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STATUTORY INSTRUMENTS

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**1994 No. 1440**

**The Wells Harbour Revision Order 1994**

**PART I**

**PRELIMINARY**

**Title and commencement**

1.—(1) This Order may be cited as the Wells Harbour Revision Order 1994 and shall come into force on 28th May 1994.

(2) The Act of 1835, the Act of 1844 and this Order may be cited together as the Wells Harbour Acts and Order 1835 to 1994.

**Interpretation**

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

“the Act of 1835” means the Act passed on 3rd July 1835 intituled an Act for more effectually repairing, improving, and preserving the Harbour and Quay of Wells in the County of Norfolk<sup>(1)</sup>;

“the Act of 1844” means the Act passed on 29th July 1844 intituled an Act for improving the Harbour and Quay of Wells in the County of Norfolk; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay<sup>(2)</sup>;

“the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847<sup>(3)</sup>;

“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 Commissioners for the time being holding office in accordance with the Act of 1835;

“enactment” means any Act and any order or other instrument made under an Act including this Order;

“the fishery” means the area to which the Wells Harbour Shell Fishery Order 1972<sup>(4)</sup> relates which is described in article 5 of that Order;

“the harbour” means the area below the level of high water or, in the case of any creek or inlet, so far as the tide flows, which is bounded on the east by the line of longitude 00.55 minutes East, on the west by the line of longitude 00.50 minutes East and on the north by the parallel of latitude 53.00 minutes North and, in relation to the Commissioners' jurisdiction for pilotage purposes, includes also (so far as it is not within the area described above) the area within the limits of jurisdiction described in the Wells (Pilotage) Harbour Revision Order 1988<sup>(5)</sup>

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(1) 1835 c. xlvi.  
(2) 1844 c. xciii.  
(3) 1847 c. 27.  
(4) S. I. 1972/315.  
(5) S. I. 1988/2158.

“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 harbour;

“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<sup>(6)</sup>;

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

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“owner” when used with reference to any vessel includes the owner, master, charterer or other person in charge of the vessel, and when used with reference to goods includes the owner, consignor, shipper, consignee or other person in charge of the goods and in either case includes their respective agents in relation thereto;

“the Secretary of State” means the Secretary of State for Transport;

“shellfish” means oysters, mussels, cockles and clams;

“the telecommunications code” means the code contained in Schedule 2 to the Telecommunications Act 1984<sup>(7)</sup>;

“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;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“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 non-displacement craft and any thing constructed or used to carry or propel persons or goods by or across water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel.

### **Incorporation of enactments**

**3.** The provisions of the Act of 1847 (except sections 8 to 20, 25, 42, 50, 83 to 90, 95, 97 and 98), so far as applicable to the purposes of, and not inconsistent with the provisions of this Order, are hereby incorporated with this Order subject to the following modifications, that is to say:—

- (a) 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 harbour and any docks, piers, berths, quays or wharves forming part of the harbour estate;
- (b) section 23 shall have effect as if the proviso to that section were omitted;
- (c) sections 52 and 53 shall have effect in accordance with the provisions of article 6 (harbour master’s powers) of this Order; and
- (d) section 73 shall have effect as if there were added at the end thereof the words “or from making any deposit or other disposal which is in accordance with the provisions of the Food and Environment Protection Act 1985<sup>(8)</sup> authorised by the Wells Harbour Revision Order 1994”.

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<sup>(6)</sup> 1968 c. 59.

<sup>(7)</sup> 1984 c. 12.

<sup>(8)</sup> 1985 c. 48.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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