey Harold Alfred Wilson	Appointment of New Trustee of Will.	5
Signed Sealed and Delivered by the above-named SYDNEY EDWARD JONES in the presence of (Sgd.) D. PELLE, 2, Suffolk Lane, Cannon Street, E.C. Clerk to Messrs. Young Jones & Co., Solicitors.		(Sgd.) SYDNEY EDW. JONES. (Seal.)	10
Signed Sealed and Delivered by the above-named BERTHA BLES in the presence of		(Sgd.) BERTHA BLES. (Seal.)	15
		Reg. Nr. 727 für 1931. Derunterzeichnete Justizrat Wilhelm Pütz, Notar zu Düsseldorf beglaubigt die vorstehende Unterschrift der Frau Bertha Bles geborene Bach- mann zu Cambridge—als vor ihm vollzogen—Düsseldorf 7 September 1931. Pütz, Notar	20 25
Signed Sealed and Delivered by the above-named SIR FRED- ERICK GOWLAND HOPKINS in the presence of (Sgd.) I. M. SALISBURY, Clerk, Biochemical School, Cambridge.		(Sgd.) F. G. HOPKINS. (Seal.)	30
Signed Sealed and Delivered by the above-named GODFREY HAROLD ALFRED WILSON in the presence of (Sgd.) A. M. G. GLYNN, Spinster, Brynbell Hall, St. Asaph, N. Wales.		(Sgd.) G. H. A. WILSON. (Seal.)	35 40
Signed Sealed and Delivered by the above-named SAMUEL DAVID BLES in the presence of (Sgd.) F. E. BANBURY, 20, Copthall Avenue, E.C. Member Stock Exchange.		(Sgd.) S. D. BLES. (Seal.)	45
Signed Sealed and Delivered by the above-named WILLIAM ASHLEY OAKES in the presence of (Sgd.) L. E. DAY, 4, South Place, London, E.C.2. Private Secretary.		(Sgd.) W. ASHLEY OAKES. (Seal.)	50 55

Signed Sealed and Delivered by
the above-named MAURICE } (Sgd.) M. C. SPENCER.
CHARLES SPENCER in the pres- } (Seal.)
ence of

A.D. 1933.

5 (Sgd.) C. S. BEAL,
c/o Homer Sandy,
Trevene, Cornwall.
Planter, F.M.S.

10 The Corporate Seal of the Mayor
Aldermen and Burgesses of the
BOROUGH OF SOUTHWOLD was
hereto affixed by order of the
Council of the Borough of
Southwold at a Council Meet- } (Seal.)
15 ing duly convened and held on
the fourteenth day of July
1931 in the presence of

(Sgd.) G. BERNARD BEE, *Mayor.*

(Sgd.) ERNEST G. NAUNTON, *Town Clerk.*

20 The Common Seal of BARCLAYS
BANK LIMITED was hereunto } (Seal.)
affixed in the presence of

(Sgd.) E. H. GALSWORTHY, *Director.*

(Sgd.) HUGH CARROLL, *Assistant Secretary.*

25 96894



Commissioners of Inland Revenue.
Adjudged duly stamped.

Whereas the within named Fasey's Trustees obtained from
the Board of Trade their Official Release as Trustees in the
30 Bankruptcy of the within named William Robert Fasey Number
1507 of 1921 by Release Number 144417 dated the Twenty-second
day of January One thousand nine hundred and thirty notice
of which Release duly appeared on Page 2240 in The London
Gazette of Friday the Fourth day of April One thousand nine
35 hundred and thirty and by virtue of Sub-Section 5 of Section
93 of The Bankruptcy Act 1914 I the undersigned The Honourable
Walter John Harry Boyle the Senior Official Receiver in Bank-
ruptcy of His Majesty's High Court of Justice *ipso facto* become
the Trustee NOW KNOW ALL MEN BY THESE PRESENTS that in
40 consideration of the sum of Five pounds paid to me on or before
the execution of these presents by the within named Corporation
(the receipt whereof I hereby acknowledge) I the said Walter
John Harry Boyle HEREBY RATIFY AND CONFIRM the within
written Conveyance expressed to be made by Fasey's Trustees.
45 In witness whereof I have hereunto set my hand and seal this
Seventh day of September One thousand nine hundred and
thirty-one.

Signed Sealed and Delivered
by the above-named THE } (Sgd.) W. J. H. BOYLE.
50 HON. WALTER JOHN HARRY } (Seal.)
BOYLE in the presence of

(Sgd.) C. G. WELD,
17 Serjeants Inn, E.C.4,
Solicitor.

A.D. 1933.

SECOND SCHEDULE.

I.

DUES OR TOLLS FOR USING THE PIERS.

For every person using the piers for the time being forming part of the Harbour Undertaking (other than and except persons connected with the fishing industry or any trade connected with the harbour) a sum not exceeding twopence. 5

II.

RATES ON VESSELS ENTERING WITHIN THE RATING LIMITS OF THE HARBOUR OR USING THE WORKS. 10

	£	s.	d.	
For every vessel other than a vessel discharging coal or a fishing vessel or a yacht per registered ton ..	0	0	8	
For every vessel discharging coal per registered ton ..	0	0	4	
For every fishing vessel of under 40 feet of keel—				15
(a) for each time of entering the harbour ..	0	0	2	
or				
(b) a composition rate payable in advance per annum	0	15	0	
For every other fishing vessel—				20
(a) for each time of entering the harbour ..	0	0	4	
or				
(b) a composition rate payable in advance per annum	1	10	0	
For every yacht per registered ton	0	0	4	25
For every vessel remaining in the harbour after the expiration of 14 days from the date of arrival—				
(a) for each week or part thereof for the next following 4 weeks per registered ton ..	0	0	2	
(b) for each subsequent week or part thereof per registered ton	0	0	1	30
For every vessel entering the harbour for shelter, whether loaded or unloaded, but if loaded not breaking bulk per registered ton	0	0	2	

III.

35

RATES ON GOODS SHIPPED, UNSHIPPED OR TRANSHIPPED WITHIN THE RATING LIMITS OF THE HARBOUR OR AT THE WORKS.

	£	s.	d.	
Animals—				
Bulls, cows, and oxen each	0	0	4	40
Calves each	0	0	2	
Horses, mares or geldings each	0	1	0	
Pigs each	0	0	1	
Sheep per score	0	1	0	
Lambs per score	0	0	6	45

[23 & 24 GEO. 5.] *Southwold Harbour.*

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		£	s.	d.
	Ale and porter	per ton	0	1 8
	Ale and porter per dozen bottles (quarts and under) ..		0	0 2
	Alum	per ton	0	2 0
5	Ballast—			
	For every ton of ballast		0	1 0
	Bark	per ton	0	2 0
	Beans—see Corn			
	Bicycles and tricycles	each	0	0 6
10	Bottles	per ton	0	1 0
	Bowls used for keeping nets afloat 15 ins. long and 9 ins. wide	each	0	0 0½
	Brass	per ton	0	1 8
	Bricks	per 1000	0	1 8
15	Bricks, Fire	per ton	0	0 10
	Carriages, &c.—			
	Four-wheeled carriage	each	0	5 0
	Two-wheeled carriage	each	0	3 6
	Cement stone or cement	per ton	0	2 0
20	Cider and perry	per ton	0	1 8
	Cider and perry per dozen bottles (quarts and under)		0	0 2
	Cinders	per ton	0	1 0
	Clover	per ton	0	1 0
	Coal, coke and culm	per ton	0	1 0
25	Coffee	per cwt.	0	0 3
	Copper	per ton	0	1 8
	Cordage	per ton	0	2 0
	Cotton	per ton	0	2 0
	Corn and seeds—			
30	Wheat, barley, oats and malt	per quarter	0	0 2
	Beans, peas, tares, canary mustard, flax, rape and other seeds	per 500 lbs.	0	0 2
	Clover, trefoil and other heavy seeds per sack of 280 lbs.		0	0 2
	Earthenware	per cwt.	0	0 2
35	Empties—Boxes, casks, trunks, cases, &c. ..	each	0	0 1
	Fireclay	per ton	0	0 10
	Fish—			
	Herrings, fresh	per cran	0	0 6
	Herrings, cured, dried or salted	per ton	0	1 8
40	Sprats	per bushel	0	0 4
	Fish except as otherwise herein provided—fresh	per ton	0	2 6
	Flour	per ton	0	1 4
	Fruit	per cwt.	0	0 2
	Fuel, patent	per ton	0	0 8
45	Glass	per cwt.	0	0 4
	Glass, broken	per ton	0	0 10
	Groceries and preserves (fish, fruit, meat and provisions) except as otherwise herein provided	per ton	0	2 0
	Hay and cinque foil	per ton	0	1 0

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		£	s.	d.
Hemp	per ton	0	2	0
Hides, raw	per cwt.	0	0	1
Hops	per cwt.	0	0	6
Ice	per ton	0	1	0 5
Iron—				
Pig, railway chairs, scrap and dross for ballast	per ton	0	0	10
Wire	per ton	0	1	0
Except as otherwise herein provided	per ton	0	2	0 10
Joinery	per ton	0	2	0
Lead	per ton	0	1	8
Leather—Tanned hides and calf skins ..	per cwt.	0	0	2
Loam	per ton	0	0	10
Machinery per ton of 40 cubic foot .. ..	.. ..	0	3	4 15
Madder and madder roots	per cwt.	0	0	2
Manures—				
Street and stable and night soil	Free			
Guano and artificial	per ton	0	1	8
Except as otherwise herein provided .. ..	.. ..	0	0	10 20
Marble	per cubic foot	0	0	1
Meal middlings and sharps	per quarter	0	0	2
Mineral waters per gross bottles (quarts and under) ..	.. ..	0	2	0
Molasses	per 72 gallons	0	1	0
Motor cars	each	0	5	0 25
Motor cycles	each	0	3	6
Oil—fuel, mineral or vegetable	per ton	0	1	8
Oil—fuel, mineral or vegetable per dozen bottles (quarts and under) .. ..	.. ..	0	0	2
Oil cake	per ton	0	0	8 30
Onions	per cwt.	0	0	1
Ore—Copper, iron, lead and other ores ..	per ton	0	0	10
Paper, new	per ton	0	2	0
Paper, old	per ton	0	0	10
Peas—see Corn				35
Petroleum and Petroleum Spirit per ton of 250 gallons	.. ..	0	1	8
Pelts	per 100	0	0	9
Pewter	per ton	0	1	8
Pipe clay	per ton	0	0	10
Pipe staves	per 1000	0	2	0 40
Plaster of Paris	per ton	0	1	0
Pollard and bran	per ton	0	1	8
Potatoes	per sack of 168 lbs.	0	0	1
Preserves (fish, fruit, meat and provisions)—see Groceries.				45
Rags	per ton	0	0	10
Rice	per ton	0	1	8
Rope	per ton	0	0	10
Saccharine	per ton	0	2	0
Salt—fishery and agricultural	per ton	0	1	0 50

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		£	s.	d.
	Sand	per ton	0	0 10
	Seeds—see Corn.			
	Shingle for concrete	per ton	0	0 8
5	Soda	per ton	0	1 8
	Spices	per cwt.	0	0 3
	Spirits and wines	per ton	0	3 4
	Spirits and wines per dozen bottles (quarts and under)		0	0 2
	Stone	per ton	0	1 8
10	Straw	per ton	0	1 0
	Tan	per ton	0	2 0
	Tea	per cwt.	0	0 3
	Tiles	per 1000	0	1 8
	Timber and deals, viz. :—			
15	Mahogany, oak, teak , elm, pine, beech and fir timber			
	per 50 cubic feet squared or 40 cubic feet			
	rough		0	1 0
	Deals and battens per 50 cubic feet		0	1 0
	Lath wood per 40 cubic feet		0	0 8
20	Firewood	per ton	0	0 8
	Masts and spars 20 feet and upwards each		0	3 0
	Masts and spars under 20 feet each		0	1 0
	Barrel staves per 50 cubic feet		0	1 0
	All timber except as otherwise herein provided			
25		per ton	0	4 0
	Vinegar	per ton	0	1 8
	Vinegar per dozen bottles (quarts and under)		0	0 2
	Vitriol	per 36 gallons	0	0 2
	Wines—see Spirits.			
30	Yarn	per ton	0	2 0
	Whiting	per ton	0	0 10
	Wool	per ton	0	2 0

IV.

RATES FOR SUPPLY OF WATER.

	£	s.	d.
35 Per ton of 22½ gallons	0	3	0
Minimum	0	0	2

V.

CHARGES FOR VESSELS ALLOWED ON THE HARD.

	£	s.	d.
40 For every fishing vessel allowed on the Hard—			
(a) for first 36 hours	0	12	6
and			
(b) for every tide thereafter	0	6	3
45 For every other vessel—			
(a) for first 36 hours per registered ton	0	0	2½
and			
(b) for every tide thereafter	0	12	6

50 NOTE.—No charge to be made for Sundays,
Christmas Day and Good Friday.

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VI.

CRANAGE CHARGES.

	£	s	d.
Cranage on any goods per ton.	0	1	3

VII.

5

RATES FOR BALLAST.

	£	s.	d.
Ballast (exclusive of Rates levied under Part III of this Schedule and of charges for labour) per ton	0	2	0
A fraction of a ton to be charged as a ton.			10

For all other goods, merchandise, articles, matters and things not particularly enumerated or referred to in this Schedule such reasonable rates or sums as the Corporation may from time to time order and direct being as nearly as possible similar to the rates or sums chargeable upon or to be taken for or in respect of any goods, merchandise, articles, matters and things specified or referred to in this Schedule of like bulk, quantity, nature, description or value. 15

SOUTHWOLD HARBOUR.

