

1981 No. 1015

**HARBOURS, DOCKS, PIERS AND FERRIES**  
**The Anglesey Marine Terminal Revision Order 1981**

*Made* - - - - - 27th April 1981  
*Laid before Parliament* 3rd June 1981  
*Coming into Operation* 14th July 1981

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him (b) and of all other powers enabling him in that behalf, and on the application of the Ynys Môn-Isle of Anglesey Borough Council hereby makes the following Order:—

*Citation and commencement*

1.—(1) This Order may be cited as the Anglesey Marine Terminal Revision Order 1981 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Anglesey Marine Terminal Act 1972(d) and this Order may be cited together as the Anglesey Marine Terminal Act and Order 1972 and 1981.

*Interpretation*

2.—(1) In this Order expressions to which meanings are assigned by the Act of 1972 have the same respective meanings and—

“the Act of 1847” means the Harbours Docks and Piers Clauses Act 1847;

“the Act of 1972” means the Anglesey Marine Terminal Act 1972;

“the circle” means, subject to article 4 (Extension of controlled area) of this Order, the circular area of sea having a radius of 2,000 feet and having the centre of Work No. 2 as its centre;

“the Company” means Shell U.K. Limited, and in the event of the Company’s works being transferred to any other member of the Royal Dutch/Shell Group includes such other member;

“the controlled area” means the circle and the pipeline area;

“the Council” means the Borough Council of Ynys Môn-Isle of Anglesey;

“general direction” means a direction authorised by article 5 (General directions to vessels) of this Order;

“master” where used in relation to a vessel, means any person (whether the owner, master or other person) having or taking the command, charge or management of the vessel for the time being;

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(a) 1964 c. 40.

(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.

(b) S.I. 1981/238.

(d) 1972 c. li.

“the pipeline area” means, subject to article 4 of this Order, the area of sea within 2,000 feet, measured horizontally on the surface of the sea, either side of Work No. 4 but does not include any area within the circle;

“special direction” means a direction authorised by article 8 (Special directions to vessels) of this Order.

(2) Any reference in this Order to a work identified by the number of the work shall be construed as the work of that number authorised by the Act of 1972.

#### *Incorporation of sections 54 and 92 of Act of 1847*

3.—(1) Sections 54 and 92 of the Act of 1847 are hereby incorporated with and form part of this Order.

(2) In construing the provisions so incorporated the expression “the special Act” shall mean this Order.

#### *Extension of controlled area*

4.—(1) If Work No. 1 is constructed “the circle” shall, during and from the construction of that work, include—

(a) the circular area of sea having a radius of 2,000 feet and having the centre of Work No. 1 as its centre; and

(b) the area of sea enclosed by the circumference of the circular area referred to in sub-paragraph (a) of this paragraph and by the circumference of the circular area having a radius of 2,000 feet and having the centre of Work No. 2 as its centre and by two tangents drawn parallel with and on either side of and at a distance of 2,000 feet from a straight line joining the centres of Works Nos. 1 and 2 so long as that line does not exceed 6,000 feet.

(2) If Work No. 3 is constructed “the pipeline area” shall, during and from the construction of that work, include the area of sea within 2,000 feet, measured horizontally on the surface of the sea, either side of Work No. 3 but shall not include any area within the circle.

(3) The foregoing provisions of this article shall only apply in the event of Work No. 1 being constructed in such a position that its centre is situated not more than 1,000 feet from a point in the Irish Sea at National Grid co-ordinates 243800E and 396815N.

#### *General directions to vessels*

5.—(1) The Council may, after consultation in each case with the pilotage authority, the General Council of British Shipping and the Liverpool Pilots’ Association, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property within the controlled area and the harbour including (but without prejudice to the generality of the foregoing) directions for any of the following purposes:—

(a) for designating areas, routes, or channels within the controlled area and the harbour which vessels are to use or refrain from using;

(b) for prescribing a system regulating the movement of vessels;

(c) for securing that vessels move only at certain times or during certain periods;

(d) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master in order to effect the objects of this paragraph.

(2) A general direction may apply—

- (a) to all vessels or to a class of vessels designated in the direction; and
- (b) to the whole of the controlled area or to the harbour or to any part or parts thereof designated in the direction; and
- (c) at all times or at times designated in the direction;

and every general direction shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c) of this paragraph.

(3) The Council may after consultation with the pilotage authority, the General Council of British Shipping and the Liverpool Pilots' Association amend or revoke directions given under this article.

