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STATUTORY INSTRUMENTS

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**1987 No. 420**

**The Padstow Harbour Revision Order 1987**

**PART I**  
**PRELIMINARY**

**Citation and commencement**

1.—(1) This Order may be cited as the Padstow Harbour Revision Order 1987 and shall come into force on a date fixed in accordance with the Statutory Orders (Special Procedure) Acts 1945 and 1965(1).

(2) The Padstow Harbour Act and Orders 1869 to 1973 and this Order may be cited together as the Padstow Harbour Acts and Orders 1869 to 1987.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847(2)

“charges” means the charges, rates, tolls or dues which the Commissioners are for the time being authorised to demand, take and recover in relation to the undertaking;

“the Commissioners” means the Padstow Harbour Commissioners incorporated by section 4 of the Padstow Harbour Act 1910(3) and “Commissioner” means one of the Commissioners;

“the elected Commissioners” means the Commissioners elected by the Padstow electors, the St. Minver electors or the Wadebridge electors, as provided by article 4 below;

“the first election” means the first election held under the provisions of this Order;

“the harbour estate” means the docks, piers, wharves, quays, berths, roads, bridges, sheds and other works and conveniences and the lands, buildings and property, of every description and of whatever nature, which are for the time being vested in or occupied by the Commissioners for the purposes of the Port;

“the harbour master” means the harbour master appointed by the Commissioners and includes his authorised deputies and assistants and any person authorised by the Commissioners to act as harbour master;

“hovercraft” has the same meaning as in the Hovercraft Act 1968(4)

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

“the Manor Commissioner” means the Commissioner appointed by the Lord of the Manor of Padstow as provided by article 4 below;

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(1) 1945 c. 18, 1965 c. 43.

(2) 1847 c. 27.

(3) 1910 c.cx.

(4) 1968 c. 59.

“the new constitution date” means the first day of the third month after the expiry of the month current at the commencement of this Order;

“the Padstow Area” means the area consisting of the parishes of Padstow and St. Issey in the county of Cornwall;

“the Padstow electors” means the persons who are shown in the register of parliamentary electors for the time being in force as resident at addresses within the Padstow Area;

“the Port” means the area within the limits of a line from Pentire Point (50 degrees, 35.2' North, 4 degrees, 56.05' West) to the outside of Newland Rock (50 degrees, 35.55' North, 4 degrees, 56.85' West) to the outside of Gulland Rock (50 degrees, 34.32' North, 4 degrees, 59.9' West) to Stepper Point (50 degrees, 34.12' North, 4 degrees, 56.8' West) including all the branches or creeks of the Rivers Camel and Allen so far as the tide flows;

“the returning officer” means the returning officer at the elections to be held under the provisions of this Order;

“the St. Minver Area” means the area consisting of the parishes of St. Minver Highlands and St. Minver Lowlands in the county of Cornwall;

“the St. Minver electors” means the persons who are shown in the register of parliamentary electors for the time being in force as resident at addresses within the St. Minver Area;

“tidal work” means so much of any work for the time being vested in the Commissioners as is on, under or over tidal waters or tidal lands below the level of high water;

“the undertaking” means the harbour undertaking of the Commissioners for the time being;

“vessel” means every description of vessel, however propelled or moved, and includes anything constructed or used to carry persons or goods by water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel;

“the Wadebridge Area” means the area consisting of the parishes of Egloshayle, St. Breock and Wadebridge in the county of Cornwall;

“the Wadebridge electors” means the persons who are shown in the register of parliamentary electors for the time being in force as resident at addresses within the Wadebridge Area.

### **Incorporation of enactments**

- (a) (a) The provisions of the Act of 1847 (except sections 8 to 20, 25, 26, 42, 43, 48, 50, 83 to 90, 95 and 97 to 99), so far as applicable to the purposes of, and not inconsistent with, the provisions of this Order, are hereby incorporated with this Order.
- (b) in construing the provisions so incorporated—
  - (i) the expression “the special Act” shall mean this Order, the expression “the undertakers” shall mean the Commissioners and the expression “the harbour, dock or pier” shall mean the Port and any docks, piers, berths, quays or wharves forming part of the harbour estate;
  - (ii) section 23 shall have effect as if the Proviso to that section were omitted; and
  - (iii) section 52 and 53 shall have effect in accordance with the provisions of article 10 (harbour master’s powers) of this Order.