PROVISIONAL ORDER

To make further provision with respect to
the Harbour of Southwold in the County
of Suffolk; and for other purposes.

[Promoters :—Mayor, Aldermen and Burgesses of the
Borough of Southwold.]

ERNEST G. NAUNTON

Town Clerk,

Town Hall,

Southwold.

CLEMINSON & HILL,

24, St. Mary Axe,

London, E.C.3.

Solicitors and Parliamentary Agents.



Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers.
[11th May 1847]

Modifications etc. (not altering text)

- C1** Act extended (S.) by Harbours, Piers and Ferries (Scotland) Act 1937 (c. 28), s. 10
- C2** Functions of clerk of the peace relating to the deposit of plans or documents now exercisable by proper officer of the local authority: Courts Act 1971 (c. 23), Sch. 8 para. 1 and Local Government Act 1972 (c. 70), Sch. 29 para. 4
- C3** References to sheriff clerk of a county to be construed as reference to sheriff clerk of sheriff court district concerned: Local Government (Scotland) Act 1973 (c. 65), Sch. 27 Pt. 1 para. 1(3)
- C4** Preamble omitted under authority of Statute Law Revision Act 1891 (c. 67)
- C5** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C6** This act is not necessarily in the form in which it has effect in Northern Ireland.
- C7** Act incorporated in part (with modifications) (E.W.S.) (5.12.1989) by S.I. 1989/2036, art. 6 and Act incorporated in part (with modifications)(E.W.S.)(12. 3. 1991) by S.I. 1991/993, arts. 3(1)(2), 9, 10.
- C8** Act restricted (E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 23(2)(a).
- C9** Act restricted (E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 23(2)(a).
- C10** Act restricted (E.W.S.)(23. 7. 1991) by S.I. 1991/1745, art. 15(2)(a).
- C11** Definition "the prescribed limits" in this Act modified (E.W.S.) (20.3.1992) by S.I. 1992/1136, art. 9(3)
- C12** Act extended (5.11.1993) by S.I. 1993/2733, art.9(3)
- C13** Act amended (4.9.2000) by S.I. 2000/2251, art. 3(3)
- C14** Act incorporated in part (with modifications) (E.W.S.) (2.7.1992) by S.I. 1992/1623, art.3.
Act incorporated in part (with modifications) (16.7.1992) by section 3 of the order contained in the Schedule to Peterhead Harbours Order Confirmation Act 1992 (c. xii)
Act incorporated in part (with modifications) (17.3.1993) by S.I. 1993/1313, art.3
Act incorporated in part (with modifications) (27.9.1993) by S.I. 1993/2176, art.3
Act incorporated in part (with modifications) (5.11.1993) by S.I. 1993/2733, art.3
Act incorporated in part (with modifications) (5.11.1993) by 1993 c. 42, s.18

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- Act incorporated in part for certain purposes (with modifications) (28.5.1994) by S.I. 1994/1440, arts. 3, 6
- Act incorporated in part for certain purposes (with modifications) (8.7.1994) by S.I. 1994/1693, art. 3
- Act incorporated in part for certain purposes (with modifications) (30.8.1994) by S.I. 1994/2298, art. 3
- Act incorporated in part for certain purposes (with modifications) (1.11.1994) by S.I. 1994/2733, art. 3
- Act incorporated in part for certain purposes (with modifications) (21.7.1994) by 1994 c. xiii, s. 12, Sch. 4
- Act incorporated in part for certain purposes (with modifications) (13.4.1995) by S.I. 1995/1063, art. 3(1)
- Act incorporated in part for certain purposes (with modifications) (19.8.1996) by S.I. 1996/2103, art. 3
- Act incorporated in part for certain purposes (with modifications) (1.1.1998) by S.I. 1997/2949, art. 3
- Act incorporated in part for certain purposes (with modifications) (1.4.1998) by S.I. 1998/683, art. 3
- Act incorporated in part for certain purposes (with modifications) (22.4.1998) by S.I. 1998/1016, art. 3
- Act incorporated in part for certain purposes (with modifications) (11.5.1998) by S.I. 1998/1215, art. 3
- Act incorporated in part (with modifications) (E.W.S.) (8.7.1999) by S.I. 1999/2513, arts. 3, 9, 20
- Act incorporated in part (with modifications) (1.8.2000) by S.I. 2000/2103, art. 3
- Act incorporated in part (with modifications) (25.8.2000) by S.I. 2000/2152, art. 3
- Act incorporated in part (with modifications) (4.9.2000) by S.I. 2000/2251, art. 3(1)(2)
- Act incorporated in part (with modifications) (S.) (21.8.2000) by S.I. 2000/289, art. 3
- Act incorporated in part (with modifications) (S.) (10.7.2001) by S.S.I. 2001/262, art. 3(1) (with art. 39)
- Act incorporated in part (with modifications) (S.) (5.9.2002) by S.S.I. 2002/410, art. 3(1) (with arts. 59, 61)
- C15** Act incorporated in part (with modifications) (E.W.S.) (30.8.2004) by Associated British Ports (Immingham Outer Harbour) Harbour Revision Order 2004 (S.I. 2004/2190), arts. 1, 3 (with art. 20)
- C16** Act incorporated in part (with modifications) (S.) (15.6.2005) by Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005 (S.S.I. 2005/353), arts. 1(1), 3 (with art. 39)
- C17** Act incorporated in part (with modifications) (E.W.S.) (25.4.2006) by Associated British Ports (Hull) Harbour Revision Order 2006 (S.I. 2006/1135), arts. 1, 3
- C18** Act incorporated in part (with modifications) (S.) (26.5.2007) by Port of Cairnryan Harbour Empowerment Order 2007 (S.S.I. 2007/308), arts. 1, 3 (with arts. 32, 33)
- C19** Act incorporated in part (with modifications) (E.W.S.) (31.5.2007) by St Mary's (Isles of Scilly) Harbour Revision Order 2007 (S.I. 2007/1554), arts. 1, 3 (with arts. 19, 20)
- C20** Act incorporated in part (with modifications) (E.W.S.) (6.7.2007) by Associated British Ports (Immingham Gas Jetty) Harbour Revision Order 2007 (S.I. 2007/1803), arts. 1, 3
- C21** Act incorporated in part (E.W.S.) (29.12.2007) by Maryport Harbour Revision Order 2007 (S.I. 2007/3463), arts. 1(1), 3 (with arts. 78, 80, 81)
- C22** Act incorporated in part (with modifications) (S.) (7.5.2008) by Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008 (S.S.I. 2008/182), arts. 1, 3 (with arts. 54, 55)
- C23** Act incorporated in part (with modifications) (E.W.S.) (16.5.2008) by London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, 3, 4(2), 37, 40, 42 (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C24** Act incorporated in part (with modifications) (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, 3 (with arts. 53-56)
- C25** Act incorporated in part (with modifications) (S.) (23.5.2008) by Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, 3 (with arts. 53-56)
- C26** Act incorporated in part (with modifications) (S.) (23.5.2008) by Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, 3 (with arts. 53(1), arts. 54-56)
- C27** Act incorporated in part (with modifications) (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 3 (with arts. 31, 33)
- C28** Act incorporated in part (with modifications) (S.) (29.1.2009) by Port Babcock Rosyth Harbour Empowerment Order 2009 (S.S.I. 2009/27), arts. 1, 3 (with arts. 36, 37)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C29** Act incorporated in part (with modifications) (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, **3** (with arts. 39, 40)
- C30** Act incorporated in part (with modifications) (S.) (4.2.2010) by The Loch Ryan Port (Harbour Empowerment) Order 2009 2010 (S.S.I. 2010/31), arts. 1, **3** (with art. 32)
- C31** Act incorporated in part (with modifications) (E.W.S.) (7.4.2011) by The Associated British Ports (Grimsby Riverside Ro-Ro Terminal) Harbour Revision Order 2011 (S.I. 2011/950), arts. 1, **3**
- C32** Act incorporated in part (with modifications) (E.W.S.) (16.1.2012) by The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 (S.I. 2011/3032), arts. 1(1), **3** (with arts. 21-23)
- C33** Act incorporated in part (with modifications) (E.W.S.) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **3**, 8(3)(b) (with arts. 58, 59)
- C34** Act incorporated in part (with modifications) (E.W.S.) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **53** (with arts. 48, 68, 79, 83)
- C35** Act incorporated in part (with modifications) (E.W.) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 3** (with arts. 8(2), 30(4), 53)
- C36** Act incorporated in part (with modifications) (E.W.S.) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), **art. 19** (with arts. 29, 30)
- C37** Act incorporated in part (with modifications) (E.W.S.) (1.8.2017) by The Folkestone Harbour Revision Order 2017 (S.I. 2017/601), **art. 3(1)-(6)** (with art. 49)
- C38** Act incorporated in part (with modifications) (E.W.S.) (17.2.2021) by The Weymouth Harbour Revision Order 2021 (S.I. 2021/43), **art. 3** (with arts. 42, 44)
- C39** Act excluded in part (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)** (with arts. 36, 37)
- C40** Act incorporated in part (with modifications) (E.W.S.) (10.3.2021) by The Newport (Isle of Wight) Harbour Revision Order 2021 (S.I. 2021/139), **art. 12** (with arts. 17, 18)
- C41** Act incorporated in part (with modifications) (E.W.S.) (11.3.2021) by The Fowey Harbour Revision Order 2021 (S.I. 2021/130), **art. 3** (with arts. 15, 16)

Commencement Information

- II** Act wholly in force at Royal Assent

[1.] Extent of Act.

This Act shall extend only to such harbours, docks, or piers as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act shall apply to the undertaking authorized thereby, so far as they are applicable to such undertaking, and shall, with the clauses of every other Act incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

Modifications etc. (not altering text)

- C42** Ss. 1-3 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C43** Ss. 1-4 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, **3** (with arts. 21-23)
- C44** Ss. 1-4 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), **3**
- C45** Ss. 1-4 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), **3(2)-(5)**

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C46** Ss. 1-4 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C47** Ss. 1-4 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C48** Ss. 1-4 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C49** Ss. 1-4 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C50** Ss. 1-4 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C51** Ss. 1-4 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C52** Ss. 1-4 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

Interpretations in this Act

And with respect to the construction of this Act, and any Act incorporated therewith, be it enacted as follows:

2

The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction or improving of an harbour, dock, or pier, and with which this Act shall be incorporated; and the word “prescribed” used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the prescribed limits” used with reference to the harbour, dock, or pier shall mean the distance measured from the harbour, dock, or pier, or other local limits (if any) beyond the harbour, dock, or pier, within which the powers of the harbour master, dock master, or pier master, for the regulation of the harbour dock, or pier, shall by the special Act be authorized to be exercised; and the expression “the lands” shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; the expression “the harbour, dock, or pier” shall mean the harbour, dock, or pier, and the works connected therewith, by the special Act authorized to be constructed; the expression “the harbour master” shall mean, with reference to any such harbour the harbour master, and with reference to any such dock the dock master, and with reference to any such pier the pier master, respectively appointed by virtue of this or the special Act, and with respect to all Acts authorized or required to be done by such harbour master, dock master, or pier master, shall include the assistants of every such harbour master, dock master, or pier master; and the expression “the undertakers” shall mean the persons by the special Act authorized to construct the harbour, dock, or pier, or otherwise carry into effect the purposes of the special Act with reference thereto.

Modifications etc. (not altering text)

- C42** Ss. 1-3 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C43** Ss. 1-4 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C44** Ss. 1-4 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C45** Ss. 1-4 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C46** Ss. 1-4 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C47** Ss. 1-4 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C48** Ss. 1-4 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C49** Ss. 1-4 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C50** Ss. 1-4 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C51** Ss. 1-4 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C52** Ss. 1-4 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

3 Interpretations in this and the special Act.

The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "person" shall include corporation, whether aggregate or sole:

The word "lands" shall include messuages, lands, tenements, and hereditaments, or heritages, of any tenure:

* ~~The word "vessel" shall include ship, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise:~~

The word "master" when used in relation to any vessel, shall be understood to mean the person having the command or charge of the vessel for the time being:

The word "owner", when used in relation to goods, shall be understood to include any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof:

The word "goods" shall include wares and merchandize of every description, and all articles in respect of which rates or duties are payable under the special Act:

The word "rate" shall mean any rate or duty or other payment in the nature thereof payable under the special Act:

The expression "the collector of rates" shall mean the person appointed by the undertakers to collect the rates by the special Act authorized to be levied by them, and shall include the assistants of such collector:

The word "month" shall mean calendar month:

"vessel" includes a ship, boat, houseboat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a jet bike, a personal watercraft, a hydrofoil vessel, or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily).

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

The expression “superior courts,” where the matter submitted to the cognizance of the superior courts arises in England or Ireland, shall mean her Majesty’s superior courts of record at [^{F1}the Royal Courts of Justice] or [^{F2}Belfast], as the case may require, . . . ^{F3} and where such matter arises in Scotland, shall mean the Court of Session:

..... ^{F4}
^{F5} . . .

[^{F6}The word “justice” shall mean justice of the peace acting for the place where the matter requiring the cognizance of any such justice arises, and where such matter arises in respect of lands situate not wholly in any one jurisdiction, shall mean a justice acting for the place where any part of such lands shall be situate; and where any matter shall be authorized or required to be done by two justices, the expression “two justices” shall be understood to mean two or more justices met and acting together:]

The word “sheriff” shall mean [^{F7}the sheriff principal of the sherriffdom] . . . ^{F8} in Scotland . . . ^{F3} in which the matter submitted to the cognizance of the sheriff arises, and shall include the [^{F9}sheriff] . . . ^{F3}.
^{F5} . . .

