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STATUTORY INSTRUMENTS

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**1996 No. 15**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Weymouth Harbour Revision Order 1996**

*Made* - - - - - *3rd January 1996*

*Coming into force* - - - - - *15th January 1996*

Whereas the Weymouth and Portland Borough Council have applied for a harbour revision order under section 14 of the Harbours Act 1964;(1)

And whereas there were objections made to the application which were not withdrawn, and an inquiry was held in accordance with paragraph 4(3) of Schedule 3 to the said Act;(2)

And whereas the Secretary of State for Transport has considered the objections made and not withdrawn and the report of the person holding the inquiry, and is satisfied as mentioned in subsection (2)(b) of the said section 14:

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14)(3) in exercise of the powers conferred by that section and now vested in him(4), and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Weymouth Harbour Revision Order 1996 and shall come into force on 15th January 1996.

**Interpretation**

2. In this Order—

“marina” means a facility for yachts and other vessels used wholly or mainly for recreational purposes;

“the Inner Harbour (North)” means that part of the harbour of Weymouth which is described in the Schedule to this Order and which, for the purposes of identification only, is shown edged red on the signed plan;

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(1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.  
(2) Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992, Schedule 3, paragraph 10.  
(3) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).  
(4) S.I.1981/238.

“the Authority” means the Weymouth and Portland Borough Council;

“the signed plan” means the plan prepared in duplicate, signed by an Under Secretary in the Department of Transport and marked “Signed plan referred to in the Weymouth Harbour Revision Order 1996”, one copy of which is deposited at the offices of the Department of Transport and the other at the principal office of the Authority.

### **Power to grant leases**

3.—(1) Notwithstanding section 33 of the Harbours, Docks and Piers Clauses Act 1847<sup>(5)</sup> (incorporated with the Weymouth and Melcombe Regis Corporation Act 1887<sup>(6)</sup>, the Weymouth and Melcombe Regis Corporation Act 1914<sup>(7)</sup>, and the Weymouth and Melcombe Regis Harbour Order 1925<sup>(8)</sup>) the Authority may (subject to the Inner Harbour (North)’s belonging to the Authority) lease the Inner Harbour (North) in whole or in part for the purpose of the construction and operation by the tenant of a marina.

(2) No lease granted by the Authority in pursuance of paragraph (1) above may be granted for a period of more than 125 years but, subject to that, any such lease may be granted upon such terms and conditions and for such consideration as the Authority think fit.

(3) For the avoidance of doubt it is hereby declared that the powers conferred by this article shall not diminish the Authority’s existing duties and liabilities respecting the maintenance of the Inner Harbour (North) including the walls thereof.

Signed by authority of the Secretary of State for Transport

Department of Transport  
3rd January 1996

*Goschen*  
Parliamentary Under Secretary of State,

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(5) 1847 c. 27.

(6) 1887 c.c.liii.

(7) 1914 c.c.lxxiv.

(8) Confirmed by 1925 c. lxxiv.

## SCHEDULE

Article 2

### DESCRIPTION OF THE INNER HARBOUR (NORTH)

The part of the harbour of Weymouth referred to as the Inner Harbour (North) is the area bounded—

- (a) on the northern side, by Westham Embankment (beneath Westham Bridge);
- (b) on the eastern side, by the harbour wall;
- (c) on the western side, by the harbour wall; and
- (d) on the southern side, by an imaginary line drawn from the western side of the harbour wall at the position 269m south of Westham Bridge and running 110.2m on a bearing of  $92^{\circ} 53.18'$ , thence 124.2m on a bearing of  $7^{\circ} 52.02'$ , and thence to a point on the eastern side of the harbour wall 152.3m south of the south-eastern corner of Westham Embankment.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order empowers the Weymouth and Portland Borough Council to lease part of the Inner Harbour of the harbour of Weymouth for the purpose of constructing and operating a marina.