
STATUTORY INSTRUMENTS

2021 No. 31

The Broads Authority (Transfer of Mutford Lock) Harbour Revision Order 2021

PART 3

MISCELLANEOUS AND GENERAL

Saving of Agreements etc.

4. All deeds, contracts, bonds, agreements, notices and demands affecting A.B. Ports as harbour authority for Mutford Lock and the adjoining land and in force immediately before the day of transfer (other than any agreement or deed the parties to which include both A.B. Ports and the Authority) shall (insofar as they relate to A.B. Ports as harbour authority for Mutford Lock) on and from that day—

- (a) be as binding and of as full force and effect in every respect, and
- (b) may be enforced as fully and effectively against or in favour of the Authority as if (except in any case where the Authority as agent for A.B. Ports is already a party thereto) the Authority instead of A.B. Ports had been a party thereto or bound thereby or entitled to the benefit thereof.

Continuance of proceedings

5. Any cause of action, arbitration or other proceeding, pending or existing immediately before the day of transfer by or in favour of or against A.B. Ports as harbour authority for Mutford Lock and the adjoining land or by or in favour of or against the Authority as agent for A.B. Ports in relation to A.B. Ports as harbour authority for Mutford Lock and the adjoining land (other than an action, arbitration or proceeding which is or may be an issue between A.B. Ports and the Authority) may—

- (a) be maintained, prosecuted or continued by or in favour of or against the Authority, and
- (b) may be amended in such manner as may be necessary for that purpose.

Charges

6. On and from the day of transfer the Authority may charge for the use of Mutford Lock such sums as the Authority think fit having regard to the cost of maintaining and operating the lock.

Operations Arrangements

7. On and from the day of transfer the Authority may make such arrangements as they deem expedient for the operation of Mutford Lock.

Saving for Trinity House

8. The Authority shall not provide, alter, discontinue the use of or remove any lighthouse, buoy or beacon as defined in section 223 of the Merchant Shipping Act 1995(1) in relation to the construction, maintenance or operation of Mutford Lock without the written consent of the Corporation of Trinity House of Deptford Strond.

Amendments to the Norfolk and Suffolk Broads Act 1988

9. The Act of 1988 is amended as follows.

(a) In section 8(1) –

(i) after “Haddiscoe New Cut and its banks” omit –

“and”;

(ii) after sub-paragraph (d) insert –

“; and;

(e) Mutford Lock and the adjoining land as defined in article 2 of the Broads Authority (Transfer of Mutford Lock) Harbour Revision Order 2021.”;

(iii) after “but does not include any part of the Haven or” insert –

“except in relation to paragraph (e).”;

(b) In Schedule 2 Part 1 paragraph 1(b) after “the area (consisting of Mutford Lock and adjoining land owned by Associated British Ports)” omit “owned by Associated British Ports” and after paragraph (1) insert –

“(1A) Paragraph 1(b) is subject to section 8(3) which provides for the area of Mutford Lock and the adjoining land as defined in article 2 of the Broads Authority (Transfer of Mutford Lock) Harbour Revision Order 2021 to form part of the navigation area.”.