



Wales Act 2017

2017 CHAPTER 4

PART 2

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Harbours: transfer of executive functions

29 Welsh harbours

- (1) The functions mentioned in subsection (2) are (so far as not already transferred under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)) transferred to the Welsh Ministers.
- (2) The functions are functions exercisable by a Minister of the Crown under or by virtue of—
 - (a) section 21 of the Sea Fish Industry Act 1951 (fishery harbours);
 - (b) the following provisions of the Harbours Act 1964—
 - (i) section 11 (loans for harbour works);
 - (ii) sections 14 to 17 and Schedule 3 (harbour revision orders, harbour authority appointment orders and harbour empowerment orders);
 - (iii) section 18 and Schedule 4 (harbour reorganisation schemes);
 - (iv) section 19 (compensation for loss of office etc in consequence of harbour orders and schemes);
 - (v) sections 30 and 31 (harbour charges and dues);
 - (vi) section 39(4) (extension of order-making power under section 21(8) of the Sea Fish Industry Act 1951);
 - (vii) sections 41 and 42 (provision of information, accounts etc);
 - (viii) section 60 (power to amend local Acts);
 - (c) the following provisions of the Docks and Harbours Act 1966—
 - (i) section 36 (provision of inland clearance depots);
 - (ii) sections 42 and 43 (further provision about harbour reorganisation schemes);

Status: This is the original version (as it was originally enacted).

- (d) section 1 of the Harbours (Loans) Act 1972;
- (e) section 5(2) of the Ports (Finance) Act 1985 (orders amending local Acts etc);
- (f) the following provisions of the Pilotage Act 1987—
 - (i) section 1 (orders about competent harbour authorities);
 - (ii) section 8(3) (directions about pilotage exemption certificates);
 - (iii) section 10(6) (appeals in respect of pilotage charges);
 - (iv) section 12 (information and directions as to joint arrangements);
 - (v) section 13 (resolution of disputes between harbour authorities);
 - (vi) paragraph 4 of Schedule A1 (appeals in relation to decisions on authorisation of EEA pilots);
- (g) Part 1 of the Ports Act 1991, other than section 11(8);
- (h) any provision contained in a local Act (including an Act confirming a provisional order);

so far as exercisable in relation to harbours that are wholly in Wales, other than harbours that are reserved trust ports.

- (3) In determining for the purposes of subsection (2)(b) whether a function is exercisable by a Minister of the Crown under or by virtue of a provision of the Harbours Act 1964, any order made under section 42A of that Act (delegation of functions) is to be ignored.
- (4) Where a function mentioned in subsection (2) relates to two or more harbours, that function is transferred to the Welsh Ministers only to the extent that both or all of the harbours to which it relates are wholly in Wales and are not reserved trust ports.
- (5) This section does not operate to transfer to the Welsh Ministers a function to the extent that, if exercised, it would result in a cross-border harbour being created.
- (6) Sections 34 to 38 make further provision about—
 - (a) the exercise, by a Minister of the Crown, of certain functions in relation to cross-border harbours,
 - (b) the exercise of certain functions relating to pilotage by the Secretary of State in relation to waters in Wales, and by the Welsh Ministers in relation to waters in England, and
 - (c) the exercise, by a Minister of the Crown, of certain functions in relation to two or more harbours where at least one of those harbours is wholly in Wales and is not a reserved trust port.
- (7) In this section—
 - “cross-border harbour” has the meaning given in section 34;
 - “reserved trust port” has the meaning given in section 32;
 - “Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act).