

STATUTORY INSTRUMENTS

1988 No. 2304

The Newport (Isle of Wight) Harbour Revision Order 1988

PROSPECTIVE

Additional byelaw making powers

15.—(1) In addition to the byelaws which may be made by the Council under section 83 of the Act of 1847 the Council may from time to time make such byelaws as to them seem meet for all or any of the following purposes:—

- (a) for the regulation of the mooring, careening, beaching or anchoring and keeping of vessels and houseboats in the harbour;
- (b) for the regulation of the placing, laying down, maintaining, using and having existing and future moorings in the harbour and for the prescription of patterns of moorings in the harbour or on the banks belonging to the Council adjoining the harbour;
- (c) for regulating the conduct of persons using the harbour or its banks or shores whether on business, recreation, training or any other purpose;
- (d) for the prevention or regulation of the disposal of:—
 - (i) rubbish (including ballast stones, earth, clay, or other refuse and any other abandoned article or material whether liquid or solid but not including any substance the discharge or escape of which into the harbour is subject to the provisions of the Prevention of Oil Pollution Act 1971(1), in the harbour whether or not from any vessel or houseboat;
 - (ii) sewage from any vessel or houseboat in the harbour;
- (e) for the regulation and control in the harbour of the navigation and speed of vessels and the prevention of obstruction or danger to vessels using the harbour;
- (f) the restriction or prohibition of water skiing, aqua planing or similar activities in the harbour;
- (g) the imposition of limits on the size of vessels entering the harbour;
- (h) for regulating the launching of vessels within the harbour and the use of pontoons, slipways and landing places;
- (i) for the prevention and removal of obstructions in the harbour;
- (j) for the prevention of interference with the operation or use of vessels, plant and apparatus belonging to or used by the Council as the harbour authority;
- (k) for preventing the taking of vessels by unauthorised persons;
- (l) for regulating the movement, speed and parking of vehicles within the harbour;
- (m) for securing the safety of vessels and persons using, and of property within, the harbour.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Newport (Isle of Wight) Harbour Revision Order 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) (2) (a) In the application of section 236 of the Local Government Act 1972(2) to byelaws relating to the harbour made by the Council under this Order or any other enactment:—
- (i) the Secretary of State for Transport shall be the confirming authority.
 - (ii) the said section 236 shall have effect as if in subsection (7) thereof after the word“confirm” where it firstly occurs in the sub-section the words“with or without modification” were inserted.
- (b) If the Secretary of State, on considering byelaws relating to the harbour made by the Council and submitted under the said section 236 as having effect in accordance with paragraph (a) above proposes to make a modification which appears to him to be substantial, he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.
- (3) Byelaws made by the Council to which the foregoing provisions of this article apply may contain provisions imposing upon a person offending against a byelaw a fine not exceeding £100 and a daily fine not exceeding £10.
- (4) If and so far as a byelaw made under sub-paragraph (d)(ii) of paragraph (1) of this article is inconsistent with a byelaw made by the Southern Water Authority under section 33 of the Control of Pollution Act 1974(3) the latter shall prevail.

Commencement Information

II Art. 15 in force at 12.12.1988

(2) 1972 c. 70.
(3) 1974 c. 40.

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Changes and effects yet to be applied to :

- art. 15 coming into force by

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 8(2)(f) inserted by [S.I. 2021/139 art. 20\(3\)\(b\)](#)