
STATUTORY INSTRUMENTS

2021 No. 43

The Weymouth Harbour Revision Order 2021

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Weymouth Harbour Revision Order 2021 and shall come into force on 17th February 2021.

Interpretation

2.—(1) In this Order—

“the Act of 1847” means the Harbour, Docks and Piers Clauses Act 1847⁽¹⁾;

“the Act of 1854” means the Weymouth and Melcombe Regis Markets and Pier Act 1854⁽²⁾;

“the Act of 1879” means the Weymouth and Melcombe Regis Bridge Act 1879⁽³⁾;

“the Act of 1887” means the Weymouth and Melcombe Regis Corporation Act 1887⁽⁴⁾;

“the Act of 1914” means the Weymouth and Melcombe Regis Corporation Act 1914⁽⁵⁾;

“the Order of 1930” means the Weymouth and Melcombe Regis Harbour Order 1930⁽⁶⁾;

“the Act of 1964” means the Harbours Act 1964⁽⁷⁾;

“the Order of 1988” means the Weymouth and Portland (Pilotage) Harbour Revision Order 1988⁽⁸⁾;

“the Order of 1996” means the Weymouth Harbour Revision Order 1996⁽⁹⁾;

“aids to navigation” includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

“the Council” means Dorset Council;

“charges” means the charges, rates, tolls and dues which the Council is for the time being authorised to demand, take and recover in relation to the harbour undertaking;

“commercial refuelling activities” means recharging or emptying (in whole or part) a vessel with fuel in exchange for financial payment or other valuable consideration;

(1) 1847 c. 27.

(2) 17 Victoria 1 c. xxxv.

(3) 42 & 43 Victoria 1 c. xii.

(4) 50 & 51 Victoria 1 c. cliii.

(5) 4 & 5 Geo. 5 c. clxxiv.

(6) 20 & 21 Geo. 5 c. cxlii Schedule 3.

(7) 1964 c. 40.

(8) S.I. 1988/1707.

(9) S.I. 1996/15.

“electronic communications network” has the meanings given by section 32 to the Communications Act 2003⁽¹⁰⁾;

“functions” means the powers and duties at and in connection with the harbour authorised by this Order and the Acts and Orders listed in Schedule 3 (to the extent that those Acts and Orders relate to the harbour);

“general direction” means a direction given under article 21 of this Order;

“the harbour” means the harbour of Weymouth the limits of which include the harbour premises and are defined in article 6 of this Order;

“harbour facilities” means shipping, fisheries, marine, recreational, leisure, tourism and retail facilities (including buildings).

“harbour limits plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed plan referred to in the Weymouth Harbour Revision Order 2021”, one copy of which is deposited at the offices of the Marine Management Organisation ⁽¹¹⁾ and the other at the principal office of the Council⁽¹²⁾.

“the harbour master” means any person appointed as such by the Council, and includes the duly authorised deputies and assistants of the harbour master and any other person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour premises” means land adjacent to the wet harbour area and for the time being vested in, or occupied or administered by the Council as part of the harbour undertaking and occupied wholly or mainly for the purpose of activities there carried on; which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, buildings and all other works, conveniences, land and premises which at the date of this Order includes the areas shown shaded blue on the harbour premises plan;

“the harbour premises plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed plan referred to in the Weymouth Harbour Revision Order 2021”, one copy of which is deposited at the offices of the Marine Management Organisation and the other at the principal office of the Council;

“harbour revenue” means and includes all moneys receivable by the Council for and in relation to the harbour undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

“the harbour undertaking” means the undertaking carried on by the Council at and in connection with the harbour authorised by this Order and the Acts and Orders listed in Schedule 3 (to the extent that those Acts and Orders relate to the harbour);

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“Inner Harbour North” means that part of the harbour which is described in the Schedule to the Order of 1996 and which, for the purposes of identification only, is shown edged red on the signed plan deposited with that Order;

“jet bike” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a water jet engine or other mechanical means of propulsion and steered either—

- (a) by means of a handlebar-operated linkage system (with or without a rudder at the stern),
- or

⁽¹⁰⁾ 2003 c.21. Section 32(1) was amended by S.I. 2011/1210, Schedule 1 paragraph 9(a).

⁽¹¹⁾ The Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

⁽¹²⁾ Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ.

(b) by the person or persons riding the craft using their body weight for the purpose, or

(c) by a combination of the methods referred to in (a) and (b) above;

“land” includes land covered by water;

“the level of high water” means the level of mean high-water springs;

“the level of low water” means the level of mean low-water springs;

“master”, in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being;

“operator” has the meaning given by paragraph 2 Schedule 3A to the Communications Act 2003;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water but not a hovercraft or hydrofoil vessel;

“special direction” means a direction given under article 24 of this Order;

“statutory undertaker” means —

(a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990⁽¹³⁾,

(b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949⁽¹⁴⁾,

(c) any operator of an electronic communications network;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

“vessel” means a ship, boat, houseboat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a jet bike, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

“wet harbour area” means those parts of the area described in article 6(1) of this Order which are covered by water at the level of low water.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) Reference points specified in this Order shall be construed as references to Latitude and Longitude reference points.

Incorporation of the provisions of Harbour, Docks and Piers Clauses Act 1847

3.—(1) The Act of 1847 (except sections 6 to 26, 28, 31, 42, 48 to 50, 67, 70, 92 and 101), (so far as applicable to the purposes and not inconsistent with the provisions of this Order, the Act of 1854, the Act of 1887 and the Act of 1914 respectively), is hereby incorporated with this Order, the Act of 1854, the Act of 1887 and the Act of 1914 respectively subject to the modifications stated in paragraphs (2) to (4) below.

(2) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission) of the Act of 1847 shall have effect subject to the modification that for the words from “liable to”

(13) 1990 c. 8.

(14) 1949 c. 74: section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.

to the end of the section there are substituted the words “guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(3) Section 69 (combustible matters on quays, &c., to be removed) of the Act of 1847 shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(4) In construing the provisions of the Act of 1847 as incorporated with this Order, the Act of 1854, the Act of 1887 and the Act of 1914 respectively —

- (a) the expression “the special Act” means this Order, the Act of 1854, the Act of 1887 and the Act of 1914 respectively;
- (b) the expression “the undertakers” means the Council;
- (c) the expression “the harbour, dock, or pier” shall mean the harbour, the breakwaters and includes those docks, piers, berths, quays, landing places and wharves forming part of the harbour premises;
- (d) for the definition of the word “vessel” in section 3 (interpretation) of the Act of 1847 there shall be substituted the definition of that word in article 2(1) of this Order;
- (e) the reference in section 53 (penalty on shipmasters not complying with directions of the harbour master) of the Act of 1847 to notice of a direction by the harbour master served upon a vessel shall not be construed as requiring the notice to be in writing if in the circumstances it is not reasonably practicable for the harbour master to serve a written notice on the master, and in such circumstances the said reference may be construed as including the communication of the notice orally or otherwise.