
STATUTORY INSTRUMENTS

1996 No. 2480

HARBOURS, DOCKS, PIERS AND FERRIES

The Yarmouth (Isle of Wight) Harbour Revision Order 1996

Made - - - - 26th September 1996

Coming into force - - 14th October 1996

Whereas the Yarmouth (Isle of Wight) Harbour Commissioners have applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas objections to the application made pursuant to paragraph 3(a) of Schedule 3 to the said Act(2) have been withdrawn;

And whereas the Secretary of State for Transport 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.—(1) This Order may be cited as the Yarmouth (Isle of Wight) Harbour Revision Order 1996 and shall come into force on 14th October 1996.

(2) The Yarmouth (Isle of Wight) Harbours Orders 1931 to 1989 and this Order may be cited as the Yarmouth (Isle of Wight) Harbour Orders 1931 to 1996.

Interpretation

2. In this Order:—

“the Commissioners” means the Yarmouth (Isle of Wight) Harbour Commissioners;

“the Order of 1931” means the Yarmouth (Isle of Wight) Pier and Harbour Order 1931(5);

(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.

(5) Confirmed by 1931 c.lxxxix.

“the Order of 1971” means the Yarmouth (Isle of Wight) Harbour Revision Order 1971(6);
“the signed plan” means the plan prepared in triplicate signed by the Head of Ports Division, Department of Transport and marked “Plan referred to in the Yarmouth (Isle of Wight) Harbour Revision Order 1996”, two copies of which have been deposited at that Department and one copy of which has been deposited at the offices of the Harbour Master and Clerk to the Commissioners, The Yarmouth (Isle of Wight) Harbour Commissioners, The Quay, Yarmouth, Isle of Wight, PO41 0NT.

Extension of limits of harbour

3.—(1) The limits within which the Commissioners shall have authority shall be extended to include, in addition to the limits described in section 14 (Limits of Order) of the Order of 1931 and article 4 (Extension of limits of harbour) of the Order of 1971, the area of the Solent below high-water mark of ordinary spring tides and adjoining the limits so described bounded by three straight lines drawn from a point at 50° 42.48'N, 01° 29.82'W thence to a point at 50° 42.86'N, 01° 29.88'W thence to a point at 50° 42.57'N, 01° 31.00'W and thence to a point at 50° 42.38'N, 01° 31.00'W.

(2) The area of the Solent described in paragraph (1) above is, for the purpose of identification only, shown hatched black on the signed plan.

(3) References to the harbour in the Order of 1931 and the Order of 1971 shall be construed as including the area of the Solent described in paragraph (1) above.

Crown rights

4.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purpose of a government department, without the consent in writing of that department.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

Signed by authority of the Secretary of State for Transport

26th September 1996

J D Henes
Head of Ports Division
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the limits within which the Yarmouth (Isle of Wight) Harbour Commissioners have authority.