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STATUTORY INSTRUMENTS

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1982 No. 1294

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Newport (Gwent) Harbour Revision Order 1982**

Made - - - -

26th August 1982

Coming into Operation

1st October 1982

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 powers enabling him in that behalf and on the application of the Newport (Gwent) Harbour Commissioners hereby makes the following order:—

*Citation and commencement*

1. This Order may be cited as the Newport (Gwent) Harbour Revision Order 1982 and shall come into operation on 1st October 1982.

*Interpretation*

2. In this Order unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

“the appointed day” has the meaning assigned to it by Article 10 of this Order;

“boat” means an open boat or other similar vessel plying for hire or carrying cargo;

“boatman” means the person in charge of such boat for the time being;

“the Commissioners” means the Newport (Gwent) Harbour Commissioners as defined in the several Acts constituting such Newport (Gwent) Harbour Commissioners;

“enactment” includes an enactment in this Order or in any general or local Act and any order, byelaw, scheme, or regulation made under an Act;

“the Harbour of Newport” means those parts of the Bristol Channel and the Rivers Usk and Ebbw which lie between an imaginary line drawn in a 259° true direction from Goldcliff until it meets the shore of the Bristol Channel eastward of Peterstone and Wentloog Church and the bridge over the River Usk at Newbridge and the bridge carrying the South Wales railway of the British Railways Board over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all streams, pools, creeks, havens, bays and inlets within those limits.

*Licensing of Boats and Boatmen*

3.—(1) The Commissioners may grant licences for boats and boatmen to which this article applies on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

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(a) 1964 c.40; Section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56) Section 18 and Schedule 6 paragraph 4(1) to (8).

(b) S.I. 1981/238.

(2) On or after the appointed day no boat or boatman to which this article applies shall operate in the harbour of Newport without a licence in respect of such boat and boatmen granted for the purpose by this Order.

(3) (a) This article applies to boats and boatmen plying for hire or reward or carrying cargo within the limits of the harbour.

(b) Any vessel issued with a Passenger Certificate by the Department of Trade is exempted from this Order.

#### *Applications for and provisions as to licences*

4.—(1) An application for a licence under this Order—

(a) shall be made in writing to the Commissioners;

(b) shall be made on behalf of the person requiring the licence;

(c) shall be in such form as the Commissioners shall from time to time require;

(d) shall be signed by the applicant; and

(e) shall contain such information as the Commissioners may reasonably require with respect to the boat and the applicant.

(2) A licence granted under this Order shall be in force for one year or for such shorter period (to be stated in the licence) as the Commissioners on the grant of the licence shall determine or until it is revoked under article 5 of this Order.

(3) A person when making an application under this section shall pay to the Commissioners such reasonable fee as the Commissioners may think fit.

#### *Power to revoke licences*

5. If the holder of a licence granted under this Order fails to comply with any term, condition or restriction on or subject to which the licence has been granted the licence may be revoked by the Commissioners by notice in writing to the holder at his last known address.

#### *Penalties*

6. Any person who contravenes Article 3(2) of this Order, or causes or permits it to be contravened shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £50.

#### *Appeal to the Magistrates' Court*

7.—(1) An applicant for a licence under this Order who is aggrieved by,

(a) the refusal of the Commissioners to grant a licence; or

(b) any term, condition or restriction upon which the licence is granted may within 28 days from the date on which the Commissioners notify the applicant of their decision appeal to the Magistrates' Court whose decision shall be binding on all parties.

(2) Any person who is aggrieved by the revocation of his licence by the Commissioners may within 28 days from the date on which the Commissioners notify him of their decision appeal to the Magistrates' Court whose decision shall be binding on all parties.

(3) Any person who appeals to the Magistrates' Court under this article shall give to the Commissioners notice of his appeal accompanied by a copy of his statement of appeal.

The procedure shall be by way of complaint for an order and sections 51 to 57 of the Magistrates' Courts Act 1980 (a) shall apply to the proceedings.

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(a) 1980 c.43.

- (4) (a) On any appeal under this article the Magistrates' Court may,
- (i) dismiss the appeal or,
  - (ii) in the case of an appeal pursuant to paragraph (1) of this article, require the Commissioners to grant the licence upon such terms and conditions and subject to such restrictions as the Magistrates' Court may determine, or,
  - (iii) in the case of an appeal pursuant to paragraph (2) of this article, require the Commissioners to restore the licence.
- (b) The Commissioners shall give effect to any requirement made by the Magistrates' Court under this article.

#### *Delivery up of the licence*

8.—(1) The Commissioners may require a licence which has expired or been revoked to be delivered up as they direct.

(2) If any boatman fails without reasonable cause to comply with such a requirement he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

#### *Powers of entry*

9.—(1) Any person appointed in writing for the purpose by the Commissioners may at all reasonable times enter any boat licensed under this Order with a view to seeing whether the provisions of this Order applicable to such boat and the terms, conditions or restrictions on or subject to which any licence under this Order has been granted are complied with.

(2) Any person who refuses without reasonable cause to permit the person so appointed on production on request of a document authorising and identifying him as such appointee to enter or inspect any such boat in accordance with the provisions of this article shall be liable on summary conviction to a fine not exceeding £50.

#### *The appointed day*

10.—(1) In this Order "the appointed day" means the first day of the second month after the expiry of the month current at the commencement of this Order.

(2) The Commissioners shall as soon as practicable after the commencement of this Order cause to be published in a local newspaper circulating in the Borough of Newport, Gwent, notice,

- (a) naming the appointed day; and
- (b) stating the general effect of the provisions of this Order.

(3) Either,

- (a) a copy of such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the Clerk to the Commissioners to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice,

shall be evidence of the publication of the notice and the date of publication.

(4) It shall be lawful for any person who,

- (a) immediately before the appointed day was using in the harbour of Newport, Gwent, any boat to which article 3 of this Order applies or was the proprietor and or boatman of such boat; and
- (b) had before that day duly applied for a licence required by this Order to continue to use such boat until he is informed of the decision with regard to his application.

*Costs of the Order*

11. All costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than any costs, charges and expenses incurred in opposing the Order) shall be paid by the Commissioners.

Signed by authority of the  
Secretary of State  
26th August 1982.

*Giles Hopkinson,*  
An Under Secretary in the  
Department of Transport.

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EXPLANATORY NOTE

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

This Order extends the powers of the Newport Harbour Commissioners to enable them to license and inspect boats plying for hire or reward or carrying cargo within the limits of the harbour and to license the boatmen of such boats.

Provision is made for appeals against refusal or revocation of a licence or the terms, conditions or restrictions upon which such licence is granted.