..... ^{F10}

Textual Amendments

- F1** Words substituted by virtue of Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 224(1)
- F2** Words substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 422), art. 7 (b)
- F3** Words repealed by Statute Law Revision Act 1891 (c. 67)
- F4** Words repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. VIII**
- F5** S. 3 definitions of “county” and “quarter sessions” repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. I**; s. 3 definitions of “county” and “quarter sessions” wholly repealed by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Group 1**
- F6** Words in s. 3 repealed (E.W.S.) (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 28, 10**; S.I. 2005/910, art. 3(y)
- F7** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4, **Sch. 1 para. 1**
- F8** Words repealed by Statute Law Revision Act 1893 (c. 14)
- F9** Word substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F10** Definition of “Lords of the Admiralty” repealed by Statute Law Revision Act 1891 (c. 67)

Modifications etc. (not altering text)

- C42** Ss. 1-3 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C43** Ss. 1-4 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C44** Ss. 1-4 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C45** Ss. 1-4 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C46** Ss. 1-4 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C47** Ss. 1-4 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C48** Ss. 1-4 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C49** Ss. 1-4 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C50** Ss. 1-4 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C51** Ss. 1-4 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C52** Ss. 1-4 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

[^{F11}3A. Interpretation: the Crown Estate and Scotland

In this Act, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies—

- (a) any reference to the Crown Estate Commissioners is to be read as a reference to the person having management of the property, rights or interests concerned, and
- (b) the reference in section 12 to “the previous consent of Her Majesty to be signified in writing under the hands of two of the Crown Estate Commissioners” is to be read as a reference to the consent of Her Majesty as signified by the consent of the person having management of the property, right or interest concerned.]

Textual Amendments

- F11** S. 3A inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), Sch. 5 para. 1

Modifications etc. (not altering text)

- C50** Ss. 1-4 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C51** Ss. 1-4 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C52** Ss. 1-4 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

Citing the Act

And with respect to citing this Act, or any part thereof, be it enacted as follows:

4 Short title of this Act.

In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression, “The Harbours, Docks, and Piers Clauses Act 1847.”

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

- C43** Ss. 1-4 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C44** Ss. 1-4 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C45** Ss. 1-4 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C46** Ss. 1-4 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C47** Ss. 1-4 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C48** Ss. 1-4 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C49** Ss. 1-4 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C50** Ss. 1-4 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C51** Ss. 1-4 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C52** Ss. 1-4 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

F125

Textual Amendments

F12 S. 5 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. Pt. XIV Group 1

Construction of harbour, dock, or pier

And with respect to the construction of the harbour, dock, or pier, be it enacted as follows:

6 Construction of harbour, dock, or pier, to be subject to the provisions of this Act and one of the Lands Clauses Consolidation Acts.

Where by the special Act the undertakers shall be empowered, for the purpose of constructing the harbour, dock, or pier, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject, if the harbour, dock, or pier be situate in England or Ireland, to the provisions and restrictions contained in this Act and in the ^{M1}Lands Clauses Consolidation Act 1845, and, if the harbour, dock or pier be situated in Scotland, to the provisions and restrictions contained in this and in the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845; and the undertakers shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of this or the special Act, or injuriously affected by the construction of the works thereby

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties by reason of the exercise as regards such lands of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith; . . . ^{F13} the said Lands Clauses Consolidation Acts . . . ^{F13} shall be applicable to determining the amount of any such compensation, . . . ^{F13}

Textual Amendments

F13 Words repealed by Compulsory Purchase Act 1965 (c. 56), Sch. 8 Pt. III

Marginal Citations

M1 1845 c. 18.

M2 1845 c. 19.

7 Errors and omissions in plans, &c. may be corrected by justices, &c. who shall certify the same. **E+W+N.I.**

If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference relating to the harbour, dock, or pier deposited in compliance with the standing orders of either House of Parliament or in the schedule to the special Act, the undertakers, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall, along with the other documents to which it relates, [^{F14}be deposited with the chief clerk], and in Scotland with the sheriff clerk of such counties, and with the [^{F15}proper officer of the regional or islands council within whose area the lands are situated]; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Extent Information

E1 This version has been created for England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

F14 Words in s. 7 substituted (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 14(1) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F15 Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 154(1), Sch. 19 para. 2

7 Errors and omissions in plans, &c. may be corrected by justices, &c. who shall certify the same. **S**

If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

or books of reference relating to the harbour, dock, or pier deposited in compliance with the standing orders of either House of Parliament or in the schedule to the special Act, the undertakers, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall, along with the other documents to which it relates, be deposited in England and Ireland with the clerk of the peace of the several counties in which the lands affected by such alteration are situate, and in Scotland with the sheriff clerk of such counties, and with the ^{F82}proper officer of the ^{F83}council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994)] within whose area the lands are situated]; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

F82 Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 154(1), Sch. 19 para. 2

F83 Words in s. 7 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 2(2); S.I. 1996/323, art. 4(1)(c)

8 Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited. **E+W+N.I.**

The undertakers shall not commence the execution of the harbour, dock, or pier, unless they shall have previously ^{F16}deposited with the chief clerk], a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section, and shall also have deposited with the parish clerks of the several parishes in England, and the clerks of the unions of the parishes in Ireland, and the ^{F17}proper officer of the council of any region or islands area] in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes and ^{F17}areas of such councils] respectively.

Extent Information

E2 This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

F16 Words in s. 8 substituted (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 14(2) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F17 Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 154(1), Sch. 19 para. 3

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

8 Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited. ^S

The undertakers shall not commence the execution of the harbour, dock, or pier, unless they shall have previously deposited with the said clerks of the peace in England and Ireland, and with the sheriff clerk in Scotland, of every county in which the harbour, dock or pier is situate, a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section, and shall also have deposited with the parish clerks of the several parishes in England, and the clerks of the unions of the parishes in Ireland, and the [^{F84}proper officer of the council [^{F85}for any local government area (within the meaning of the Local Government etc. (Scotland) Act 1994)] in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes and [^{F84}areas of such councils] respectively.

Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

- F84** Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 154(1), Sch. 19 para. 3
F85 Words substituted in S. 8 substituted (1.4.1996) by 1994 c.39, s. 180(1), Sch.13 para.2(3); S.I.1996/323, art. 4(1)(c)

9 Clerks of the peace, &c. to receive plans of alterations, and allow inspection.

The said clerks of the peace, sheriff clerks, parish clerks, clerks of unions, [^{F18}and proper officers] shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by the ^{M3}Parliamentary Documents Deposit Act 1837.

Textual Amendments

- F18** Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 154(1), Sch. 19 para. 4

Modifications etc. (not altering text)

- C53** Reference to Parliamentary Documents Deposit Act 1837 (c. 83) to be construed (E.W.) as reference to Local Government Act 1972 (c. 70): Interpretation Act 1978 (c. 30), s. 17(2)(a)

Marginal Citations

- M3** 1837 c. 83.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

10 Copies of plans, &c. to be evidence.

True copies of the said plans and books of reference, or of any alteration or correction thereof or extract therefrom, certified by any such clerk of the peace or sheriff clerk, which certificate such clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof:

11 No deviation beyond the limits defined upon plans.

The undertakers, in making the harbour, dock, or pier, shall not deviate from the line of the works laid down in the said plans more than the prescribed number of yards, and where no number of yards is prescribed not more than ten yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such harbour, dock, or pier, nor take or use for the purpose of such deviation the lands of any person not mentioned in the books of reference, without his previous consent in writing, unless the name of such person have been omitted by mistake, and the fact that such omission proceeded from mistake have been certified in manner herein-before provided.

12 †Works on the shore of the sea, &c. not to be constructed without the authority of the Commissioners of Woods, &c. and of the Admiralty.

The undertakers shall not construct the harbour, dock, or pier, or any part thereof, or any works connected therewith, on any part of the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty to be signified in writing under the hands of two of the [^{F19}Crown Estate Commissioners], and of the Admiralty, to be signified in writing . . . ^{F20}, and then only according to such plan and under such restrictions and regulations as the said [^{F19}Crown Estate Commissioners] and the Admiralty approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the undertakers shall not at any time alter or extend the same, without obtaining previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent and approval, the said [^{F19}Crown Estate Commissioners], or the Admiralty, may abate and remove the same, and restore the site thereof to its former condition, at the costs of the undertakers, and the amount of such costs shall be a debt due to the crown, and recoverable against the undertakers accordingly: Provided always, that if the conservancy of the navigable river shall legally belong to any person, the like consent and approval of such person shall also be necessary, in addition to the consents and approvals herein-before required; and if the right of property of or in the shore shall legally belong to any person, such right shall not be prejudiced, except so far as power to purchase the same shall be given by the special Act.

Textual Amendments

F19 Words substituted by virtue of Crown Lands Act 1851 (c. 42), s. 1, Crown Lands Act 1885 (c. 79), s. 2, Forestry (Transfer of Woods) Act 1923 (c. 21), s. 4, S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), s. 2, Crown Estate Act 1956 (c. 73), s. 1 and Crown Estate Act 1961 (c. 55), s. 1

F20 Words repealed by S.I. 1965/145, Sch. 2

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

C54 Unreliable marginal note

C55 Functions of Admiralty under s.12 now exercisable by Secretary of State concurrently with Board of Trade: Harbours Transfer Act 1862 (c. 69), s. 5, Ministry of Transport Act 1919 (c. 50), s. 2(1), S.I. 1965/145, arts. 2,3, Sch. 1, and 1970/1537, art. 2(1)

13 †Before alterations in plans are executed, to be approved of by the Admiralty and the Commissioners of Woods, &c.

If the undertakers propose to make any deviations from or alterations in the plans of their works deposited as aforesaid, they shall, before adopting and carrying such deviations or alterations into execution, submit the plans thereof to the Admiralty, and also to the said [^{F21}Crown Estate Commissioners]; and no deviations from or alterations in the deposited plans shall be adopted by the undertakers unless approved by the Admiralty or the said Commissioners respectively, signified in manner aforesaid, or otherwise as they shall think proper.

Textual Amendments

F21 Words substituted by virtue of Crown Lands Act 1851 (c. 42), s. 1, Crown Lands Act 1885 (c. 79), s. 2, Forestry (Transfer of Woods) Act 1923 (c. 21), s. 4, S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), s. 2, Crown Estate Act 1956 (c. 73), s. 1 and Crown Estate Act 1961 (c. 55), s. 1

Modifications etc. (not altering text)

C56 Unreliable marginal note

C57 Functions of Admiralty under s. 13 now exercisable by Secretary of State concurrently with Board of trade: Harbours Transfer Act 1862 (c. 69), s. 5, Ministry of Transport Act 1919 (c. 50), s. 2(1), S.I. 1965/145, arts. 2,3, Sch. 1, and 1970/1537, art. 2(1)

Accommodation for custom house officers

And with respect to the construction of works for the accommodation of the officers of Customs, be it enacted as follows:

14 Undertakers to erect watch-house and boat-house for custom house officers, and keep the same in repair.

The undertakers, before they shall be entitled to take any rates in respect of the harbour, dock or pier, if required so to do by [^{F22}the Commissioners for Her Majesty's Revenue and Customs], or at any time thereafter when so required, shall erect on a suitable spot within or near the harbour, dock, or pier, to be approved of by the said commissioners, and always thereafter maintain, a watch-house and boat-house for the use of [^{F23}officers of Revenue and Customs] and their crew, of such size and materials and in such manner as shall be approved of by the said commissioners, and shall also, to the satisfaction of the said commissioners, provide from time to time a sufficient number of huts for the use of [^{F24}officers of Revenue and Customs], with all fit and necessary weighing materials; and shall at all times keep such watch-house, boat-house, huts, and weighing materials in good and sufficient repair.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

- F22** Words in s. 14 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 1(a)**; S.I. 2005/1126, art. 2(2)(h)
- F23** Words in s. 14 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 1(b)**; S.I. 2005/1126, art. 2(2)(h)
- F24** Words in s. 14 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 1(c)**; S.I. 2005/1126, art. 2(2)(h)

15 **Penalty on undertakers neglecting to repair watch-house, &c.**

If at any time such watch-house or boat-house or such huts or weighing materials shall be out of repair, or not provided as required by the said commissioners, and notice thereof be given to the undertakers, they shall repair or provide the same to the satisfaction of the said commissioners within three months after such notice, or in default thereof shall forfeit the sum of one hundred pounds for every month during which such watch-house, boat-house, huts, or weighing materials shall continue out of repair or be not provided, such penalty to be recovered in any of the superior courts against the undertakers as a debt due to the crown, and to be sued for by any officer of Customs, by the direction of the said commissioners.

Modifications etc. (not altering text)

- C58** S. 15 modified (4.9.2000) by S.I. 2000/2251, art. 3

Life-boats

And with respect to life-boats, be it enacted as follows:

16 **Life-boats, &c. to be provided by undertakers.**

Unless it be provided by the special Act that the undertakers need not provide life-boats, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, shall provide and always thereafter maintain in good repair an efficient and well-appointed life-boat, a Manby's mortar, and a sufficient supply of Carte's rockets, or such other mortar and rockets as the Admiralty, by writing under the hand of the Secretary of the Admiralty, shall approve of, with all necessary tackle, and competent crew and proper persons for the effectual working thereof, for the assistance and succour of vessels in distress; and the undertakers shall cause such life-boat, mortar, and rockets to be stationed at or upon the most advanced works of the harbour, dock, or pier, or such other place as the Admiralty shall approve of as aforesaid, and to be used on all necessary occasions.

