

EXPLANATORY MEMORANDUM TO
THE PORTSMOUTH HARBOUR (ABOLITION OF PORTSMOUTH AND
GOSPORT JOINT BOARD) REVISION ORDER 2014

2014 No. 1277

1. This explanatory memorandum has been prepared by the Marine Management Organisation and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to abolish the Portsmouth and Gosport Joint Board (“the Joint Board”) constituted under Part 5 of the Gosport and Alverstoke Urban District Council Act 1919 as amended by the Portsmouth Corporation Act 1920.

2.2 The Joint Board was constituted for the purpose of overseeing and governing the work of Watermen in Portsmouth Harbour, and exercises functions relating to the licensing of watermen in accordance with two Acts (1809 c. cxc and 1812 c. lxxviii).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.2 The Applicant applied to the Marine Management Organisation (“MMO”) on 29 April 2013 for the Portsmouth Harbour (Abolition of Portsmouth and Gosport Joint Board) Revision Order (“the Order”) to be made under Section 14 of the Harbours Act 1964 (“the Act”).

4.3 The responsibility for the consideration of the application, and the making of any order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I 2010/674) which delegated the Secretary of State functions under Section 14 to the Organisation except in relation to specified applications.

4.4 The proposed Order would not authorise a project. Accordingly, Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended) which is codified by Council Directive 2011/92/EU does not apply to the proposals and no environmental statement has been supplied.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

- 7.1 The applicant is the statutory harbour authority for Portsmouth Harbour and operates under Acts and Orders dated 1966 to 2011.
- 7.2 The applicant's jurisdiction is the harbour area situated between Portsmouth and Gosport bounded on the south by a line joining the eastern most point of Fort Blockhouse and Round Tower in Old Portsmouth.
- 7.3 The Portsmouth and Gosport Joint Board oversees the licensing of Watermen in Portsmouth Harbour. In 1919 the Joint Board took over from commissioners who had earlier carried out the licensing of watermen.
- 7.4 The local licensing functions of the Joint Board have been made redundant by the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters Qualifications and Hours of Work) Regulations 2006 ("the Boatmasters regulations") as they allow prospective watermen to be licensed nationally.
- 7.5 The Joint Board is directed by government policy in respect of seeking efficiencies in public service by seeking its abolition in the knowledge that there will be no consequential loss of safety or good governance.
- 7.6 The applicant applied to the MMO to make the Order. The Order seeks to remove the duplication created by the Boatmasters Regulations and make consequential savings in administration associated with the appointment of twelve councillors as members and costs relating to the operation of the Joint Board

8. Consultation outcome

- 8.1 In accordance with the Act a notice was placed in the London Gazette and a local publication detailing the application for the Order and how any objections or representations may be registered. The MMO received no objections to the Order within the statutory period of forty-two days provided for in Schedule 3 of the Act.

9. Guidance

- 9.1 The MMO does not propose to issue guidance in respect of the effects of the Order. However, the Applicant will publish particulars of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

10. Impact

- 10.1 The MMO considers the impact on business, charities or voluntary bodies to be minor.
- 10.2 The impact on the public sector is nil.
- 10.3 An Impact Assessment has not been prepared for this instrument. The MMO considers the impacts to be minor.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

13. Contact

- 13.1 Mark Kirby at the Marine Management Organisation email:
Mark.Kirby@marinemanagement.org.uk