
S T A T U T O R Y I N S T R U M E N T S

1973 No. 1394

HARBOURS, DOCKS, PIERS AND FERRIES

The Padstow Harbour Revision Order 1973

<i>Made</i>	- - -	<i>23rd March 1973</i>
<i>Laid before Parliament</i>		<i>14th June 1973</i>
<i>Coming into Operation</i>		<i>25th July 1973</i>

The Secretary of State for the Environment in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him (b) and of all other powers enabling him in that behalf and on the application of the Padstow Harbour Commissioners hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Padstow Harbour Revision Order 1973 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Padstow Harbour Acts and Orders 1844 to 1931 and this Order may be cited together as the Padstow Harbour Acts and Orders 1844 to 1973.

Interpretation

2.—(1) In this Order unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

“the appointed day” has the meaning assigned to it by article 10 of this Order;

“the Commissioners” means the Padstow Harbour Commissioners incorporated by section 4 of the Padstow Harbour Act 1910(d);

“enactment” includes an enactment in this Order or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

“the Port of Padstow” means the area within the limits of a line from Pentire Point to the outside of Newland Rock to the outside of Gulland Rock to Stepper Point to Polbrock including all the branches or creeks of the River Camel or Allen as far as the tide flows.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Order.

(a) 1964 c. 40.

(c) 9 & 10 Geo. 6. c. 18; 1965 c. 43.

(e) 1889 c. 63.

(b) S.I. 1970/1681 (1970 III, p. 5551).

(d) 1910 c. cx.

Licensing of small vessels

3.—(1) The Commissioners may grant licences for vessels to which this article applies and to the masters of such vessels on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(2) As from the appointed day no vessel to which this article applies shall operate in or proceed to sea from the Port of Padstow without a licence in respect of such vessel and the master thereof granted for the purpose under this Order.

(3) (a) This article applies to passenger vessels operating for hire or reward which carry 12 or less passengers.

(b) In this article the expression “master” shall not include any person in charge of a vessel who is not taking passengers for reward.

Applications for and provisions as to licences

4.—(1) An application for a licence under this Order

(a) shall be made in writing to the Commissioners;

(b) shall be made by or on behalf of the person requiring the licence;

(c) shall be in such form as the Commissioners shall from time to time require;

(d) shall be signed by the applicant; and

(e) shall contain such information as the Commissioners may reasonably require with respect to the vessel and the applicant.

(2) A licence granted under this Order shall be in force for one year or for such shorter period (to be stated in the licence) as the Commissioners on the grant of the licence shall determine or until it is revoked under article 5 of this Order.

(3) A person when making an application under this section shall pay to the Commissioners such reasonable fee as the Commissioners may think fit.

Power to revoke licences

5. If the holder of a licence granted under this Order fails to comply with any term, condition or restriction on or subject to which the licence has been granted the licence may be revoked by the Commissioners.

Penalties

6. If on or after the appointed day any vessel to which article 3 of this Order applies operates in or goes to sea from the Port of Padstow without a licence granted by the Commissioners in respect of such vessel and of the master thereof then for each offence the owner thereof shall be liable on summary conviction to a fine not exceeding £50 and the master shall also be liable to a further fine not exceeding £50.

Appeals to the Magistrates' Court

7.—(1) An applicant for a licence under this Order who is aggrieved by

(a) the refusal of the Commissioners to grant the licence; or

(b) any term, condition or restriction upon which the licence is granted may within 28 days from the date on which the Commissioners notify the applicant of their decision appeal to the Magistrates' Court whose decision shall be binding upon the parties.

(2) Any person who is aggrieved by the revocation of his licence by the Commissioners may within 28 days from the date on which the Commissioners notify him of their decision appeal to the Magistrates' Court whose decision shall be binding upon the parties.

(3) Any person who appeals to the Magistrates' Court under this article shall give to the Commissioners notice of his appeal accompanied by a copy of his statement of appeal.

(4) (a) On any appeal under this article the Magistrates' Court may

(i) dismiss the appeal, or

(ii) in the case of an appeal pursuant to paragraph (1) of this article, require the Commissioners to grant the licence upon such terms and conditions and subject to such restrictions as the Magistrates' Court may determine, or

(iii) in the case of an appeal pursuant to paragraph (2) of this article, require the Commissioners to restore the licence.

(b) The Commissioners shall give effect to any requirement made by the Magistrates' Court under this article.

Delivery up of licence

8.—(1) The Commissioners may require a licence which has expired or been revoked to be delivered up as they direct.

(2) If any owner or master fails without reasonable cause to comply with such requirements he shall be liable on summary conviction to a fine not exceeding £10.

Powers of entry

9.—(1) Any person appointed for the purpose by the Commissioners may at all reasonable times enter any vessel licensed under this Order with a view to seeing whether the provisions of this Order applicable to such vessel and the terms, conditions or restrictions on or subject to which any licence under this Order has been granted are complied with.

(2) Every person who refuses without reasonable cause to permit any such person to enter or inspect any such vessel in accordance with the provisions of this article shall for every such offence be liable on summary conviction to a fine not exceeding £20.

The appointed day

10.—(1) In this Order "the appointed day" means the first day of the second month after the expiry of the month current at the commencement of this Order.

(2) The Commissioners shall as soon as practicable after the commencement of this Order cause to be published in a local newspaper circulating in the urban district of Padstow notice

(a) naming the appointed day; and

(b) stating the general effect of the provisions of this Order.

(3) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the clerk of the Commissioners to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice,

shall be evidence of the publication of the notice and of the date of the publication.

(4) It shall be lawful for any person who

- (a) immediately before the appointed day was using in the Port of Padstow any vessel to which article 3 of this Order applies or was the master of such vessel; and

(b) had before that day duly applied for a licence required by this Order to continue to use such vessel until he is informed of the decision with regard to his application and, if his application is refused, for the period of 28 days provided under article 7(1) of this Order for an appeal against that refusal.

Costs of Order

11. All costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than those which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Commissioners.

Signed by authority of the Secretary of State
23rd March 1973.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the powers of the Padstow Harbour Commissioners to enable them to licence and inspect passenger vessels operating for hire or reward which carry 12 or less passengers and to licence the masters of such vessels.

Provision is made for appeals against refusal or revocation of a licence or the terms, conditions or restrictions upon which a licence is granted.

STATUTORY INSTRUMENTS

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