Modifications etc. (not altering text)

- C59** Functions of Admiralty under s. 16 now exercisable by Secretary of State: Harbours Transfer Act 1862 (c. 69), s. 5, Ministry of Transport Act 1919 (c. 50), s. 2(1), and S.I. 1970/1681, art. 2(1)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

17 Penalty for not providing life-boat, &c.

The undertakers shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which the said life-boat, mortar, and rockets, or any of them, or the tackle belonging thereto, shall not be provided or maintained and stationed as aforesaid.

Tide gauge, &c.

And with respect to keeping a tide and weather gauge, be it enacted as follows:

18 A self-registering tide gauge and barometer to be provided by undertakers.

Unless it be provided by the special Act that the undertakers need not provide a tide or weather gauge, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, shall provide and always thereafter maintain in good repair and working order, in a proper part of the harbour, dock, or pier, and in such manner as the Admiralty shall by writing under the hand of the Secretary of the Admiralty approve of, an efficient self-registering tide gauge, with a barometer, and they shall cause the daily working and results of the said tide gauge and barometer, and a daily account of the state of the wind and weather, to be regularly and properly kept, and shall cause the full and true results and details thereof to be sent monthly to the Secretary of the Admiralty.

Modifications etc. (not altering text)

C60 Functions of Admiralty under s. 18 now exercisable by Secretary of State: Harbours Transfer Act 1862 (c. 69), s. 5, Ministry of Transport Act 1919 (c. 50), s. 2(1), and S.I. 1970/1681, art. 2(1)

19 Penalty for not providing tide gauge, &c.

The undertakers shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which the said self-registering tide gauge and barometer shall not be provided or maintained, or such account of the wind and weather shall not be kept as aforesaid; and they shall be liable to a penalty not exceeding [^{F25}level 1 on the Standard Scale] for each month they shall neglect or refuse to send as aforesaid to the Secretary of the Admiralty a full and true account of the daily workings of the said tide gauge and barometer, and of the daily state of the wind and weather.

Textual Amendments

F25 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1) s. 31(5)(6) and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289C(4)(5), 289G

Modifications etc. (not altering text)

C61 Functions of Admiralty under s. 19 now exercisable by Secretary of State: Harbours Transfer Act 1862 (c. 69), s. 5, Ministry of Transport Act 1919 (c. 50), s. 2(1), and S.I. 1970/1681, art. 2(1)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Warehouses and cranes

And with respect to the construction of warehouses, wharfs and other conveniences, be it enacted as follows:

20 Power to purchase additional land required for extraordinary purposes.

The undertakers, in addition to the lands authorised to be compulsorily taken by them under the powers of the special Act, may contract with any party willing to sell the same for the purchase of any lands adjoining or near to the undertaking for extraordinary purposes; (that is to say,)

For making and providing additional yards, wharfs, and places for receiving, depositing, and loading or unloading goods, and for the erection of weighing machines, toll houses, offices, warehouses, sheds, and other buildings and conveniences:

For making convenient roads to the harbour, dock, or pier, or any other purpose which may be requisite or convenient for the formation or use thereof.

21 Power to construct warehouses and other works.

The undertakers may, as well upon the said lands as upon any other lands acquired by them under the provisions of this and the special Act, construct such warehouses, storehouses, sheds, and other buildings and works as they may deem necessary for the accommodation of goods shipped or unshipped within the harbour, dock, or pier, and may erect or provide such cranes, weighing and other machines, conveniences, weights, and measures as they think necessary for loading, unloading, measuring, and weighing such goods.

22 Undertakers to hire persons to work cranes.

The undertakers or their lessees shall provide proper servants and labourers for working such cranes at all reasonable times for the use of the public.

23 Power to lease wharfs, warehouses, &c.

The undertakers may lease or grant the use or occupation of any warehouses, buildings, wharfs, yards, cranes, machines, or other conveniences provided by them for the purposes of this or the special Act, at such rents, and upon such terms and conditions as shall be agreed upon between the undertakers and the persons taking the same, provided that no such lease be granted for a longer term than three years.

Modifications etc. (not altering text)

C62 S. 23 excluded (8.7.1996) by S.I. 1996/1627, art. 41(2)

C63 S. 23 excluded (E.W.S.) (17.3.2010) by The Harwich Parkeston Quay Harbour Revision Order 2010 (S.I. 2010/626), arts. 1, 15(3) (with art. 20)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

F26 S. 24 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 1

Rates

And with respect to the rates to be taken by the undertakers, be it enacted as follows:

25 Rates not to be taken until the works shall be completed.

Except where it is otherwise provided by the special Act, the undertakers shall not take any rate until the harbour, dock, or pier in respect of the use of which the same is payable is completed and fit for the reception of vessels, or other the purpose for which the same is intended.

^{x1}26 Certificate of magistrate to be evidence that the harbour &c. is completed.

A certificate under the hand of the chairman of the quarter sessions in England or Ireland, and of the sheriff in Scotland, shall be conclusive evidence that the harbour, dock, or pier is completed and fit for the reception of vessels, or other the purpose intended; and such chairman or sheriff shall sign such certificate on proof being adduced to him of such completion and fitness.

Editorial Information

X1 S. 26 repealed (E.W.) by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

27 Tonnage of British registered vessels to be ascertained according to law; of other vessels according to established rules.

For the purpose of ascertaining the tonnage rates payable upon vessels under this or the special Act, the tonnage of British vessels duly registered according to law shall be ascertained according to the certified tonnage in the register of such vessels, and the tonnage of all other vessels shall be ascertained according to the rules of admeasurement for the time being established by law for regulating the admeasurement of the tonnage and burthen of the merchant shipping of the United Kingdom.

Modifications etc. (not altering text)

C64 Ss. 27-29, 31-33 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)

C65 Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).

C66 Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).

C67 Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).

C68 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).

C69 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).

Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)

Ss. 27-41 applied (with modifications)(1.7.1994) by S.I. 1994/1647, art. 16(4)

C70 S. 27 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C71** S. 27 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C72** S. 27 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

28 Exemption of vessels in her Majesty's service, &c. from rates.

Nothing in this or the special Act contained shall extend to charge with rates or duties, or to regulate or subject to any control any vessel belonging to or employed in the service of her Majesty, or any member of the royal family, or in the service of the [^{F27}Customs and Excise], or of the Corporation of Trinity House of Deptford Strond, or the Commissioners of Northern Lights, using the harbour, dock, or pier, and not conveying goods for hire, . . . ^{F28}, or any of the officers or persons employed in the service of the Admiralty, Ordnance, [^{F27}Customs and Excise] . . . ^{F28}, or their baggage, or any vessel or goods being under seizure by the officers of revenue, or any naval, victualling, or ordnance stores, or other stores or goods for the service of or being the property of her Majesty, or any troops landed upon or delivered or disembarked from any of the quays of the harbour, dock, or pier, or their baggage; but all such vessels, officers, or persons as aforesaid shall have the free use of the harbour, dock, or pier, without any charge or rate being made for using the same: Provided always, that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding [^{F29}level 3 on the standard scale].

Textual Amendments

- F27** Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10
- F28** Words repealed by Post Office Act 1969 (c. 48), Sch. 11 Pt. II
- F29** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Modifications etc. (not altering text)

- C73** Ss. 27-29, 31-33 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C74** S. 28 extended by S.R. & O. 1918/548 (Rev. I, p. 896; 1918 I, p. 50), Sch., S.I. 1972/971, art. 4, Sch. 1; incorporated with Milford Haven Conservancy Act 1958 (c. 23), *ibid.*, s. 23(3) and by Civil Aviation Act 1982 (c. 16, SIF 9), s. 97(3)
- C75** Power to apply s. 28 with modifications conferred by Supply Powers Act 1975 (c. 9), s. 2, Sch. 1 Pt. II
- C76** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C77** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C78** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C79** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C80** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
S. 28 applied (with modifications) (23.6.1999) by S.I. 1999/1736, art. 10(1)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

29 Vessels returning from stress of weather not to pay rates again.

If any vessel for which the rates have been paid be obliged, from stress of weather or other sufficient cause, after leaving the harbour, dock, or pier, to return with the same cargo, the rates so paid shall not again be payable in respect of such vessel.

Modifications etc. (not altering text)

- C81** Ss. 27-29, 31-33 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C82** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C83** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C84** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C85** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C86** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
- C87** S. 29 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C88** S. 29 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C89** S. 29 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

30 F30

Textual Amendments

- F30** Ss. 30, 47 repealed by Harbours Act 1964 (c. 40), s. 38(1)(a)

Modifications etc. (not altering text)

- C90** Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)

31 As to the rates on foreign vessels where treaties of reciprocity exist.

Provided always, that the rates chargeable by this or the special Act upon vessels not entitled to the privileges of a British ship, or upon goods imported or exported in such vessel, or upon persons not being British subjects, shall not be applicable to vessels belonging to countries with which treaties of reciprocity shall have been concluded, so long as such treaties shall continue in force, nor to the goods imported or exported therein, nor to the subjects of such countries, but during such period the same rates shall be levied upon the vessels of such countries, and upon the goods imported or exported therein, and upon the subjects of such countries, as may be from time to time payable under this or the special Act upon vessels entitled to the privileges of British ships, or upon goods imported or exported in such vessels, or upon the subjects of such countries.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

- C91** Ss.27-29, 31-33 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C92** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C93** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C94** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C95** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C96** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**

32 Power to compound for tolls payable in respect of passenger or pleasure vessels.

The undertakers may from time to time agree with the proprietors or masters of vessels engaged in transporting passengers, or with any other persons using the dock, harbour, or pier, either for purposes of business or pleasure, for the payment of a fixed sum, payable in advance, as a composition, by the year or other shorter period, for the rates payable by or in respect of such passengers or their luggage, or by such other persons as aforesaid: Provided always, that if the undertakers at any time make any such agreement by way of composition as aforesaid, the proprietors or masters of all other vessels engaged in like manner, and all other persons using or frequenting the harbour, dock, or pier as aforesaid, may compound for the rates payable by them respectively upon the like terms as shall be contained in such agreement, and the undertakers shall accept such composition accordingly, to the intent that such rates may not be compounded for partially or in favour of any particular person or party whatsoever.

Modifications etc. (not altering text)

- C97** Ss. 27-29, 31-33 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C98** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C99** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C100** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C101** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C102** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
- C103** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)

33 Harbour, dock, and pier free to the public on payment of rate.

Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

- C103** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C105** Ss. 27-29, 31-33 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C106** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C107** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C108** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C109** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
s.33 modified (16.1.1995) by 1995 c. i, s. 26
s. 33 excluded (8.7.1996) by S.I. 1996/1627, arts. 16(1), 17(1)
S. 33 excluded (10.4.1998) by S.I. 1998/980, **art. 4(1)(2)(3)**
- C110** S. 33 excluded (E.W.S.) (16.5.2008) by London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **42(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C111** S. 33 excluded (E.W.S.) (17.3.2010) by The Harwich Parkeston Quay Harbour Revision Order 2010 (S.I. 2010/626), arts. 1, **11** (with art. 20)
- C112** S. 33 restricted (E.W.S.) (13.4.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), arts. 1(2), **25(1)** (with arts. 18, 19)
- C113** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, **3** (with arts. 21-23)
- C114** Ss. 33-35 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C115** Ss. 33-35 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C116** Ss. 33-35 incorporated (with modifications) (S.) (26.11.2016) by The Gardinstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), **3(2)-(5)**
- C117** Ss. 33-35 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C118** S. 33 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)
- C119** Ss. 33-35 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)

Collection of rates

And with respect to the collection and recovery of rates, be it enacted as follows:

34 Collector may enter vessels to ascertain rates payable.

The collector of rates may, either alone or with any other persons, enter into any vessel within the limits of the harbour, dock, or pier, in order to ascertain the rates payable in respect of such vessel, or of any goods therein.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

- C103** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C113** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C114** Ss. 33-35 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C115** Ss. 33-35 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C116** Ss. 33-35 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C117** Ss. 33-35 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C119** Ss. 33-35 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C120** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C121** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C122** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C123** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C124** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C125** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
S. 34 modified (4.9.2000) by S.I. 2000/2251, art. 3
- C126** S. 34 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C127** S. 34 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3

35 Master to report arrival of vessel.

Within twenty-four hours after the arrival within the limits of the harbour, dock, or pier of any vessel liable to rates, the master of such vessel shall report such arrival to the harbour master; and if he fail to make such report within the time aforesaid he shall be liable to a penalty not exceeding [^{F31}level 1 on the standard scale].

Textual Amendments

- F31** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C103** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C113** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C114** Ss. 33-35 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C115** Ss. 33-35 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C116** Ss. 33-35 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C117** Ss. 33-35 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C119** Ss. 33-35 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C128** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C129** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C130** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C131** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C132** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C133** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
- C134** S. 35 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C135** S. 35 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C136** S. 35 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

36 Master of vessel to produce certificate of registry.

The master of every registered vessel shall, on demand, produce the certificate of the registry of such vessel to the collector of rates; and if any such master refuse or neglect to make such production, on demand, he shall be liable to a penalty not exceeding [^{F32}level 2 on the standard scale].

