



# Harbours Act 1964

## 1964 CHAPTER 40

### *[<sup>F1</sup> Harbour directions*

#### Textual Amendments

- F1** Ss. 40A-40D and cross-heading inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 5\(1\), 13; S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3; S.I. 2013/2006, art. 2](#)

#### **40A Directions**

- (1) A designated harbour authority may give directions (“harbour directions”) in respect of ships—
  - (a) within their harbour, or
  - (b) entering or leaving their harbour.
- (2) A harbour direction may relate to—
  - (a) the movement of ships;
  - (b) mooring or unmooring;
  - (c) equipment (including nature and use);
  - (d) the manning of ships.
- (3) A harbour direction may require the master of a ship to provide information to a specified person in a specified manner.
- (4) “Designated harbour authority” means—
  - (a) a harbour authority for a [<sup>F2</sup>harbour that is wholly in Wales other than a reserved trust port] who are designated by order of the Welsh Ministers,
  - (b) a harbour authority for any other harbour in England or Wales who are designated by order of the Secretary of State, and
  - (c) a harbour authority for a harbour in Scotland who are designated by order of the Scottish Ministers.

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour directions is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) A harbour direction is subject to any direction under section 52 of the Harbours, Docks and Piers Clauses Act 1847 (directions by harbour master).
- (6) A harbour authority may not give a harbour direction which conflicts with an enactment.
- (7) An order designating a harbour authority may amend or repeal any statutory provision of local application which the person making the order thinks is—
  - (a) inconsistent with the power to give harbour directions, or
  - (b) unnecessary as a result of the power.

#### Textual Amendments

**F2** Words in s. 40A(4)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 30\(4\), 71\(4\)](#) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179, reg. 3\(g\)](#)

#### Modifications etc. (not altering text)

**C1** [S. 40A](#) applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\), arts. 1\(1\), 11\(1\)](#)

## 40B Procedure

- (1) Harbour directions must be in writing.
- (2) Before giving harbour directions a harbour authority must consult such representatives of users of the harbour as the authority think appropriate.
- (3) A harbour authority must make such arrangements as they think appropriate for publicising a proposed harbour direction for at least 28 days before it is given.
- (4) A harbour authority must—
  - (a) make harbour directions available for inspection, and
  - (b) supply a copy to anyone who requests it.
- (5) A harbour authority may charge for the supply of copies.
- (6) As soon as is reasonably practicable after giving a harbour direction the harbour authority must publish a notice in a newspaper specialising in shipping news—
  - (a) stating that a harbour direction has been given, and
  - (b) giving details of the arrangements for the inspection and supply of copies of harbour directions.

#### Modifications etc. (not altering text)

**C2** [S. 40B](#) applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\), arts. 1\(1\), 11\(1\)](#)

## 40C Enforcement

- (1) The master of a ship must ensure that harbour directions are complied with.
- (2) Breach of subsection (1) without reasonable excuse is an offence.

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- (3) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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**Modifications etc. (not altering text)**

- C3** S. 40C applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), arts. 1(1), **11(1)**

#### **40D Supplemental**

- (1) Harbour directions—
- (a) may make provision that applies generally or only in relation to specified circumstances, areas, periods or descriptions of ship, and
  - (b) may make different provision for different circumstances, areas, periods or descriptions of ship.
- (2) Harbour directions may be varied or revoked by subsequent harbour directions.
- (3) In section 40A—
- “mooring” includes casting anchor, and
  - “unmooring” includes weighing anchor.]

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**Modifications etc. (not altering text)**

- C4** S. 40D applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), arts. 1(1), **11(1)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)