
STATUTORY INSTRUMENTS

2007 No. 3463

The Maryport Harbour Revision Order 2007

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Maryport Harbour Revision Order 2007 and shall come into force on 29th December 2007.

(2) The Maryport Harbour Acts and Order 1866 to 1939⁽¹⁾ and this Order may be cited together as the Maryport Harbour Acts and Orders 1866 to 2007.

Interpretation

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

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

“aids to navigation” includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

“appointing body” means any of the persons by whom Members are, or are to be, appointed in accordance with article 5 and includes the selection panel;

“the Authority” means the Maryport Harbour Authority as reconstituted and renamed by this Order;

“the Borough Council” means Allerdale Borough Council;

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

“the Commissioners” means the Commissioners for the harbour of Maryport;

“the County Council” means Cumbria County Council;

“dredging licence” means a licence granted under article 37;

“the existing Commissioners” means the Commissioners immediately before the new constitution date;

“the existing marina works” means the works forming the marina in Senhouse dock and shown for identification purposes on the harbour map;

“the existing works” means the works comprised in the harbour as existing under the Maryport Harbour Acts and Order 1866 to 1939 at the commencement of this Order and includes the existing marina works;

“general direction” means a direction given under article 28;

(1) See 1866 c. ccxlv, 1868 c. lxx, 1877 c. xxxviii, 1878 c. cliii, 1879 c. ci, 1882 c. clviii, 1884 c. clxxxix, 1894 c. cvi, 1936 c. lxxxii and 1939 c. xii.

(2) 1847 c. 27.

“the general manager” means the general manager of the Authority, referred to in article 66;

“the harbour” means the area described in article 15 of and Schedule 3 to this Order;

“the harbour land” means, subject to article 67, the quays, piers, landing places and all other works, lands and buildings for the time being vested in, or occupied and administered by, the Authority as part of the undertaking;

“the harbour map” means the map signed in duplicate by the Head of Ports Division in the Department for Transport and marked “Harbour map referred to in the Maryport Harbour Revision Order 2007”, of which one is deposited at the offices of the Department for Transport and one at the offices of the Authority;

“the harbourmaster” means the harbourmaster appointed by the Authority and in relation to the harbour includes his authorised deputies and assistants and any person authorised by the Authority to act as harbourmaster;

“hovercraft” has the same meaning as in the Hovercraft Act 1968⁽³⁾;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

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

“master” in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being;

“Member” means a member of the Authority;

“the new constitution date” means 1 February 2008;

“personal watercraft” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either—

- (a) by means of a handlebar-operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using his body weight for the purpose; or
- (c) by a combination of the methods referred to in paragraph (a) and (b);

“the repealed enactments” means the enactments specified in Schedule 5 to this Order;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water but not a hovercraft or hydrofoil vessel;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990⁽⁴⁾;
- (b) any other person who has a duty or power under the Land Drainage Act 1991⁽⁵⁾;
- (c) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949⁽⁶⁾; and
- (d) any operator of a telecommunications code system;

“tidal work” means so much of any work as is on, under or over tidal lands below the level of high water and existing at the commencement of this Order;

“the Town Council” means the Maryport Town Council;

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

(3) 1968 c. 59.

(4) 1990 c. 8.

(5) 1991 c. 59.

(6) 1949 c. 74: Section 1 was amended by the Local Government Act 1972 (c. 20), Schedule 30.

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

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

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

Incorporation of enactments

3.—(1) The 1847 Act, (except sections 6 to 22, 24 to 26, 48 to 50, 79 to 83 and 85 to 109) is incorporated with and forms part of this Order.

(2) In construing the provisions as so incorporated—

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means the Authority and the expression “the harbour, dock or pier” means the harbour;
- (b) the expressions “master” and “vessel” are to have the meanings ascribed to them in this Order rather than those in the 1847 Act;
- (c) section 52 extends to empower the harbourmaster to give directions prohibiting the mooring within a harbour area of any vessel;
- (d) notice given by the harbourmaster to the master of a vessel under section 53 need not be in writing but may be given orally, or in any other reasonable manner;
- (e) section 58 has effect in accordance with article 20(2);
- (f) section 63 has effect subject to the modification that for the words from “liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (g) section 69 has effect subject to the modification that for the words “shall forfeit a sum” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”;
- (h) section 72 has effect subject to the modification that for the words “shall for every offence” to the end of the section there are substituted the words “shall be liable on summary conviction to a penalty not exceeding level 2 on the standard scale”.

(3) Sections 15, 53, 56, 58 to 60, 62 to 65, 67, 69 to 74, 99 to 102, 104 and 109 to 111 of the Commissioners Clauses Act 1847(7), are incorporated with and form part of this Order.

(4) The Commissioners Clauses Act 1847 as so incorporated shall have effect as if for references—

- (a) to the clerk there were substituted references to the general manager;
- (b) for references to the commissioners there were substituted references to the Authority; and
- (c) for references to a commissioner there were substituted references to a Member.