Textual Amendments

- F32** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C137** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C138** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C139** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C140** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C141** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C142** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

C143 Ss. 36 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

37 **Masters of vessels to give accounts of goods intended to be unshipped within the limits, &c.**

When any goods are intended to be unshipped within the limits of the harbour, dock, or pier, the master of the vessel containing such goods shall, within twelve hours after the arrival of such vessel within the limits of the harbour, dock, or pier, deliver to the collector of rates the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered, and, if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo, or, if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights, and quantities of the several goods intended to be unshipped; and every such master shall, if required so to do by the collector of rates, give to him twelve hours notice of the time at which the cargo of such vessel, or any part of the same, is intended to be unshipped.

Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C144** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C145** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C146** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C147** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C148** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C149** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
- C150** Ss. 37-39 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C151** Ss. 37-39 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C152** Ss. 37-39 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C153** Ss. 37-39 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), art. 3(2)-(5)
- C154** Ss. 37-39 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C155** Ss. 37-39 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C156** Ss. 37-39 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C157** Ss. 37-39 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C158** Ss. 37-39 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

38 Penalty on masters giving no account, or a false account, of goods to be unshipped.

Every master of a vessel of which the cargo or part of the cargo shall be unshipped within the limits of the harbour, dock, or pier, who shall have failed to deliver or to give any of the particulars in regard to the cargo or the notice in regard to the unshipment thereof herein-before required to be delivered or given by such master, or who shall deliver or give any false particulars or notice, shall for every such offence be liable to a penalty not exceeding [^{F33}level 3 on the standard scale].

Textual Amendments

- F33** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C150** Ss. 37-39 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C151** Ss. 37-39 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C152** Ss. 37-39 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C153** Ss. 37-39 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), art. 3(2)-(5)
- C154** Ss. 37-39 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C155** Ss. 37-39 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C156** Ss. 37-39 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C157** Ss. 37-39 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C158** Ss. 37-39 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C159** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C160** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C161** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C162** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C163** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C164** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)

39 Shippers to give an account of goods intended to be shipped.

Before any person shall ship any goods on board of any vessel lying within the limits of the harbour, dock, or pier, he shall give to the collector of rates a true account, signed by him, of the kinds, quantities, and weights of such goods; and every person who shall ship any goods in any such vessel without having given such accounts, or

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

who shall give or sign a false account of such goods, shall for every such offence be liable to a penalty not exceeding [^{F34}level 3 on the standard scale].

Textual Amendments

F34 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C150** Ss. 37-39 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C151** Ss. 37-39 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C152** Ss. 37-39 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C153** Ss. 37-39 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), art. 3(2)-(5)
- C154** Ss. 37-39 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C155** Ss. 37-39 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C156** Ss. 37-39 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C157** Ss. 37-39 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C158** Ss. 37-39 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C165** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C166** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C167** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C168** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C169** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C170** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)

40 In case of dispute between collector and master, &c. goods to be weighed or measured.

If any difference arise between the collector of the rates and the master of any vessel or the owner of any goods, concerning the weight or quantities of the goods in respect of which any rates are payable, such collector may cause all such goods to be weighed or measured, and, if necessary, may detain the vessel containing such goods until they have been weighed or measured.

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Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C171** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C172** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C173** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C174** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C175** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C176** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**

41 As to the expences of weighing or measuring goods.

If the weight or quantity of such goods be greater than that shown by the manifest, bill of lading, account, or statement delivered by the master of the vessel or by the owner of the goods, the expences of such weighing or measuring shall be paid to the undertakers, and shall be recoverable by the same means as are herein or in the special Act provided for the recovery of rates; but if the weight or quantity of such goods be the same or less than that shown by the manifest, bill of lading, account, or statement so delivered, the undertakers shall pay all the expences of such weighing or measuring, and shall also pay to the master of the vessel or the owner of the goods all the expences occasioned by such weighing or measuring, or by the detention of the vessel for that purpose.

Modifications etc. (not altering text)

- C104** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C177** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C178** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C179** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C180** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C181** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C182** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**

42 Rates on goods when payable.

The rates payable to the undertakers in respect of any goods shipped or unshipped within the limits of the harbour, dock, or pier shall be paid as follows; (that is to say,) if such goods are to be shipped they shall be paid before the shipment, or if such goods are to be unshipped they shall be paid before the removal of the goods from the premises of the undertakers, and before the expiration of two months next after they were unshipped.

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Modifications etc. (not altering text)

- C183** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C184** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C185** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C186** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C187** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C188** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
- C189** S. 42 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C190** S. 42 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, **3** (with arts. 21-23)
- C191** S. 42 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), **3**
- C192** S. 42 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), **3(2)-(5)**
- C193** S. 42 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), **3** (with arts. 31, 32, 34)
- C194** S. 42 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C195** S. 42 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), **3(2)-(5)**
- C196** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C197** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)

43 Penalty on evading payment of rates.

If the master of any vessel or the owner of any goods evade the payment of the rates payable to the undertakers in respect of such vessel or goods, or any part thereof, he shall pay to them three times the amount of the rates of which he shall so have evaded the payment, and the same shall be recovered from such master or owner respectively in the same manner as penalties imposed by this Act are directed to be recovered, or by action in any court of competent jurisdiction.

Modifications etc. (not altering text)

- C196** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C197** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C198** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C199** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C200** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C201** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C202** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C203** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
- C204** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), **19(10)** (with arts. 31, 33)

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- C205** Ss. 43-46 applied (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, **19(10)** (with arts. 39, 40)
- C206** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **3** (with arts. 31, 32)

44 Recovery of tonnage rates by distraint of ship and tackle.

If the master of any vessel in respect of which any rate is payable to the undertakers refuse or neglect to pay the same or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on nonpayment thereof, or of any part thereof, take, distrain, or arrest, of his own authority, such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matters so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers, and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and with the proceeds of such sale may satisfy the rates so unpaid, and the expences of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel upon demand.

Modifications etc. (not altering text)

- C196** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C197** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C204** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), **19(10)** (with arts. 31, 33)
- C205** Ss. 43-46 applied (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, **19(10)** (with arts. 39, 40)
- C206** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **3** (with arts. 31, 32)
- C207** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C208** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C209** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C210** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C211** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C212** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 44-46 applied (with modifications)(1.7.1994) by S.I. 1994/1647, **art. 16(4)**
Ss. 44 - 46 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**

45 Recovery of rates on goods.

If default be made in the payment of the rates payable in respect of any such goods, the collector of rates may distrain or arrest, of his own authority, such goods, and for that purpose may enter any vessel within the limits of the harbour, dock, or pier in which the goods may be, with such assistance as he shall deem necessary, or, if the said goods have been removed without payment of such rates, he may distrain or arrest any other goods within the limits of the harbour, dock, or pier, or the premises of the undertakers, belonging to the person liable to pay such rates, and may sell the goods

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so distrained or arrested, and out of the proceeds of such sale pay the rates due to the undertakers, rendering the overplus, if any, to the owner of such goods, on demand; or the undertakers may recover such rates by action in any court having competent jurisdiction: Provided always, that the collector of rates shall, before making any such distress or arrestment as aforesaid, pay all duties which may be payable to her Majesty in respect of the goods so distrained or arrested, and he may retain the amount of duties so paid out of the proceeds arising from the sale of such goods.

Modifications etc. (not altering text)

- C196** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C197** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C204** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)
- C205** Ss. 43-46 applied (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, 19(10) (with arts. 39, 40)
- C206** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C213** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)
- C214** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).
- C215** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).
- C216** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).
- C217** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).
- C218** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).
Ss. 44 - 46 applied (with modifications) (1.7.1994) by S.I. 1994/1647, art. 16(4)
Ss. 44 - 46 applied (20.5.1998) by S.I. 1998/1209, art. 7(4)

46 Disputes concerning rates or charges occasioned by distress to be settled by a justice in England or Ireland, and in Scotland by the sheriff.

If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment, by virtue of this or the special Act, the person making such distress or using such arrestment may detain the goods distrained or arrested until the amount of the rates due, or the charges of such distress or arrestment, be ascertained by a justice, if in England or Ireland, and by the sheriff, if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs, if not paid on demand, shall be levied by distress or [^{F35}attachment][^{F36}or money attachment], and such justice or sheriff shall issue his warrant accordingly.

Textual Amendments

- F35** Words in s. 46 substituted (S.) (30.12.2002) by 2002 asp 17, ss. 61, 64(2), Sch. 3 Pt. 1 para. 5 (with art. 63)
- F36** Words in s. 46 inserted (23.11.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), Sch. 5 para. 2 (with s. 223); S.S.I. 2009/369, art. 3(2)(3), Sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

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Modifications etc. (not altering text)

- C196** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C197** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C204** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)
- C205** Ss. 43-46 applied (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, 19(10) (with arts. 39, 40)
- C206** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C219** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C220** S. 46 applied (S.) (5.9.2002) by S.S.I. 2002/410, **art. 46(3)(b)** (with arts. 59, 61)
- C221** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C222** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C223** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C224** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C225** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 44 - 46 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
Ss. 44 - 46 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
- C226** S. 46 applied (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, **42(3)** (with arts. 53-56)
- C227** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, **42(3)** (with arts. 53-56)
- C228** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, **42(3)(b)** (with arts. 53(1), arts. 54-56)

47 F37

Textual Amendments

F37 Ss. 30, 47 repealed by Harbours Act 1964 (c. 40), s. 38(1)(a)

Modifications etc. (not altering text)

C204 Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)

48 Collector of customs may withhold a clearance to any vessel until the rates paid.

The collector or other proper officer of her Majesty's Customs for the district within which the harbour, dock, or pier is situate may, with the consent of the Commissioners of her Majesty's [^{F38} Customs and Excise], refuse to receive any entry or give any cocquet, discharge, or clearance, or to take any report inwards or outwards of any vessel liable to the payment of any of the rates imposed by the special Act, until the master of such vessel produced to such collector or officer a certificate, under the hand of the collector of rates, that the rates payable in respect of such vessel, and any goods imported or exported by such vessel, have been paid, or, if there be any dispute as to the rates payable, until such collector or officer shall be satisfied that sufficient

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security has been given for the payment of such rates when ascertained, together with the expences arising from the non-payment thereof.

Textual Amendments

F38 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

Modifications etc. (not altering text)

C204 Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), **19(10)** (with arts. 31, 33)

C229 Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**

C230 Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.

C231 Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.

C232 Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.

C233 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.

C234 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.

Account of rates

And with respect to the accounts to be kept of the rates, and of the vessels in respect of which they are payable, be it enacted as follows:

49 Undertakers to keep account of rates and vessels, &c.

The undertakers shall keep books of account, in which shall be entered the several sums received by or payable to them for rates in respect of vessels, the tonnage of each vessel for which such rates are received or payable, the name of the master thereof, the port to which such vessel belongs, the place from which on each occasion such vessel arrived, and the place to which on each occasion such vessel is bound, and also the several sums received by or payable to them in respect of the goods landed from or taken on board every vessel within the limits of the harbour, dock, or pier.

50 Annual account to be prepared and transmitted to the clerk of the peace in England or Ireland, or to the sheriff in Scotland.

The undertakers shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all monies levied by virtue of this or the special Act for the year ending the thirty-first day of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the clerk or secretary for the time being of the undertakers, and shall send a copy of the said account, free [^{F39}charge, to the chief clerk], on or before the expiration of one month from the day on which such account shall end, which accounts shall be open to the inspection of the public at all seasonable hours, on payment of the sum of [^{F40}15p] for every such inspection: Provided always, that if the undertakers omit to prepare and send such accounts as aforesaid, they shall forfeit for every such omission the sum of [^{F41}level 2 on the standard scale].

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

- F39** Words in s. 50 substituted (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 14(3) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
- F40** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)
- F41** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Harbour, dock, and pier master

And with respect to the appointment of harbour masters, dock masters, and pier masters, and their duties, be it enacted as follows:

51 Appointment of harbour, dock, or pier master.

The undertakers may appoint such harbour masters as they think necessary, (including in such expression dock masters and pier masters, as herein-before defined,) and from time to time, as often as they think fit, may remove any such harbour master.

Modifications etc. (not altering text)

- C235** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by S.I. 1991/540, art.12.
- C236** S. 51 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C237** S. 51 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C238** S. 51 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C239** S. 51 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C240** S. 51 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C241** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C242** S. 51 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C243** S. 51 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C244** S. 51 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C245** S. 51 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

52 Powers of harbour, dock, or pier master.

The harbour master may give directions for all or any of the following purposes; (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed

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limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier:

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof:

For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always, that nothing in this or the special Act contained shall authorize the harbour master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of her Majesty's [^{F42}Customs and Excise].

Textual Amendments

F42 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

Modifications etc. (not altering text)

- C241** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C246** S. 52 extended by S.I. 1972/971, art. 4, Sch. 1
S. 52 extended (1.11.1994) by S.I. 1994/2733, art. 9
S. 52 extended (13.4.1995) by S.I. 1995/1063, art. 8(3)
- C247** S. 52 incorporated (with modifications) (7.1.2003) by 2002 c. v, s. 3(1)(2); (with s. 23)
- C248** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by S.I. 1991/540, art.12.
S. 52 extended (1.8.2000) by S.I. 2000/2103, art. 9(3)
S. 52 extended (4.9.2000) by S.I. 2000/2251, art. 9
- C249** S. 52 extended (E.W.S.) (16.1.2012) by The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 (S.I. 2011/3032), arts. 1(1), 9(3) (with arts. 21-23)
- C250** S. 52 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C251** S. 52 incorporated (with modifications) (S.) (26.11.2016) by The Gardinstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C252** S. 52 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

53 Penalty on shipmasters not complying with directions of the harbour master.

The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the harbour master, made in conformity with this and the special Act; and any master of a vessel who, after notice of any such direction by the harbour master served upon him, shall not forthwith regulate such vessel according to such direction shall be liable to a penalty not exceeding [^{F43}level 2 on the standard scale].