#### *As to exercise of powers to give general directions*

6.—(1) In exercising their powers under article 5 (General directions to vessels) of this Order the Council shall so far as reasonably practicable having regard to ensuring the safety of shipping and the satisfactory operation of the terminal and of the Liverpool Pilotage Service—

- (a) minimise the restriction of the free passage of all vessels passing through the limits of the terminal;
- (b) ensure that a reasonable channel is available at all times between the circle and the shore for the safe use of all vessels passing through the limits of the terminal.

(2) No general direction given pursuant to article 5 of this Order shall apply—

- (a) to launches while operated by the pilotage authority in the exercise of their pilotage functions except in relation to the circle (other than for the purposes of enabling pilots to embark or disembark on or from vessels moored or mooring at either Work No. 1 or Work No. 2) and except in relation to anchoring; or
- (b) in respect of the pipeline area or any part or parts thereof except—
  - (i) in relation to anchoring or trawling;
  - (ii) to facilitate the reasonable exercise of the powers of Part VI of the Act of 1972 in relation to Work No. 3 or Work No. 4; or
  - (iii) in relation to an emergency.

#### *Publication of general directions*

7.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Council as soon as practicable once in Lloyd's List or some other newspaper specialising in shipping news, and if the notice relates to the giving or amendment, of a direction shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Council consider appropriate.

*Special directions to vessels*

8.—(1) A direction under this article may be given by the harbour master, requiring any vessel or vessels anywhere within the controlled area and the harbour to comply with a requirement made in or under a general direction.

(2) A direction under this article may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a direction given under this article.

*Master's responsibility to be unaffected*

9. The giving of a general direction or a 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 his vessel, persons on board, its cargo or any other person or property.

*Failure to comply with directions*

10. The master of a vessel who fails without reasonable excuse 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 one hundred pounds and on conviction on indictment to a fine.

*Enforcement of directions*

11.—(1) Without prejudice to any other remedy available to the Council if a special direction is not complied with within a reasonable time the harbour master may, where practicable, 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 barge or lighter unless, after reasonable inquiry has been made, the master cannot be found; or
- (b) in relation to a barge or lighter unless it is obstructing or otherwise interfering with navigation.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Council as if they were charges payable to the Council in respect of the vessel.

*Amendment of section 20 of Act of 1972*

12.—(1) Section 20 (Byelaws) of the Act of 1972 shall have effect as if—

- (a) in subsection (1) after the word “byelaws” where that word first occurs the words “for the terminal” were omitted;
- (b) in paragraph (e) of subsection (1) after the word “therein” there were inserted the words “or within the controlled area”;
- (c) in paragraph (f) of subsection (1) for the words “in the terminal” there were substituted the words “within the limits of the terminal”;
- (d) in paragraph (g) of subsection (1)—
  - (i) after the word “navigation” there were inserted the words “by all vessels navigating within the limits of the terminal”; and

- (ii) after the words "within the" there were inserted the words "limits of the";
- (e) in paragraph (h) of subsection (1)—
  - (i) for the words "in the terminal" there were substituted the words "whilst within the limits of the terminal";
  - (ii) after the words "from the terminal" there were inserted the words "and the circle"; and
  - (iii) after the words "within the" there were inserted the words "limits of";
- (f) to paragraph (k) of subsection (1) there were added the words "within the terminal and the circle";
- (g) to paragraph (l) of subsection (1) there were added the words "within the limits of the terminal";
- (h) in paragraph (m) of subsection (1) for the words "in the terminal" there were substituted the words "within the limits of the terminal";
- (j) in paragraph (o) of subsection (1)—
  - (i) for sub-paragraph (i) there were substituted the following sub-paragraph:—
    - "(i) By vessels aground within the limits of the terminal.";
  - (ii) in sub-paragraph (ii) for the word "terminal" there were substituted the words "limits of the terminal";
  - (iii) in sub-paragraph (iii) for the word "terminal" where that word first occurs there were substituted the words "harbour, or to any dock or at any wharf, pier"
- (k) for subsection (2) there were substituted the following subsection:—
  - "(2) In this section—
    - "the circle" and "the controlled area" have the same meanings respectively as in the Anglesey Marine Terminal Revision Order 1981;
    - "signals" includes sound signals."
- (l) in paragraph (b) of subsection (4) for the words "fifty pounds" there were substituted the words "one hundred pounds".

(2) Subsections (1) and (2) of section 20 of the Act of 1972, as those subsections have effect in accordance with this article are set out in the Schedule to this order.

