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STATUTORY INSTRUMENTS

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**1996 No. 2103**

**The Ilfracombe Harbour Revision Order 1996**

**Incorporation of provisions of the Harbours, Docks and Piers Clauses Act 1847**

3.—(1) The Act of 1847 (except sections 6 to 13, 16 to 19, 23, 25, 27, 31 to 33, 48, 49, 50, 66, 67, 79 to 82, 84 to 90, 94, 95, 97 to 99, 101 and 102), so far as the same is applicable for the purposes and not inconsistent with the provisions of this Order is hereby incorporated with this Order subject to the modifications stated in paragraphs (2) to (9) below. The modifications set out in the said paragraphs (2) to (9) shall also apply to the said Act as incorporated with the Ilfracombe Harbour Orders 1870 to 1900.”

(2) The expression “the special Act” shall mean this Order and the expression “the undertakers” shall mean the Council.

(2) Section 15 shall have effect as if the words from “shall forfeit” to the end of the section were deleted and there were substituted therefor the words “shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”.

(4) Section 20 shall have effect as if the words “in addition to the lands authorised to be compulsorily taken by them under the powers of the special Act” were omitted and as if the words “or lease” were inserted after the words “willing to sell” and as if the words “or taking on lease” were inserted after the words “for the purchase”.

(5) Section 52 in its application to the harbour shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour.

(6) Section 53 shall not be construed as requiring the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given orally or otherwise communicated to such master.

(7) Section 63 shall be read and have effect as if for the words “to a penalty not exceeding five pounds” there were substituted the words “on summary conviction to a fine not exceeding level 3 on the standard scale” and for “£1” there were substituted “one tenth of level 3 on the standard scale”.

(8) Section 69 shall have effect as if for the words “shall forfeit” there were substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale and a further” and for “£2” there were substituted “one tenth of level 4 on the standard scale”.

(a) (9) (a) For the purposes of section 83 of the Act of 1847 as incorporated with the Ilfracombe Harbours Orders 1870 to 1900 and with this Order and for the purposes of any byelaws made under section 16 of Part II of the Ilfracombe Harbour and Improvement Act 1905 sections 236 to 238 of the Local Government Act 1972(1) shall apply to those Orders and to the said Act as if each of them were such an enactment as is referred to in section 236(1) of the said Act of 1972, and—

(i) the said section 236 shall have effect as if in subsection (7) thereof after the word “confirm” where it first occurs in the subsection the words “with or without modification” were inserted; and

- (ii) for the purposes of section 236(11) of the said Act of 1972 the confirming authority for byelaws as made under the said section 83 shall be the Secretary of State.
- (b) If the Secretary of State, on considering byelaws made by the Council relating to the harbour and submitted under the said section 236 as having effect in accordance with paragraph (a) above, proposes to make a modification which appears to him to be substantial, then
  - (i) he shall inform the Council and require the Council to take any steps he considers necessary for informing persons likely to be concerned with the modifications; and
  - (ii) he shall not confirm the byelaws without the consent of the Council to the modification and until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the modification by the persons who have been informed of it.