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Textual Amendments

- F43** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C241** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C253** S. 53 extended by S.I. 1972/971, art. 4, Sch. 1
S. 53 excluded (E.W.S.) (12.1.2000) by S.I. 1999/3444, art. 9
- C254** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by S.I. 1991/540, art.12.

54 Penalty on harbour master for misbehaviour.

If any harbour master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise any of the powers or authorities vested in the harbour master by this or the special Act, the person so offending shall for every such offence be liable to a penalty not exceeding [^{F44}level 1 on the standard scale].

Textual Amendments

- F44** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C255** S. 54 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C256** Ss. 54-56 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C257** S. 54 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C258** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C259** Ss. 54-57 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C261** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C262** S. 54 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C263** S. 54 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

55 Penalty on offering bribes to dock officers, and on officers taking bribes.

If any person give or offer any sum of money, or any thing whatsoever, by way of reward or bribe to any harbour master or any officer employed in or about the harbour,

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dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such harbour master or other officer to do or omit to do anything relating to his office, or if such harbour master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of [^{F45}level 2 on the standard scale].

Textual Amendments

F45 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C256** Ss. 54-56 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C258** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C259** Ss. 54-57 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C261** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C264** S. 55 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C265** S. 55 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C266** S. 55 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C267** S. 55 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C268** Ss. 55-58 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

56 Harbour master may remove wrecks, &c.

The harbour master may remove any wreck or other obstruction to the harbour, dock, or pier, or the approaches to the same, and also any floating timber which impedes the navigation thereof, and the expence of removing any such wreck, obstruction, or floating timber shall be repaid by the owner of the same; and the harbour master may detain such wreck or floating timber for securing the expences, and on nonpayment of such expences, on demand, may sell such wreck or floating timber, and out of the proceeds of such sale pay such expences, rendering the overplus, if any, to the owner on demand.

Modifications etc. (not altering text)

- C256** Ss. 54-56 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)

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- C258** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), **3(2)-(5)**
- C259** Ss. 54-57 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), **3** (with arts. 31, 32, 34)
- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **3** (with arts. 31, 32)
- C261** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), **3(2)-(5)**
- C268** Ss. 55-58 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C269** S. 56 (as incorporated with any local or special Act) extended by S.R. & O. 1938/136 (Rev. I, p. 1329: 1938 I p. 72), art. 3 and S.I. 1972/971, art. **8(2)(a)**
- C270** S. 56 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)

57 Unserviceable vessels to be altogether removed from harbour.

No vessel which shall be laid by or neglected as unfit for sea service shall be permitted to lie within the limits of the harbour, dock, or pier, but the harbour master may cause every such vessel to be, at the expence of the owner thereof, removed from the harbour, dock, or pier, and laid on any part of the strand or sea shore, or other place where the same may, without injury to any person, be placed; and the charges of removing or placing such vessel may be recovered from the owner of such vessel by summary complaint, in England or Ireland before any justice of the peace, and in Scotland before the sheriff; and in case of refusal or neglect of payment of such charges for the space of seven days after having been awarded by such justice or sheriff, the harbour master may levy such charges by distress and sale or [^{F46}poinding][^{F46}arrestment] and sale of such vessel, or of the tackle, apparel, or furniture thereof, or any part thereof, and the justice or sheriff shall issue his warrant accordingly.

Textual Amendments

- F46** Word “arrestment” substituted (S.) by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108(1)(2), Sch. 6 para. 4, Sch. 7 paras. 5, **9(1)**

Modifications etc. (not altering text)

- C258** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), **3(2)-(5)**
- C259** Ss. 54-57 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), **3** (with arts. 31, 32, 34)
- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **3** (with arts. 31, 32)
- C261** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), **3(2)-(5)**
- C268** Ss. 55-58 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C271** S. 57 (as incorporated with any local or special Act) extended by S.R. & O. 1938/136 (Rev. I, p. 1329: 1938 I p. 72), art. 3 and S.I. 1972/971, art. **8(2)(a)**
- C272** S. 57 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)

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58 Harbour master may remove vessels within docks, &c.

If the master of any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place, or remove the same according to the directions of the harbour master, or if there be no person on board of any such vessel to attend to such directions, the harbour master may cause such vessel to be moored, unmoored, placed, or removed as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the harbour master may cast off, unloose, or cut the rope, or unshackle or break the chain, by which any such vessel is moored or fastened; and all expences attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the undertakers by the master of such vessel: Provided always, that before the harbour master shall unloose or cut any rope, or unshackle or break any chain, by which any vessel without any person on board to protect the same shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

Modifications etc. (not altering text)

- C258** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C261** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C268** Ss. 55-58 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C273** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by S.I. 1991/540, **art.12**.
S. 58 extended (with modifications)(30.8.1994) by S.I. 1994/2298, **art. 16(2)(b)**
S.58 applied (with modifications)(16.1.1995) by 1995 c.i, s. 25(3)
S.58 applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 9(2)(b)**
S.58 applied (with modifications)(10.4.1998) by S.I. 1998/980, **art. 5(2)(b)**
S. 58 applied (E.W.S.) (2.3.1999) by S.I. 1999/403, **art. 15**
S. 58 extended (E.W.S) (8.7.1999) by S.I. 1999/2513, **art. 8(2)**
S. 58 extended (1.8.2000) by S.I. 2000/2103, **art. 8(2)**
S. 58 applied (1.8.2000) by S.I. 2000/2103, **art. 8(2)**
S. 58 extended (4.9.2000) by S.I. 2000/2251, **art. 8**
S. 58 applied (with modifications) (S.) (5.9.2002) by S.S.I. 2002/410, **art. 14(4)** (with arts. 59, 61)
- C274** S. 58 applied (with modifications) (E.W.S.) (31.5.2007) by St Mary's (Isles of Scilly) Harbour Revision Order 2007 (S.I. 2007/1554), arts. 1, **18(2)** (with arts. 19, 20)
- C275** S. 58 applied (with modifications) (E.W.S.) (29.12.2007) by Maryport Harbour Revision Order 2007 (S.I. 2007/3463), arts. 1(1), **19(2)(b)** (with arts. 78, 80, 81)
- C276** S. 58 applied (with modifications) (S.) (23.5.2008) by Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, **15(4)** (with arts. 53(1), arts. 54-56)
- C277** S. 58 applied (with modifications) (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, **15(4)** (with arts. 53-56)
- C278** S. 58 applied (with modifications) (S.) (23.5.2008) by Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, **15(4)** (with arts. 53-56)
- C279** S. 58 applied (with modifications) (S.) (29.1.2009) by Port Babcock Rosyth Harbour Empowerment Order 2009 (S.S.I. 2009/27), arts. 1, **17(4)** (with arts. 36, 37)
- C280** S. 58 applied (with modifications) (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, **33(2)(b)** (with arts. 39, 40)
- C281** S. 58 extended (E.W.S.) (13.4.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), arts. 1(2), **25(3)** (with arts. 18, 19)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

- C282** S. 58 applied (with modifications) (E.W.S.) (30.6.2011) by The Yarmouth (Isle of Wight) Harbour Revision Order 2011 (S.I. 2011/1347), arts. 1(1), **18(3)(b)** (with arts. 27, 28)
- C283** S. 58 extended (E.W.S.) (16.1.2012) by The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 (S.I. 2011/3032), arts. 1(1), **8(2)** (with arts. 21-23)
- C284** S. 58 applied (with modifications) (E.W.) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), art. **29(2)(b)** (with arts. 30(4), 53)
- C285** S. 58 applied (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **11(2)(b)** (with arts. 31, 32)
- C286** S. 58 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C287** S. 58 applied (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **12(2)(b)** (with arts. 36-40)
- C288** S. 58 applied (E.W.S.) (1.8.2017) by The Folkestone Harbour Revision Order 2017 (S.I. 2017/601), arts. 1, **21(2)(b)** (with arts. 21(3), 49)
- C289** S. 58 applied (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, **14(2)(b)** (with arts. 14, 35(3), 38, 39, 40, 41)
- C290** S. 58 applied (with modifications) (S.) (21.9.2019) by The Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019 (S.S.I. 2019/296), arts. 1(1), **18(4)** (with arts. 48, 49)
- C291** S. 58 applied (with modifications) (E.W.S.) (17.2.2021) by The Weymouth Harbour Revision Order 2021 (S.I. 2021/43), arts. 1, **31(2)(b)** (with arts. 42, 44)
- C292** S. 58 applied (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **14(4)** (with arts. 36, 37)

59 Vessels entering harbour or dock to be dismantled as harbour master shall direct.

Before any vessel shall enter the harbour or dock, or approach the pier, the master thereof shall cause her to be dismantled as directed by the harbour master; and if any vessel shall enter the harbour or dock, or approach the pier, without being dismantled in the manner required by the harbour master, after notice shall have been given to the master of such vessel so to dismantle the same, such master shall for every such offence be liable to a penalty not exceeding [^{F47}level 1 on the standard scale].

Textual Amendments

- F47** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C260** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, **3** (with arts. 31, 32)

60 Vessels to have their sails lowered when entering and navigating dock.

Before any vessel shall enter into the dock the master of such vessel shall cause her sails to be lowered or furled; and if the master of any vessel shall navigate the same under sail into or in the dock, he shall for every such offence be liable to a penalty not exceeding [^{F48}level 1 on the standard scale].

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

- F48** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

61 Vessels to have hawsers, &c. fixed to moorings.

Every vessel in the harbour or dock, or at or near the pier, shall have substantial hawsers, tow-lines, and fasts fixed to the dolphins, booms, buoys, or mooring posts, when required by the harbour master; and if any vessel shall be in the harbour or dock, or at or near the pier, without substantial hawsers, tow-lines, or fasts fixed as aforesaid, after notice from the harbour master to the master of such vessel to furnish or fix the same, such master shall for every such offence be liable to a penalty not exceeding [^{F49}level 1 on the standard scale].

Textual Amendments

- F49** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C294** Ss. 61-65 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)

62 Penalty for wilfully cutting moorings.

Every person, other than the harbour master, who shall wilfully cut, break, or destroy the mooring or fastening of any vessel lying in the harbour or dock, or at or near the pier, shall for every such offence be liable to a penalty not exceeding [^{F50}level 1 on the standard scale].

Textual Amendments

- F50** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

C294 Ss. 61-65 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)

63 **Penalty on vessels lying near the entrance of harbour or dock without permission.**

As soon as the harbour or dock shall be so far completed as to admit vessels to enter therein, no vessel, except with the permission of the harbour master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits; and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed limits, without such permission, and do not, on being required so to do by the harbour master, forthwith proceed to remove such vessel, he shall be ~~liable to a penalty not exceeding [F51] level 1 on the standard scale, and a further sum of [F52] £1 for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.~~ *guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.*

Textual Amendments

- F51** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F52** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C294** Ss. 61-65 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C295** S. 63 modified (4.9.2000) by S.I. 2000/2251, art. 3
- C296** Ss. 63-65 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C297** Ss. 63-65 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C298** Ss. 63-65 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C299** Ss. 63-65 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C300** Ss. 63-65 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C301** Ss. 63-65 incorporated (with modifications) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C302** Ss. 63-65 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C303** Ss. 63-65 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C304** Ss. 63-65 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

64 Vessels may be removed for the purpose of repairing harbour or dock.

Whenever the undertakers shall deem it necessary, for the purpose of repairing, scouring, or cleansing the harbour, dock, or pier, that any vessel lying therein or thereat shall be removed therefrom, the master of such vessel shall, within three days after notice in writing signed by the harbour master has been given to him, remove such vessel according to such notice; and in case of his neglecting so to do, such master shall be liable to a penalty not exceeding [^{F53}level 1 on the standard scale].

Textual Amendments

F53 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C294** Ss. 61-65 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C296** Ss. 63-65 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C297** Ss. 63-65 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C298** Ss. 63-65 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C299** Ss. 63-65 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C300** Ss. 63-65 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C301** Ss. 63-65 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C302** Ss. 63-65 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C303** Ss. 63-65 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C304** Ss. 63-65 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)

65 Harbour master may remove such vessel if the master thereof neglect or refuse so to do.

If the master of such vessel cannot be found, or if he neglect or refuse to remove the same, as required by the said notice, the harbour master may remove such vessel to such station as he shall select, and the expences of such removal shall be paid to the undertakers by the owner of the said vessel or the master thereof: Provided always, that previous to the repair of harbour, dock, or pier, which shall require the removal of the vessels therefrom, the harbour master shall give three days notice of such repair and of the necessity for such removal to the collector and comptroller of the Customs of the district within which the harbour, dock, or pier is situate, or which shall be

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

specified for that purpose in the special Act, and cause a like notice to be affixed on some conspicuous part of such custom house and of the office of the undertakers.

