
STATUTORY INSTRUMENTS

2011 No. 1347

The Yarmouth (Isle of Wight) Harbour Revision Order 2011

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Yarmouth (Isle of Wight) Harbour Revision Order 2011 and shall come into force on 30th June 2011.

(2) The Yarmouth (Isle of Wight) Harbour Orders 1931 to 2002⁽¹⁾ and this Order may be cited together as the Yarmouth (Isle of Wight) Harbour Orders 1931 to 2011.

Interpretation

2.—(1) In this Order—

“the 1931 Order” means the Yarmouth (Isle of Wight) Pier and Harbour Order 1931 (confirmed by the Pier and Harbour Orders (Cowes and Yarmouth (Isle of Wight)) Confirmation Act 1931)⁽²⁾;

“the 2001 Order” means the Yarmouth (Isle of Wight) Harbour Revision (Constitution) Order 2001⁽³⁾;

“aids to navigation” means any sign, light, beacon, mark, navigational buoy, tide pole or other object in or in the vicinity of the harbour provided to give warning of any obstruction or danger to navigation or for the regulation of navigation;

“buoyant personal watercraft” means any personal watercraft which by reason of its concave shape provides buoyancy for the carriage of persons;

“the Commissioners” means the Yarmouth (Isle of Wight) Harbour Commissioners;

“general direction” means any direction given or proposed to be given under article 4;

“the harbour limits” means the limits shown on the harbour map;

“the harbour” means Yarmouth (Isle of Wight) harbour as defined in article 3 and Schedule 1;

“the harbour map” means the map prepared in triplicate, signed by the Acting Chief Executive Officer of the Marine Management Organisation and marked “Yarmouth (Isle of Wight) Harbour Revision Order 2011”, of which two copies have been deposited at the office of the Marine Management Organisation and one copy has been deposited at the office of the Commissioners;

“the harbourmaster” means any person appointed as such by the Commissioners, and includes his deputies and assistants, and any other person for the time being authorised

⁽¹⁾ See the Yarmouth (Isle of Wight) Harbour Revision Order 2002 ([S.I. 2002/311](#)), article 1(2).

⁽²⁾ [1931 c.lxxxix](#).

⁽³⁾ [S.I. 2001/2185](#).

by the Commissioners to act, either generally or for a specific purpose, in the capacity of harbourmaster;

“harbour water taxi service” has the meaning given by article 2(2);

“the inner harbour” means so much of the harbour as is referred to in paragraphs 2 and 3 of Schedule 1;

“the level of high water” means the level of mean high water spring tides;

“mooring” includes any buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience provided or used for the mooring of vessels;

“non-buoyant personal watercraft” means any personal watercraft other than a buoyant personal watercraft;

“the Outer Harbour” means so much of the harbour as is referred to in paragraph 1 of Schedule 1;

“personal watercraft” means any watercraft 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 their body weight for the purpose; or
- (c) by a combination of the methods referred to respectively in paragraphs (a) and (b);

“special direction” means any direction given or proposed to be given under article 6;

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

“vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

“the zone” means that part of the area of the Outer Harbour the boundaries of which are described in Schedule 2 and shown edged green on the harbour map.

(2) In this Order “harbour water taxi service” means a service of vessels provided for the primary purpose of carrying members of the public to, from or between locations within the harbour limits and vessels (whether moored, anchored or underway) within the harbour limits, being a service for which a fare is normally levied.

Area of the harbour, etc.

3.—(1) The area within which the Commissioners shall exercise jurisdiction as a harbour authority, and within which the powers of the harbourmaster may be exercised, is the area the boundaries of which are described in Schedule 1 and shown in red on the harbour map together with so much of the harbour premises as is not situated within that area.

(2) In the event of any discrepancy—

- (a) between the description of the boundaries of the harbour referred to in paragraph (1) and set out in Schedule 1 and the boundaries shown on the harbour map; or
- (b) between the description of the boundaries of the zone described in Schedule 2 and the boundaries shown on the harbour map,

the descriptions in question shall prevail over the harbour map.

(3) In this article “the harbour premises” means the quays, piers, landing places and all other works, lands and buildings for the time being vested in, or occupied or administered by, the Commissioners as part of their harbour undertaking.