

1999 No. 266

HARBOURS, DOCKS, PIERS AND FERRIES

The Langstone Harbour Revision Order 1999

Made - - - - - *26th January 1999*

Coming into force *9th February 1999*

Whereas the Langstone Harbour Board have applied for a harbour revision order under section 14 of the Harbours Act 1964(a);

And whereas there were objections made to the application which were not withdrawn, and an inquiry was held in accordance with paragraph 4(3) of Schedule 3 to the said Act(b);

And whereas the Secretary of State for the Environment, Transport and the Regions has considered the objections made and not withdrawn and the report of the person holding the inquiry, and is satisfied as mentioned in subsection (2)(b) of the said section 14: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 the Environment, Transport and the Regions (being the appropriate Minister under subsection (7) of the said section 14(c)), in exercise of the powers conferred by that section and now vested in him(d), 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 Langstone Harbour Revision Order 1999 and shall come into force on 9th February 1999.

(2) The Langstone Harbour Orders 1962 to 1990(e) and this Order may be cited together as the Langstone Harbour Orders 1962 to 1999.

Interpretation

2.—(1) In this Order:

“relevant local planning authorities” means Portsmouth City Council, Havant Borough Council and Hampshire County Council, or any of them as the case may be;

“the 1962 Order” means the Langstone Harbour Order 1962(f);

“the constituent councils” means the councils of the City of Portsmouth and the Borough of Havant;

“the limits of jurisdiction” for the purposes of articles 8 and 9 below, means the area edged pink on the map annexed to this Order;

(a) 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.

(b) Schedule 3 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 10 and Schedule 4, Part II, S.I. 1988/1336 and S.I. 1996/1946.

(c) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).

(d) S.I. 1981/238 and S.I. 1997/2971.

(e) See 1962 c. xxxviii; S.I. 1985/1554 and S.I. 1990/615.

(f) Amended by S.I. 1985/1554.

(2) Words and expressions to which meanings are assigned by the Langstone Harbour Orders 1962 to 1990 shall have the same meaning herein.

Alteration of constitution

3.—(1) The 1962 Order shall have effect subject to the following amendments:

- (a) in section 8, for the word “fourteen” there shall be substituted the word “fifteen”;
- (b) in section 9, at the end of the paragraph, there shall be inserted—

“One member to be elected by the Hampshire County Council from among the members thereof”; and
- (c) after section 10(3), there shall be added the following subsection—

“(4) The Hampshire County Council shall as soon as may be after coming into operation of the Langstone Harbour Revision Order 1998 and in each year thereafter, elect the member of the Board whom they are by this Order authorised to elect, and the member so elected shall, subject to the provisions of this Order, hold office on and from the day of the annual meeting of the Board in that year until the day of the next following annual meeting of the Board.”.

(2) In the Langstone Harbour Revision Order 1985(a), in paragraph (4) of article 4, after the words “Advisory Committee” in each place where they occur, there shall be added the words “or the Hampshire County Council”.

Advisory Committee

4. In section 29(1) of the 1962 Order, after the words—

“Langstone Harbour Fishermen’s Association—
1 representative;”,

there shall be inserted the words—

“Royal Society for the Protection of Birds—
1 representative;
Environment Agency—
1 representative;”.

Power to delegate

5. The Board shall have the power to delegate any of its functions (except those listed in paragraphs 9A and 9B of Schedule 2 of the Harbours Act 1964) to a sub-committee or to an officer provided that any such sub-committee comprises an equal number of members of the Board elected by the constituent councils in addition to any other members of such sub-committee.

Nomination of deputies

6.—(1) The constituent councils, the Hampshire County Council and the Advisory Committee may nominate a person or persons to act as deputy or deputies for all or any of the members of the Board appointed by that council or committee.

(2) Subject to paragraph (3) below, any person nominated pursuant to paragraph (1) above may attend and vote and take part in any proceedings or business of the Board or any committee or sub-committee of the Board (being a committee or sub-committee on which a member for whom he is nominated as deputy is entitled to sit) which the member for whom he is nominated a deputy is unable to attend.

(3) Any person nominated pursuant to paragraph (1) above shall—

- (a) not be entitled to represent more than one member and a member shall not be represented by more than one such person at any meeting, proceedings or business of the Board or a committee or sub-committee of the Board;
- (b) be subject to the same provisions as to appointment to, qualification for, and disqualification from, office as apply to the member of the Board for whom he is to act as deputy; and

(a) S.I. 1985/1554.

- (c) not be entitled to act as deputy for any member of the Board until notice of his nomination so to act has been given to the Board by Hampshire County Council, the Advisory Committee or the constituent councils making the nomination, specifying the member or members for whom he has been nominated to act as deputy.

Honorary members

7.—(1) The Board may by a resolution carried by a majority of not less than two thirds of the members present confer the title of Honorary Member upon any person who is no longer a member of the Board but who in its opinion has given eminent service as a member of the Board for a period of at least six years.

(2) An honorary member may attend and take part in such ceremonial events as the Board may from time to time decide but shall not have the right to attend meetings of the Board nor to claim or receive any allowance or expense.

Application of the Town and Country Planning (General Development Procedure) Order 1995

8. For the purposes of any development within the description given in paragraph (u)(i) of article 10(1) of the Town & Country Planning (General Development Procedure) Order 1995(a) or within the limits of jurisdiction the Board shall be consulted by the local planning authority as if it was in relation to such development one of the bodies listed as a consultee in Column 3 of the Table in the said article 10(1).

Conservation powers, education and interpretation

9.—(1) Within the limits of jurisdiction, the Board may—

- (a) make byelaws and incur expenditure for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features; and
- (b) incur expenditure on and carry out works for the purpose of interpreting the history, fauna, flora or geological or physiographical features of the harbour for the benefit or education of persons visiting the harbour or its surroundings.

(2) Before taking action under paragraph (1) above, the Board shall consult with and obtain the consent of the constituent councils.

Crown rights

10.—(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 or any rights of whatsoever description (including any part of the shore or bed of the sea or of any river, channel creek, bay or estuary)—

- (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 purposes 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 the authority of the
Secretary of State for the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under Secretary,
Department of the Environment,
Transport and the Regions

26th January 1999

(a) S.I. 1995/419.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order alters the constitution of the Langstone Harbour Board by providing for the addition of a member to be elected by the Hampshire County Council. The constitution of the Advisory Committee is also changed.

The Harbour Board is made a statutory consultee in respect of certain developments, and is given limited powers in relation to conservation and interpretation of the environment and the harbour.

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