Modifications etc. (not altering text)

- C293** Ss. 60-65 incorporated (with modifications) (S.) (8.6.2018) by The Dumfries and Galloway Council (Kirkcudbright) Harbour Revision Order 2018 (S.S.I. 2018/188), arts. 1, 3 (with arts. 14, 35(3), 38, 39, 40, 41)
- C294** Ss. 61-65 incorporated (with modifications) (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(1)-(4) (with arts. 21, 53(3), 55, 57)
- C296** Ss. 63-65 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)
- C297** Ss. 63-65 incorporated (with modifications) (S.) (13.2.2013) by The Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (S.S.I. 2013/46), arts. 1, 3 (with arts. 21-23)
- C298** Ss. 63-65 incorporated (with modifications) (S.) (2.11.2013) by The Whitehills Harbour and Marina (Constitution) Order 2013 (S.S.I. 2013/308), arts. 1(1), 3
- C299** Ss. 63-65 incorporated (with modifications) (S.) (5.6.2014) by The Pennan Harbour Revision Order 2014 (S.S.I. 2014/158), arts. 1(1), 3(2)-(5)
- C300** Ss. 63-65 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)
- C301** Ss. 63-65 incorporated (with modifications) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C302** Ss. 63-65 incorporated (with modifications) (S.) (26.11.2016) by The Gardenstown Harbour Revision Order 2016 (S.S.I. 2016/396), arts. 1(1), 3(2)-(5)
- C303** Ss. 63-65 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C304** Ss. 63-65 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C305** S. 65 modified (S.) (14.1.2015) by The Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015 (S.S.I. 2015/6), arts. 1, 3(5) (with arts. 21, 53(3), 55, 57)

Discharge of cargoes and removal of goods

And with respect to the discharging of vessels and the removal of the goods, be it enacted as follows:

66 Delivery of cargoes and placing of discharged vessels.

The master of every vessel which shall go into the harbour or dock for the purpose of being discharged of her cargo shall cause her to be so discharged as soon as conveniently may be after entering therein, and shall cause her, after being so discharged, to be removed, without loss of time, into such part of the harbour or dock as shall be set apart for light vessels, and the harbour master shall cause a part of the harbour or dock to be set apart for light vessels accordingly; and if the master of any such vessel shall not cause it to be so removed within twenty-four hours after being required so to do by notice in writing signed by the harbour master, he shall be liable to a penalty not exceeding [^{F54}level 1 on the standard scale], and the harbour master may cause such vessel to be so removed, and the expences of such removal shall be paid to the undertakers by the master of such vessel.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

- F54** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

67 Penalty on wharfingers giving undue preference.

If any wharfinger or other servant of the undertakers, or any of their lessees, or the servants of such lessees, shall give any undue preference or show any partiality in loading or unloading any goods on any of the quays, wharfs, or other works belonging to the undertakers, the person so offending shall be liable to a penalty not exceeding [^{F55} level 1 on the standard scale].

Textual Amendments

- F55** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

68 Goods may be removed from the quays, &c. after lying there longer than allowed by byelaws.

No goods shall be allowed to remain upon any of the piers or quays, or in the approaches thereto, for a longer time than shall be allowed by the byelaws of the undertakers; and if any goods shall so remain without the consent of the undertakers, the harbour master, or any person appointed by the undertakers for that purpose, may remove the same to any of the premises of the undertakers, or other convenient place, and keep the same until payment to the undertakers of the expences of such removal, and of the keeping of the goods; and if such expences be not paid within seven days after demand thereof made upon the owner, or if no such owner can be found, the harbour master may sell such goods, and out of the proceeds of such sale pay such expences, rendering the overplus, if any, to the owner on demand.

Protection of the harbour, dock, and pier

And with respect to the protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury, be it enacted as follows:

69 Combustible matter on quays, &c., to be removed.

Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, or other combustible thing, which shall be upon any quay, dock, or wharf belonging to the undertakers, or on the deck of any vessel within the harbour or dock, or at or near the pier, shall cause the same to be removed to a place of safety within two hours after being required so to do by notice in writing, signed by the harbour master, and if he fail so to do shall forfeit a sum not exceeding [^{F56} £2] for every hour such combustible thing shall remain in any such place as aforesaid after the expiration of two hours from the service of the said notice.

shall be liable on summary conviction to a sum not exceeding level 4 on the standard scale.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

F56 Words substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 422), art. 7 (b)

Modifications etc. (not altering text)

C306 S. 69 modified (4.9.2000) by S.I. 2000/2251, art. 3

C307 S. 69 incorporated in part (with modifications) (S.) (19.8.2014) by The Port of Ardersier Harbour Revision Order 2014 (S.S.I. 2014/224), arts. 1(1), 3 (with arts. 31, 32, 34)

C308 S. 69 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)

70 Combustibles to be guarded during the night.

If any such combustible thing as aforesaid shall remain on any part of the quays or works connected with the harbour, dock, or pier, or on the deck of any vessel within the harbour or dock, or at or near the pier, after sunset, the owner or person having the charge of the same, or on his default the harbour master, at the expence of such owner, shall provide a sufficient number of persons to guard the same from half an hour before sunset to half an hour after sunrise; and such expence, if not paid by the said owner to the undertakers, on demand, shall be ascertained and recovered in the same manner as damages for the recovery of which no special provision is made are by this Act directed to be ascertained and recovered.

71 Penalties against offences herein named:

Every person who shall commit any of the acts following shall be deemed guilty of an offence, and shall for every such offence be liable to a penalty not exceeding [^{F57}level 1 on the standard scale]; (that is to say,)

- (1) Every person who shall boil or heat any pitch, tar, resin, turpentine, oil, or other combustible matter, in any vessel lying within the harbour or dock, or near the pier, or in any place within the limits of the harbour, dock, or pier, except in such place and in such manner as shall be specially appointed by the undertakers for that purpose:
- (2) Every person who shall have or cause to be had any fire or lighted candle or lamp in any vessel within the harbour or dock, or at or near the pier, except with the permission of the harbour master:
- (3) Every person who shall have or cause to be had any fire, candle, or lamp lighted within any of the docks or the works belonging to the same, except at such times and in such manner as shall be permitted by the byelaws of the undertakers:
- (4) Every person who shall bring any loaded gun on the quays or works of the harbour or dock, or on the pier, or shall have or suffer to remain any loaded gun in any vessel in the harbour or dock, or at or near the pier:
- (5) ^{F58}

Textual Amendments

F57 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

F58 s. 71(5) repealed (E.W.S.) by S.I. 1987/37, reg. 47(1)(d)

72 Power to enter ship and search for and extinguish fires or lights.

The harbour master may enter into any vessel within the harbour or dock, or at or near the pier, to search for any fire or light in or suspected to be in such vessel, contrary to the provisions of this or the special Act, or of any byelaw made in pursuance thereof, and may extinguish the same; and any person who shall obstruct the harbour master in the execution of such duty shall for every such offence be liable to a penalty not exceeding [^{F59}level 1 on the standard scale].

Textual Amendments

F59 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

73 Penalty for throwing ballast, &c., into harbour or dock.

Every person who shall throw or put any ballast, earth, ashes, stones, or other thing into the harbour or dock shall for every such offence be liable to a penalty not exceeding [^{F60}level 1 on the standard scale]: Provided always, that nothing in this Act contained shall prejudice or prevent any person from adopting any measures which but for the passing of this Act he would be lawfully entitled to adopt for recovering any land which shall at any time have been lost to him, or severed from land belonging to him, by reason of the overflowing or washing of any navigable river, or for protecting his land from future loss or damage by the overflowing or washing of such navigable river.

Textual Amendments

F60 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

74 Owner of vessel answerable for damage to works.

The owner of every vessel or float of timber shall be answerable to the undertakers for any damage done by such vessel or float of timber, or by any person employed about the same, to the harbour, dock, or pier, or the quays or works connected therewith, and the master or person having the charge of such vessel or float of timber through whose wilful act or negligence any such damage is done shall also be liable to make good the same; and the undertaker may detain any such vessel or float of timber until sufficient security has been given for the amount of damage done by the same: Provided always, that nothing herein contained shall extend to impose any liability for any such damage upon the owner of any vessel, where such vessel shall at the time when such damage is caused be in charge of a duly licensed pilot whom such owner or master is bound by law to employ and put his vessel in charge of.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Modifications etc. (not altering text)

C309 S. 74 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)

75 As to the recovery of amount of damage to quays, &c.

If the amount claimed in respect of any such damage as aforesaid do not exceed fifty pounds, such damage shall be ascertained, and the amount thereof shall, in England or Ireland, be recovered before two justices, and in Scotland before the sheriff; and in addition to the remedies hereby provided for the recovery of the same, the justices or sheriff before whom the same are recovered may cause the vessel or float of timber causing such damage, and any tackle and furniture thereof, to be distrained and kept until the amount of damages and costs awarded by them is paid, and, if the same be not paid within seven days after such distress or keeping, may cause the property so distrained or kept, or any part thereof, to be sold, and out of the proceeds of such sale may pay the amount of damages and costs awarded by such justices or sheriff, and all the charges incurred by the distress, keeping, and sale of such property.

76 Owner may recover damage from his servants.

If the owner of any vessel or float of timber make satisfaction for any such damage as aforesaid wilfully or negligently done by the master or person having charge of such vessel or float of timber, or if the owner of any vessel or goods in any other case have been compelled to pay any penalty or costs by reason of any act or omission of any other person, the person who actually did such damage or who committed such offence shall repay to the owner of such vessel or such goods the amount of the damage or penalty and costs, together with the costs of the proceedings to enforce such repayment; and if such damage or penalty respectively do not exceed fifty pounds, the sum may, in England or Ireland, be recovered before two or more justices, and in Scotland before the sheriff.

Lighthouses, beacons, and buoys

And with respect to buoys, lighthouses and beacons, be it enacted as follows:

77 Power to erect lighthouses and lay down buoys, with consent of Trinity House.

The undertakers shall lay down buoys for the guidance of vessels in such situations within the limits of the harbour dock, or pier and of such character, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, the Corporation for preserving and improving the Port of Dublin, or the Commissioners of the Northern Lights, respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland.

Modifications etc. (not altering text)

C310 S. 77 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

78 **Lights, beacons, or sea-marks not to be exhibited or altered without sanction of Trinity House**

The undertakers shall not erect any lighthouse or beacon, or exhibit or allow to be exhibited any light, beacon, or sea-mark, without the sanction in writing of the said Corporation of Trinity House, of the said Corporation for preserving and improving the Port of Dublin, or of the said Commissioners of Northern Lights, respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland, first having been obtained in that behalf; and if any such light, beacon, or sea-mark be exhibited with such sanction as aforesaid, the same shall not be afterwards altered without the like sanction; and every such light, beacon, and sea-mark shall be of such power and description, and shall be from time to time discontinued or altered, as the said Corporation or Commissioners respectively shall from time to time direct.

Modifications etc. (not altering text)

- C311** S. 78 incorporated with Milford Haven Conservancy Act 1958 (c. 23), *ibid.*, s. 8(2)
- C312** S. 78 incorporated (E.W.S.)(21. 1. 1991) by S.I. 1991/108, **art. 10(2)**(which is revoked (15. 11. 1991) by S.I. 1991/2609, **art. 2(1)**).
- C313** S. 78 incorporated (E.W.S.)(15. 11. 1991) by S.I. 1991/2609, **art. 11(2)**.
- C314** S. 78 incorporated (with modifications) (E.W.S.) (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), 3 (with arts. 34, 35, 37, 40)

Harbour and dock police

And with respect to the police of the harbour, dock, or pier, be it enacted as follows:

79 **Justices to appoint special constables named by the undertakers.**

Any two justices may appoint such persons as shall be nominated for that purpose by the undertakers to be special constables within the limits of the harbour, dock, pier, and premises of the undertakers, and within one mile of the same; and every person so appointed shall be sworn in by any such justices duly to execute the office of a constable within the limits aforesaid, and when so sworn in shall have the same powers, protections, and privileges within the limits aforesaid, and shall be subject to the same liabilities, as constables have or are subject to by the laws of the realm.

Modifications etc. (not altering text)

- C315** S. 79 modified (E.W.S.) (16.8.2006) by Dover Harbour Revision Order 2006 (S.I. 2006/2167), arts. 1(1), 14

80 **Dismissal of constables.**

Any two justices may dismiss any such constable from his office, and upon such dismissal all powers, protections, and privileges vested in such constables shall cease.

Meters and weighers

And with respect to the appointment of meters and weighers, and their duties, be it enacted as follows:

81 Power to appoint meters and weighers.

Where under the special Act the undertakers shall have the appointment of meters and weighers, the undertakers may appoint and licence a sufficient number of persons to be meters and weighers within the limits of the harbour, dock, and pier, and remove any such persons at their pleasure, and may make regulations for their government, and fix reasonable rates to be paid or other remuneration to be made to them for weighing and measuring goods.

82 Licensed meters and weighers only to be employed.

When a sufficient number of meters and weighers have been appointed by the undertakers, under the powers of this and the special Act, the master of any vessel, or the owner of any goods shipped, unshipped, or delivered within or upon the harbour, or dock, or pier, shall not employ any person other than a weigher or meter licensed by the undertakers, or appointed by the Commissioners of her Majesty's [^{F61}Customs and Excise], to weigh or measure the same; and if in such case any person other than a meter or weigher licensed by the undertakers, or a meter or weigher appointed by the Commissioners of her Majesty's [^{F61}Customs and Excise], shall weigh or measure any such goods as aforesaid, such person, as well as the person by whom he shall be employed, shall for every such offence be liable to a penalty not exceeding [^{F62}level 1 on the standard scale], and the weighing or measurement of any such goods by any such person shall be deemed illegal.

Textual Amendments

F61 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

F62 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Byelaws

And with respect to the byelaws to be made by the undertakers, be it enacted as follows:

83 Byelaws may be made for all or any of the purposes herein named.

[^{F63}The undertakers may from time to time make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)

For regulating the use of the harbour, dock, or pier:

For regulating the exercise of the several powers vested in the harbour master:

For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier:

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock, or pier, and the premises of the undertakers:

For regulating (with the consent of the Commissioners of her Majesty's [^{F64}Customs and Excise] the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open:

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

For regulating the duties and conduct of all persons, as well the servants of the undertakers as others, not being officers of [^{F64}the Customs and Excise], who shall be employed in the harbour, dock, or pier, and the premises of the undertakers:

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any):

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers:

For regulating the use of the cranes, weighing machines, weights and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them:

For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same:

And the undertakers may from time to time, as they shall think fit, repeal or alter any such byelaws: Provided always, that such byelaws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special Act; and such byelaws shall be reduced into writing, and have affixed thereto the common seal of the undertakers, if they be a body corporate, or the signatures of the undertakers, or two of them, if they be not a body corporate, and, if affecting other persons than the officers or servants of the undertakers shall be confirmed and published as herein provided.]