*Saving for pilotage authority and Liverpool Pilots' Association in respect of Act of 1972*

13. Nothing in this Order shall extend or vary, nor shall regard be had to this Order in construing the powers of deviation of the Company in the Act of 1972 in relation to the construction of the Company's works nor shall anything in this Order prejudice or vary the protections afforded to the pilotage authority and the Liverpool Pilots' Association by section 63 of the Act of 1972 or the undertaking by the Council and the Company in favour of the pilotage authority and the Liverpool Pilots' Association dated the 11th February 1972.

*Costs of Order*

14. All costs, charges and expenses of, or in connection with the preparation, submission and making of this Order (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a joint committee of both Houses of Parliament or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Council.

27th April 1981.

*Norman Fowler,*  
Secretary of State for Transport.

SCHEDULE

SECTION 20(1) AND (2) OF THE ACT OF 1972 AS HAVING EFFECT IN ACCORDANCE WITH  
ARTICLE 12 OF THIS ORDER

- (1) The terminal authority may make byelaws for any of the following purposes:—
- (a) to regulate the use of, and to prevent the misuse of or interference with—
    - (i) the terminal and the equipment, services and facilities provided therein;
    - (ii) Works Nos. 1 and 2;
  - (b) to regulate the admission to, movement and berthing within, and the departure of vessels from, the terminal and the use of their motive power and equipment therein and the use of tugs within the terminal;
  - (c) to regulate or prevent the admittance of persons to land, buildings or works of the terminal authority connected with the terminal, including the hours of admittance, and to secure the good and orderly conduct of persons in vessels or otherwise within the terminal;
  - (d) to prevent nuisances and offences against decency in the terminal;
  - (e) to regulate or prevent the use within the terminal or on board any vessel therein or within the controlled area of fires, lights or any other equipment, tools or appliances which the terminal authority consider involve a risk of fire;
  - (f) to prevent pollution of the water within the limits of the terminal but the provisions of any byelaws shall not apply to any substance, the discharge or escape of which into the terminal is subject to the provisions of the Prevention of Oil Pollution Act 1971(a);
  - (g) to secure the conservation and improvement of the terminal and to promote ease and convenience of navigation by all vessels navigating within the limits of the terminal and to prevent and remove obstructions or impediments within the limits of the terminal;
  - (h) to regulate vessels whilst within the limits of the terminal and their entry into and departure from the terminal and the circle and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the limits of the terminal;
  - (i) to prescribe parts of the terminal—
    - (i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or
    - (ii) which vessels of a specified class may not enter;
  - (j) to promote the safety of persons and vessels in the terminal and to prevent the taking of vessels by unauthorised persons in the terminal;

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(a) 1971 c. 60.

- (k) to regulate or prevent the use of firearms within the terminal and the circle;
  - (l) to regulate the launching of vessels within the terminal and the use of pontoons, slipways, landing places or other floating equipment or plant (not being a ship within the meaning of the Act of 1964) within the limits of the terminal;
  - (m) to regulate the placing, laying down, maintaining or using of any mooring (including a mooring placed or laid before the coming into operation of any such regulation) within the limits of the terminal otherwise than under the authority of a licence in that behalf granted by the terminal authority in accordance with the conditions subject to which it is so granted;
  - (n) to prohibit (otherwise than in a case of emergency) the use of any mooring laid down by the terminal authority, in respect of which a licence affording the privilege of preferential right of user of such mooring is for the time being in force, by any person other than the licensee; and
  - (o) to prescribe the lights and signals to be exhibited or made—
    - (i) by vessels aground within the limits of the terminal; or
    - (ii) by wreck-marking vessels or by other devices used for marking obstructions within the limits of the terminal; or
    - (iii) at the entrance to the harbour or to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the terminal.
- (2) In this section—
- “the circle” and “the controlled area” have the same meanings respectively as in the Anglesey Marine Terminal Revision Order 1981;
- “signals” includes sound signals.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order—

- (a) empowers the Ynys Môn-Isle of Anglesey Borough Council to give general directions to vessels for the ease, convenience or safety of navigation and the safety of persons and property in parts of the limits of the terminal managed by that Council being the harbour at Amlwch and a circular area 2,000 feet wide centred on the single buoy mooring forming part of the terminal and the area of sea within 2,000 feet either side of the pipeline connecting that mooring to the shore;
- (b) empowers the harbour master thereof to give special directions to ensure compliance with a general direction;
- (c) extends the power of the Council in relation to byelaws.

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STATUTORY INSTRUMENTS

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**The Anglesey Marine Terminal Revision Order 1981**

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