
STATUTORY INSTRUMENTS

1997 No. 2949

The Portland Harbour Revision Order 1997

PART I

PRELIMINARY

Citation and Commencement

1. This Order may be cited as the Portland Harbour Revision Order 1997 and shall come into force on 1st January 1998.

Interpretation

2.—(1) In this Order:—

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847(1);

“the Admiralty Charts” means the Admiralty Charts for Portland Harbour and its approaches published at the date of this Order coming into force and numbered 2255 and 2268;

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

“the breakwaters” means the Inner Breakwater, the Outer Breakwater, the North-eastern Breakwater and the Northern Arm;

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

“the Company” means Portland Port Limited (which is registered in England and Wales with the number 3002686);

“the Council” means the Weymouth and Portland Borough Council;

“dredging licence” means a licence granted under article 34 of this Order;

“fish”, where used as a verb, means fishing (whether from a vessel or otherwise) by net, line, speargun or otherwise and includes both trawling and the placing or laying of pots for prawn, crab and lobster, and “fishing” shall be construed accordingly;

“general direction” means a direction given under article 16 of this Order;

“the harbour” means so much of the sea to the south of Weymouth Bay below the level of high water as is within the following imaginary straight lines:—

- (a) a line drawn east (true) from a point at Latitude 50° 36.42' N, Longitude 02° 26.50' W (the Nothe Point, Weymouth) to a point at Latitude 50° 36.42' N, Longitude 02° 23.84' W, being coterminous with the southern limit of Weymouth Harbour;
- (b) a line drawn south (true) from that point to a point at Latitude 50° 32.28' N, Longitude 02° 23.84' W;

- (c) a line drawn west (true) from that point to a point at Latitude 50° 32.28' N, Longitude 02° 25.45' W (the north point of Church Ope Cove); and
- (d) a line drawn across New Channel at its entrance to East Fleet coterminous with the western side of Ferry Bridge;

“the harbour master” means any person appointed as such by the Company, and includes his duly authorised deputies and assistants and any other person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour premises” means the docks, quays, piers, wharves, berths, breakwaters, landing places, roads, bridges, sheds and all other works and conveniences, land and premises at any time used, intended to be used or set aside for the purposes of, or in connection with, the harbour undertaking;

“the harbour undertaking” means the undertaking of the Company authorised by this Order;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“the inner harbour” means that part of the harbour which is enclosed by the breakwaters, and includes the breakwaters;

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

“the main fairways” means—

- (a) the fairway known as the North Ship Channel, being an area seaward from the entrance to the inner harbour between two lines of true bearing 036° from “C” Head Light and 090° from “B” Head Light to a distance of 600 metres and inward from the entrance to the inner harbour between two lines of true bearing 260° from “C” Head Light and 210° from “B” Head Light to a distance of 600 metres; and
- (b) the fairway known as the East Ship Channel, being an area seaward from the entrance to the inner harbour between two lines of true bearing 015° from “A” Head Light and 090° from Fort Head Light to a distance of 600 metres and inward from the entrance to the inner harbour between a line of true bearing 270° from “A” Head Light and the Outer Breakwater to a distance of 600 metres;

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

“operator” and “telecommunications code system” have the meanings given by paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984(2);

“the outer harbour” means that part of the harbour which does not comprise the inner harbour;

“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 or their body weight for the purpose; or
- (c) by a combination of the methods referred to in (a) and (b) above;

“the Queen’s Harbour Master” means the person for the time being appointed to be Queen’s Harbour Master of the Dockyard Port of Portland under the Dockyard Ports Regulation Act 1865(3);

(2) 1984 c. 12.
(3) 1865 c. 125.

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

“small vessel” means a vessel of less than 20 metres in length;

“special direction” means a direction given under article 18 of this Order;

“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) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949(5);
- (c) any operator of a telecommunications code system;

“tidal work” means so much of any work as is on, under or over tidal waters or land below the level of high water;

“Torpedo Pier Light” means the light on the south-east corner of Torpedo Pier located at Latitude 50° 35.94' N, Longitude 002° 26.75' W;

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

“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 a ship, boat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

“Weymouth Harbour” means the tidal inlet of the sea known as Weymouth Harbour and so much of the area seaward thereof as is referred to in section 8 of the Weymouth and Melcombe Regis Corporation Act 1887(6), together with the area described in the Schedule to the Weymouth and Portland Harbour Revision Order 1993(7);

“windsurfer” means a board with a sail or sails designed to be operated by a person or persons standing upright on it;

“works” means works of any description and includes the reclamation of land reasonably required for the purpose of executing works; and

“works licence” means a licence granted under article 33 of this Order.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) In this Order references to named, numbered or lettered breakwaters, heads of breakwaters, beacons, buildings, channels, coves, creeks, lights, piers and slipways, or other points, places, structures and apparatus are references to those so named, numbered or lettered on the Admiralty Charts.

(4) A vessel of any description shall be a ship for the purposes of the application of the Harbours Act 1964 to the harbour undertaking.

(4) 1990 c. 8.

(5) 1949 c. 74; section 1 was amended by the Local Government Act 1972 (c. 20), Schedule 30.

(6) 1887 c. cliii.

(7) S.I. 1993/1027.

Incorporation of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The Act of 1847 (except sections 6 to 25, 28, 31, 32, 42, 48 to 50, 67, 77, and 83 to 90), so far as applicable to 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 (5) below.

(2) Section 63 shall have 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 3 on the standard scale”.

(3) Section 69 shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(4) Section 78 shall have effect subject to the modification that for the words “erect any lighthouse or beacon, or exhibit or allow to be exhibited any light, beacon, or sea-mark,” there are substituted the words “allow to be exhibited any permanent light, beacon, or sea-mark,”.

(5) In construing the provisions of the Act of 1847 as incorporated with this Order—

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means the Company and the expression “the harbour, dock, or pier” shall mean the harbour, the breakwaters and those docks, piers, berths, quays, landing places and wharves forming part of the harbour premises;
- (b) for the definition of the word “vessel” in section 3 of the Act of 1847 there shall be substituted the definition of that word in article 2(1) of this Order;
- (c) the reference in section 53 of the Act of 1847 to notice of a direction by the harbour master served upon a vessel shall not be construed as requiring the notice to be in writing if in the circumstances it is not reasonably practicable for the harbour master to serve a written notice on the master, and in such circumstances the said reference may be construed as including the communication of the notice orally or otherwise.