Textual Amendments

F63 Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4

F64 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

Modifications etc. (not altering text)

C316 S. 83 extended (S.) by Harbours, Piers and Ferries (Scotland) Act 1937 (c. 28), s. 11

S. 83 incorporated in part and for certain purposes (with modifications)(19.8.1996) by S.I. 1996/2103, art. 3(1)-(9)

C317 S. 83 incorporated (E.W.S.) (27.2.2008) by Port of Weston Harbour Revision Order 2008 (S.I. 2008/230), arts. 1, 6(1)

C318 S. 83 restricted (S.) (21.9.2019) by The Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019 (S.S.I. 2019/296), arts. 1(1), 25(4)(a) (with arts. 48, 49)

~~84 Byelaws may be enforced by imposition of penalties.~~

~~[^{F63} The undertakers may, by the byelaws so to be made by them, impose such reasonable penalties as they shall think fit, not exceeding [^{F65} level 3 on the standard scale] for each breach of such byelaws ^{F66} ...]~~

Textual Amendments

F63 Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4

F65 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

F66 Words in s. 84 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. I

85 No byelaws to come into operation until allowed in the manner prescribed, and approved by one of the judges.

[^{F63} No byelaws made under the authority of this or the special Act, except such as relate solely to the undertakers or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed, then not until they be allowed by some judge of one of the superior courts, or in . . . ^{F67} Ireland by the justices at the quarter sessions, or in Scotland by the sheriff; and it shall be incumbent on such justices or sheriff, on the request of the undertakers, to inquire into any byelaws tendered to them for that purpose, and allow or disallow of the same, as they shall think meet.]

Textual Amendments

- F63** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4
- F67** Words repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

86 Notice of allowance of byelaws to be given in one or more newspapers.

[^{F63} Provided always, that no such byelaws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers of the county in which the harbour, dock, or pier, or the principal office thereof, is situate, one month at least before the hearing of such application; and any person desiring to object to any such byelaw, on giving to the undertakers notice of the nature of his objection, ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.]

Textual Amendments

- F63** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4

87 A copy of proposed byelaws to be open to inspection.

[^{F63} For one month at least before any such application for confirmation of any byelaws, a copy of the proposed byelaws shall be kept at the principal office of the undertakers; and all persons may, at all reasonable times, inspect such copy, without fee or reward, and the undertakers shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of [^{F68} 2½p] for every one hundred words so to be copied.]

Textual Amendments

- F63** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

F68 Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

88 Publication of byelaws.

[^{F63}The said byelaws when confirmed shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed, and the clerk to the undertakers shall deliver a printed copy thereof to every person applying for the same, without charge, and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of the office of the undertakers, and also on some conspicuous part of the harbour, dock, or pier, and such boards, with the byelaws thereon, shall be renewed from time to time, as occasion shall require, and shall be open to inspection without fee or reward; and in case the said clerk shall not permit the same to be inspected at all reasonable times, he shall for every such offence be liable to a penalty not exceeding [^{F69}level 1 on the standard scale].]

Textual Amendments

- F63** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4
- F69** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

F70 89

Textual Amendments

- F70** S. 89 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 1

90 Proof of publication of byelaws.

[^{F63}The production of a written or printed copy of the byelaws requiring confirmation by a judge of the superior courts . . . ^{F71} or the sheriff, authenticated by the signature of the judge . . . ^{F71} or the sheriff who shall have approved of the same, and a written or printed copy of the byelaws not requiring such confirmation, authenticated by the common seal of the undertakers, if incorporated, or under the hands of the undertakers, if not incorporated, or any two of them, shall be evidence of the existence and due making of such byelaws in all cases of prosecution under the same, without proof of the signature of such judge . . . ^{F71} or sheriff, or the common seal or signature of the undertakers; and with respect to the proof of the publication of any such byelaws, it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed, and, in case of its afterwards being displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such byelaws, or was not duly put up or continued as directed by this Act.]

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

- F63** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of The River Bann Navigation Order (Northern Ireland) 2010 (S.R. 2010/126), arts. 1(1), 4
- F71** Words repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

91 F72

Textual Amendments

- F72** S. 91 repealed by Statute Law Revision Act 1894 (c. 56)

Recovery of damages and penalties

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices or the sheriff, be it enacted as follows:

92 **Railways Clauses Consolidation Act, 1845, as to damages, &c. to be incorporated with this and the special Act.**

If the harbour, dock, or pier be in England or Ireland, the clauses of the ^{M4}Railways Clauses Consolidation Act 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to justices, shall be incorporated with this and the special Act; and if the harbour, dock, or pier be in Scotland, the clauses of the ^{M5}Railways Clauses Consolidation Act (Scotland) 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to justices, shall be incorporated with this and the special Act; and such clauses shall apply to the harbour, dock, or pier and to the undertakers respectively, and shall be construed as if the word “undertakers” had been inserted therein instead of the word “company.”

Marginal Citations

- M4** 1845 c. 20.
M5 1845 c. 33.

93 F73

Textual Amendments

- F73** S. 93 repealed by Statute Law Revision Act 1875 (c. 66)

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

[^{x2}94 All things required to be done by two justices in England and Ireland may, in certain cases, be done by one, and in Scotland by the sheriff, &c.

All things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by two justices may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices, and in Scotland by the [^{F74}Sheriff principal of any sheriffdom or the sheriff]].

Editorial Information

X2 S. 94 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), **Sch. Pt. I**; s. 94 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Group 1**

Textual Amendments

F74 Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4, **Sch. 1 para. 1**

^{F75}95

Textual Amendments

F75 S. 95 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Group 1**

96 ^{F76}

Textual Amendments

F76 S. 96 repealed by (E.W.) Perjury Act 1911 (c. 6), **Sch.** and (S.) False Oaths (Scotland) Act 1933 (c. 20), **Sch.**

Access to special Act

And with respect to access to the special Act, be it enacted as follows:

97 Copies of special Act to be kept by undertakers at their office, and deposited with the clerks of the peace, &c., and be open to inspection.

The undertakers shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them, and shall also within the space of such six months [^{F77}deposit in the office of the chief clerk], a copy of such special Act, so printed as aforesaid; and the said clerk of the peace and sheriff clerk shall receive, and they and the undertakers respectively shall keep, the said copies of the special Act, and shall allow all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by the ^{M6}Parliamentary Documents Deposit Act 1837.

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

Textual Amendments

F77 Words in s. 97 substituted (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 14(4) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

Modifications etc. (not altering text)

C319 Reference to Parliamentary Documents Deposit Act 1837 (c. 83) to be construed (E.W.) as reference to Local Government Act 1972 (c. 70); Interpretation Act 1978 (c. 30), s. 17(2)(a)

Marginal Citations

M6 1837 c. 83.

98 Penalty on undertakers failing to keep or deposit such copies.

If the undertakers fail to keep or deposit, as herein-before mentioned any of the said copies of the special Act, they shall forfeit [^{F78}level 2 on the standard scale] for every such offence, and also five pounds for every day afterwards during which such copy shall be not so kept or deposited.

Textual Amendments

F78 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Saving of rights

And with respect to the saving of rights, be it enacted as follows:

99 Nothing in this or the special Act to affect the rights of the crown;

Nothing in this or the special Act, or any Act incorporated therewith contained shall extend to alienate, defeat, vary, lessen, abrogate, or prejudice any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority, of or appertaining to the Queen's most excellent Majesty, nor to abridge, vary, or abrogate any of the powers or authorities by law vested in the Admiralty, or in the Commissioners of Her Majesty's [^{F79}Customs and Excise], or in the [^{F80}Crown Estate Commissioners], in relation to the possessions and land revenues of her Majesty in right of her crown, or otherwise howsoever.

Textual Amendments

F79 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

F80 Words substituted by virtue of Crown Lands Act 1851 (c. 42), s. 1, Crown Lands Act 1885 (c. 79), s. 2, Forestry (Transfer of Woods) Act 1923 (c. 21), s. 4, S.R. & O. 1924/1370 (Rev. V, p. 443; 1924, p. 228), s. 2, Crown Estate Act 1956 (c. 73), s. 1 and Crown Estate Act 1961 (c. 55), s. 1

Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)

100 nor the rights of the crown as to revenue, &c.;

Nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to her Majesty's duties of Customs or Excise, or any other revenue of the crown, or to extend to or affect any claim of her Majesty in right of her crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

101 ~~nor the rights of the City of London;~~

~~Nothing in this Act or the special Act contained shall prejudice or derogate from the estates, rights, liberties, interests, privileges, franchises, or authority of the Mayor and Commonalty and Citizens of the City of London, or their successors, or the Lord Mayor of the said city for the time being.~~

102 nor the rights of Trinity House, &c.

Nothing in this or the special Act contained shall prejudice or derogate from any of the rights or privileges, jurisdiction or authority of the Corporation of the Trinity House of Deptford Strond, the Corporation for preserving and improving the Port of Dublin, or the Commissioners of Northern Lights, or any lord of the manor within the limits of the harbour or dock.

103 Act not to exempt the undertakers from the provisions of any general Act.

Nothing herein or in the special Act contained shall be deemed to exempt the undertakers from the provisions, regulations, and conditions which may be contained in any general Act relating to harbours, docks, or piers, or to ports, harbours, or tidal waters, which may be passed in the same session in which the special Act is passed, or any future session of Parliament.

104 F81

Textual Amendments

F81 S. 104 repealed by Statute Law Revision Act 1875 (c. 66)

Changes to legislation:

There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847.

Southwold Harbour Management Committee

Work Programme

Induction Session 1 July 2021	<ul style="list-style-type: none"> • Lunch • Training Session • Code of conduct • ESC Overview • Harbour Tour
8 July 2021	<ul style="list-style-type: none"> • Election of Chair and Deputy Chair • Co-opted Members Allowances • Calendar of Meetings • Advisory Group – approve public notices • Harbour Undertaking and assets included
23 September 2021	<ul style="list-style-type: none"> • Establishment of the Advisory Group • Annual Report and Accounts • EXEMPT: Southwold Harbour Investment Plan – Update • Work Programme
11 November 2021	<ul style="list-style-type: none"> • Appointments to Working Groups and their TOR • EXEMPT: Review of Caravan Site Development Report • EXEMPT: Asset List • Health and Safety • Budget Monitoring Report • Work Programme • To agree date of future meeting – 10 March 2022
27 January 2022	<ul style="list-style-type: none"> • Draft Budget 2022/23 • EXEMPT: Asset Rental Summary and Proposed Future Reviews • Recruitment of Southwold Harbour and Asset Manager • To agree future meeting dates – 5 May and 14 July • Work Programme
10 March 2022	<ul style="list-style-type: none"> • Harbour Revision Order process – Presentation from Lara Moore • Update from the Working Groups • Update from the SAG • Arrangements for the SAG meetings • Update on H&S issues and compliance • Work Programme • To propose future meeting dates of 22 September and 3 November 2022, both at Stella Peskett Millennium Hall
5 May 2022	Meeting Postponed.

14 July 2022	<ul style="list-style-type: none"> • Election of Chairman and Vice Chairman for 2022/23 • Annual Report and Accounts • Staffing Update: General Manager and Designated Person • Draft Budget Monitoring Report Q4 2021/22 • Harbour Revision Order (HRO) • Caravan Site Update • Co-opted Member Mike Pickles Term of Office • Appointment of a substitute for Southwold Town Council on the Stakeholder Advisory Group • Appointment on behalf of Blythburgh Parish Council to the Stakeholder Advisory Group • Work Programme
22 September 2022	<ul style="list-style-type: none"> • Royal Haskoning Report – Final Recommendations • Southwold Caravan Site Consultation • Harbour Revision Order • Update from the Working Groups • Update from the SAG • Work Programme
20 October 2022	<ul style="list-style-type: none"> • Business Plan • Update from the Working Groups • Update from the SAG • Review of co-optee allowances • Work Programme •
24 November 2022 Possible Annual Meeting?	<ul style="list-style-type: none"> • Southwold Caravan Site Consultation Feedback • Update from the Working Groups • Update from the SAG • Work Programme •
12 January 2023	<ul style="list-style-type: none"> • Update from the Working Groups • Update from the SAG • Work Programme •
9 March 2023	<ul style="list-style-type: none"> • Update from the Working Groups • Update from the SAG • Work Programme •
June 2023	<ul style="list-style-type: none"> • Update from the Working Groups • Update from the SAG • Work Programme •
July 2023	<ul style="list-style-type: none"> • Election of Chairman and Vice Chairman for 2023/24 • Co-opted Member Richard Musgrove Term of Office • Update from the Working Groups

	<ul style="list-style-type: none"> • Update from the SAG • Work Programme •
	<ul style="list-style-type: none"> •

Other matters:

Report from ABP Mer on Harbour Audit (timeline to be confirmed)

An informal Annual Meeting needs to be convened once a year, with SAG Members being invited.

Harbour and Asset Manager to be invited to first meeting after appointed.

To review the post of Southwold Harbour and Asset Manager once in post for a year.