
STATUTORY INSTRUMENTS

2012 No. 1777

The Poole Harbour Revision Order 2012

PART 1

PRELIMINARY

Citation and commencement

- 1.—(1) This Order may be cited as the Poole Harbour Revision Order 2012.
- (2) This Order comes into force on 23rd July 2012.

Interpretation

2. In this Order—

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

“the 1964 Act” means the Harbours Act 1964;

“the 1995 Act” means the Merchant Shipping Act 1995(2);

“the 2001 Order” means the Poole Harbour Revision Order 2001(3);

“the 2006 Act” means the Companies Act 2006(4);

“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;

“authorised officer” means the harbourmaster or another employee of the Commissioners who is authorised in writing by the harbourmaster to act in relation to the relevant provision of this Order;

“the Commissioners” means the Poole Harbour Commissioners;

“general direction” means a direction given under article 12;

“the harbour” means Poole harbour as defined in article 4 and Schedule 1;

“the harbour map” means the map prepared in triplicate, signed by the Head of Maritime Commerce and Infrastructure Division of the Department for Transport and marked “Poole Harbour Revision Order 2012”, of which two copies have been deposited at the office of the Secretary of State for Transport and one copy has been deposited at the office of the Commissioners;

“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;

(1) 1847 c.27.
(2) 1995 c.21.
(3) S.I. 2001/2820.
(4) 2006 c.46.

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

“houseboat” means any vessel or structure lying in the water or on the foreshore of the harbour all or part of which is used or capable of being used as a place of habitation (whether temporarily, intermittently or permanently), as a store or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, as club premises or as offices and includes the remains or wreckage of a vessel or structure formerly so used or capable of being so used, but does not include any ship registered under the 1995 Act or any vessel bona fide used for navigation;

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

“the level of low water” means the level of mean low 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;

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

“special direction” means a direction given under article 14;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990⁽⁵⁾;
- (b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949⁽⁶⁾;
- (c) any operator of any electronic communications apparatus within the meaning of the Communications Act 2003⁽⁷⁾;

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

“vessel” means a ship, boat, raft or watercraft 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 and, for the purpose of article 55, a houseboat.

Incorporation of Harbours, Docks, and Piers Clauses Act 1847

3.—(1) Subject to paragraphs (2) and (3), sections 2, 3, 23, 27, 29, 31 to 46, 52, 53, 55 to 59, 61 to 66, 69 to 71 and 73 to 78 of the 1847 Act are incorporated in this Order.

(2) For the purposes of the sections incorporated by paragraph (1)—

- (a) “the special Act” means this Order;
- (b) “the harbour, dock or pier” means the harbour;

(5) 1990 c. 8.

(6) 1949 c.74; section 1 was amended by the Local Government Act 1972 (c.20), Schedule 30.

(7) 2003. c. 21.

- (c) “the Promoters of the undertaking” and “the undertakers” mean the Commissioners; and
 - (d) “vessel” has the meaning given by article 2.
- (3) The sections referred to in paragraph (1) are incorporated subject to the following modifications—
- (a) the maximum fine for any summary offence under any of those sections shall be level 4 on the standard scale;
 - (b) in section 23, the words “provided that no such lease be granted for a longer term than three years” shall be omitted;
 - (c) nothing in section 53 requires the harbourmaster to serve upon the master of a vessel notice in writing of the direction but such directions may be given orally, or in any other reasonable manner;
 - (d) in section 63, for the words from “to a penalty” to the end of the section substitute the words “on summary conviction to a fine not exceeding level 4 on the standard scale”;
 - (e) in section 69, for the words “forfeit” to the end of the section substitute the words “be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.
- (4) Except as provided in this article, the provisions of the 1847 Act are not incorporated in this Order.

Area of the harbour

- 4.—(1) The area within which the Commissioners may exercise jurisdiction as a harbour authority, and within which the powers of the harbourmaster may be exercised, is the area described in Schedule 1 and shown edged 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 between the description of the boundaries of the harbour in Schedule 1 and the boundaries shown on the harbour map, the description in Schedule 1 prevails.