



# Marine Navigation Act 2013

## 2013 CHAPTER 23

### *Harbour authorities*

#### **5 Harbour directions**

(1) After section 40 of the Harbours Act 1964 insert—

#### *“Harbour directions*

##### **40A Directions**

- (1) A designated harbour authority may give directions (“harbour directions”) in respect of ships—
  - (a) within their harbour, or
  - (b) entering or leaving their harbour.
- (2) A harbour direction may relate to—
  - (a) the movement of ships;
  - (b) mooring or unmooring;
  - (c) equipment (including nature and use);
  - (d) the manning of ships.
- (3) A harbour direction may require the master of a ship to provide information to a specified person in a specified manner.
- (4) “Designated harbour authority” means—
  - (a) a harbour authority for a fishery harbour in Wales who are designated by order of the Welsh Ministers,
  - (b) a harbour authority for any other harbour in England or Wales who are designated by order of the Secretary of State, and
  - (c) a harbour authority for a harbour in Scotland who are designated by order of the Scottish Ministers.

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*Changes to legislation: There are currently no known outstanding effects for the Marine Navigation Act 2013, Section 5. (See end of Document for details)*

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- (5) A harbour direction is subject to any direction under section 52 of the Harbours, Docks and Piers Clauses Act 1847 (directions by harbour master).
- (6) A harbour authority may not give a harbour direction which conflicts with an enactment.
- (7) An order designating a harbour authority may amend or repeal any statutory provision of local application which the person making the order thinks is—
  - (a) inconsistent with the power to give harbour directions, or
  - (b) unnecessary as a result of the power.

#### **40B Procedure**

- (1) Harbour directions must be in writing.
- (2) Before giving harbour directions a harbour authority must consult such representatives of users of the harbour as the authority think appropriate.
- (3) A harbour authority must make such arrangements as they think appropriate for publicising a proposed harbour direction for at least 28 days before it is given.
- (4) A harbour authority must—
  - (a) make harbour directions available for inspection, and
  - (b) supply a copy to anyone who requests it.
- (5) A harbour authority may charge for the supply of copies.
- (6) As soon as is reasonably practicable after giving a harbour direction the harbour authority must publish a notice in a newspaper specialising in shipping news—
  - (a) stating that a harbour direction has been given, and
  - (b) giving details of the arrangements for the inspection and supply of copies of harbour directions.

#### **40C Enforcement**

- (1) The master of a ship must ensure that harbour directions are complied with.
- (2) Breach of subsection (1) without reasonable excuse is an offence.
- (3) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **40D Supplemental**

- (1) Harbour directions—
  - (a) may make provision that applies generally or only in relation to specified circumstances, areas, periods or descriptions of ship, and
  - (b) may make different provision for different circumstances, areas, periods or descriptions of ship.
- (2) Harbour directions may be varied or revoked by subsequent harbour directions.

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- (3) In section 40A—  
“mooring” includes casting anchor, and  
“unmooring” includes weighing anchor.”
- (2) In section 54 (orders and regulations) at the end insert—
- “(5) A power of the Secretary of State or Welsh Ministers to make an order under section 40A is exercisable by statutory instrument.
- (6) A statutory instrument containing an order under section 40A—
- (a) if made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament,
- (b) if made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (3) In section 57(1) (interpretation) insert at the appropriate place—
- ““master”, in relation to a ship, means the person who has command or charge of the ship for the time being;”.

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**Commencement Information**

- I1** S. 5 in force at 1.10.2013 for S. by [S.S.I. 2013/254](#), **art. 2**
- I2** S. 5 in force at 1.10.2013 for W. in so far as not already in force by [S.I. 2013/2006](#), **art. 2**
- I3** S. 5 in force at 1.10.2013 except in relation to S., and to W. for specified purposes by [S.I. 2013/1489](#), **art. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Marine Navigation Act 2013, Section 5.