

## STATUTORY INSTRUMENTS

# 1988 No. 2304

## The Newport (Isle of Wight) Harbour Revision Order 1988

PROSPECTIVE

### As to houseboats

**8.**—(1) As from the first day of the third month after the expiry of the month in which this Order comes into force it shall not be lawful:—

- (a) without the written consent of the Council; or
- (b) where that consent has been given in contravention of any terms or conditions attached to it;

to moor, place, keep or maintain in the harbour any houseboat whether or not the same shall have been so moored or placed before the commencement of this Order.

(2) The Council shall not refuse consent under paragraph (1) of this article except on the ground—

- (a) that their consent has already been given in respect of a sufficient number of houseboats;
- (b) that it is likely that if consent is given an obstruction or other danger or interference will be caused to users of houseboats or other vessels in or approaching the harbour;
- (c) that there will not be a supply of water sufficient for the domestic purposes of the occupiers of the houseboat;
- (d) that facilities for the disposal of waste and sewage effluent from the houseboat cannot be made available at reasonable cost;
- (e) that adequate means of access and egress to and from the houseboat cannot be made available;

and the Council shall on the refusal of any consent under this article specify in writing the grounds of such refusal.

- (a) (3) (a) If any houseboat shall be moored, placed, kept or maintained contrary to the provisions of paragraph (1) of this article the Council may by notice in writing to be given in the manner hereinafter provided require the person having the control of the houseboat to remove it out of the harbour within such period as they may specify but which shall not be less than 60 days.
- (b) Any such notice shall be served by leaving it with, or sending it in prepaid letter addressed to, the person having the control of such houseboat at his usual or last known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by posting the same in a conspicuous position on such houseboat, or on the land or foreshore near to such houseboat.
- (a) (4) (a) If any person fails without reasonable excuse to comply with any notice given by the Council under the provisions of paragraph (3) of this article or the terms or conditions of any consent he shall be liable on summary conviction to a fine not exceeding £400 and in the case of a failure to comply with any such notice the Council

**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

may following the conviction of the person named in the notice either remove the houseboat referred to in the notice out of the harbour or demolish it and remove out of the harbour any rubbish or other material resulting from the demolition.

- (b) Subject as is provided in paragraph (6) of this article the costs and expenses reasonably incurred by the Council in or in connection with any such removal or demolition may be recovered by the Council as a simple contract debt in any court or competent jurisdiction from the person having the control of such houseboat.

(5) For the purposes of paragraphs (3) and (4) of this article the owner of any houseboat shall until the contrary be proved be deemed to be the person having the control thereof.

- (a) (6) (a) Where any houseboat shall have been removed or demolished by the Council as aforesaid the Council may, and shall, if so requested by the owner, sell or dispose of the same or the materials thereof and subject as hereinafter provided retain the proceeds of such sale or disposal.

- (b) For the purpose of ascertaining the amount recoverable by the Council under sub-paragraph (b) of paragraph (4) of this article in respect of the costs and expenses incurred by them or in connection with the removal or demolition of any such houseboat credit shall be given for the net amount (if any) of the proceeds of the sale received by the Council (after deduction of any costs and expenses incurred by the Council in effecting the same) or such houseboat or the materials thereof. If such net amount shall exceed the amount of the costs and expenses incurred by the Council in or in connection with such removal or demolition as aforesaid they shall pay the amount of such excess to the owner of such houseboat which shall have been removed or demolished.

(7) Nothing in this article shall be deemed to confer on the Council any right, title or interest in or to any land (not for the time being belonging to the Council) forming part of the foreshore of the harbour.

**Commencement Information**

**II** Art. 8 in force at 12.12.1988

**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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 8 coming into force by
- art. 8(2)(d) words inserted by [S.I. 2021/139 art. 20\(3\)\(a\)](#)
- art. 8(4)(a) words substituted by [S.I. 2021/139 art. 20\(3\)\(c\)](#)

**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\(3\)\(b\)](#)