

202[] No. 0000

HARBOURS, DOCKS, PIERS AND FERRIES

The Weymouth Harbour Revision Order 202[]

Made - - - - 202[]

Laid before Parliament 202[]

Coming into force 202[]

Dorset 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) 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 Weymouth Harbour Revision Order 202[] and shall come into force on [DATE].

(2) The Weymouth Harbour Acts and Orders 1854 to 2021 and this Order may be cited together as the Weymouth Harbour Acts and Orders 1854 to 202[].

(3) This Order extends to England and Wales.

(b) 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).

(c) S.I. 2010/674.

(d) 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).

(e) For the definition of “the Minister”, see section 57(1) of the Harbours Act 1964 (c. 40).

(f) 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.

Appendix One

Interpretation

2.—(1) In this Order—

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

“the Order of 2021” means the Weymouth Harbour Revision Order 2021(b);

“the Council” means Dorset Council;

“peninsula plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed peninsula plan referred to in the Weymouth Harbour Revision Order 2021[]”, one copy of which is deposited at the offices of the Marine Management Organisation(c) and the other at the principal office of the Council(d);

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

“the Weymouth Harbour Acts and Orders 1854 to 2021” means the Acts and Orders referred to in Schedule 3 to the Order of 2021 (Acts and Orders) and the Order of 2021.

Restriction of the application of section 33 of the Harbours, Docks and Piers Clauses Act 1847

3.—(1) Subject to paragraph (2), section 33 of the Act of 1847 (harbour, dock, and pier free to the public on payment of rate), as incorporated under article 3 of the Order of 2021 (incorporation of the provisions of Harbour, Docks and Piers Clauses Act 1847) shall only apply in respect of vessels up to 24 metres in length.

(2) Section 33 of the Act of 1847 shall not apply to the area shaded [insert] on the peninsula plan.

Saving for Trinity House

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

Crown Rights

5.—(1) Nothing in this Order shall—

(a) prejudicially affect any estate, right, power, privilege, authority or exemption of the Crown;

(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) His Majesty in right of His Crown and under the management of the Crown Estate Commissioners, without the consent in writing of the Crown Estate Commissioners,

(ii) a government department or held in trust for His 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.

Signed by authority of the Marine Management Organisation

Michelle Willis
Acting Chief Executive Officer

Date

An authorised employee of the Marine Management Organisation

(b) 1847 c. 27.

(c) S.I. 2021/43.

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

(e) Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ.

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

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Dorset Council, amends the statutory harbour powers applying in relation to Weymouth harbour and provides for—

(1) The restriction of section 33 of the Harbours, Docks and Piers Clauses Act 1847 ('the Open Port Duty') in its application to Weymouth harbour (article 3).

(2) Savings for Trinity House (article 4) and Crown Rights (article 5).

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 together with a copy of the peninsula plan is available alongside the instrument on the UK legislation website at www.legislation.gov.uk

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