

## SCHEDULE 1

Article 4

### HARBOUR LIMITS

1. So much of the natural harbour at Poole as is situated below the level of high water and enclosed by imaginary straight lines—

- (a) across the harbour entrance, commencing at a point on the Sandbanks peninsula (reference point latitude 50° 40.989' north longitude 1° 56.909' west)<sup>(1)</sup> and terminating at a point on the Studland peninsula (reference point latitude 50° 40.766' north longitude 1° 57.015' west);
- (b) in the vicinity of the confluence of the rivers Trent and Frome, commencing at a point on the north side of the Wareham channel (reference point latitude 50° 42.560' north longitude 2° 04.745' west) and terminating at a point on the south side of that channel (reference point latitude 50° 40.607' north longitude 2° 04.435' west);

and by the level of high water within the area so enclosed, including all adjoining creeks, bays and inlets to the extent that they are situated below the level of high water.

2. All docks, marinas and other natural or artificial watered areas navigable by seagoing vessels which adjoin the natural harbour described in paragraph 1 (other than those parts of the rivers Trent and Frome which lie beyond the lines mentioned in that paragraph), including all such areas which are separated from the natural harbour by lock gates, sluices or other moveable devices through which seagoing vessels may pass, whether or not the same are in existence at the date of the coming into force of this Order.

3. The seaward area, that is, so much of the sea as is situated below the level of low water and bounded on its seaward sides by imaginary straight lines—

- (a) commencing at a point near Flaghead Chine (reference point latitude 50° 41.867' north longitude 1° 55.522' west), extending in a south south-easterly direction and terminating at reference point latitude 50° 39.069' north longitude 1° 54.860' west;
- (b) commencing at reference point latitude 50° 39.069' north longitude 1° 54.860' west, extending in a westerly direction and terminating at reference point latitude 50° 39.069' north longitude 1° 55.465' west;
- (c) commencing at reference point latitude 50° 39.069' north longitude 1° 55.465' west, extending in a north-westerly direction and terminating at a point on Studland Peninsular (reference point latitude 50° 40.242' north longitude 1° 56.907' west);

and on its landward side by the level of low water within the area so enclosed and by the imaginary line referred to in paragraph 1(a).

## SCHEDULE 2

Article 27

### PURPOSES FOR WHICH BYELAWS MAY BE MADE

1. Regulating the use, operation and superintendence of the harbour and any works and facilities in the harbour.

2. Regulating the admission to, and the movement within, and the departure of vessels from the harbour or the removal of vessels, and for the good order and government of vessels whilst within the harbour.

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(1) The reference points in this Schedule are given in accordance with the WGS (World Geodetic System) 84.

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3. Regulating the shipping and unshipping, landing, carrying, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within the harbour.
4. Regulating the embarkation of persons on, or the disembarkation from, vessels in the harbour.
5. Regulating the navigation, berthing, mooring and anchoring of vessels within the harbour and their speed and manner of navigation, the use of engines and the lights and signals to be exhibited or made by, or for the benefit of vessels using, navigating or mooring within the harbour.
6. Regulating the use of tugs within the harbour.
7. Requiring the use of silencers or other similar apparatus, and the control of noise generally on vessels and otherwise within the harbour.
8. Preventing damage or injury to any vessels, goods, vehicles, plant, machinery, property (including aids to navigation), or danger or injury to persons within the harbour.
9. Regulating the conduct of all persons in the harbour not being—
  - (a) members of a police force or officers; or
  - (b) servants of the Crown; or
  - (c) members of a fire brigade whilst in the exercise of their duties as such.
10. Regulating the placing, maintenance and use of moorings within the harbour.
11. Preventing and removing obstructions or impediments within the harbour.
12. Prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into the harbour.
13. Preventing the leaving or disposal of any waste matter except at places, or in a manner, prescribed by the Commissioners.
14. Regulating the presence and keeping of vessels within the harbour.
15. Regulating the careening, breaking, maintenance and repair of vessels and the carrying out of any other works in relation to vessels within the harbour.
16. Regulating the use of ferries (including the vehicle and passenger chain ferry operated by the Bournemouth and Swanage Motor Road and Ferry Company between Sandbanks and South Haven) within the harbour.
17. Regulating the landing or taking off of aircraft (including seaplanes) in the harbour.
18. Prescribing the lights and signals to be exhibited or made—
  - (a) by vessels aground within the harbour;
  - (b) by vessels or other devices used for marking obstructions within the harbour; and
  - (c) at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the harbour.
19. Regulating or prohibiting the fishing for or the taking of marine creatures of any type and by whatever means, from any installation or structure of any kind within the harbour, or from any vessel within the harbour, where such fishing or taking interferes with the operation of, or the safety of navigation in, the harbour.
20. Regulating or prohibiting the digging for bait in the harbour where such digging may endanger any structure or cause obstruction or danger to navigation.
21. Regulating in the harbour the use of yachts, sailing boats, rowing boats, pleasure craft and other small craft.

22. Providing for the registration of passenger boats and those engaged in navigating passenger boats in the harbour.
23. Regulating or prohibiting the use in the harbour of personal water craft.
24. Regulating the holding of regattas and other public events in the harbour.
25. Regulating or prohibiting in the harbour diving, surfing, swimming, water skiing and other recreational activities or pursuits of whatever nature but not so as to prevent the use for navigation of the vessels referred to in paragraph 21.
26. Regulating the launching of vessels and the use of slipways and landing places within the harbour.
27. Prohibiting persons working or employed in or entering the harbour, or any part of the harbour, from smoking in the harbour.
28. Regulating or preventing the use within the harbour, and within any vessels within the harbour of fires, lights, tobacco, fireworks or any other substance, equipment, tools or appliances which the Commissioners consider involve a risk of fire, explosion or chemical reaction.
29. Prohibiting the use of or regulating the use, movement, speed, placing, loading, fuelling, unloading, driving and parking of vehicles (including railway locomotives and trains) within the harbour.
30. Requiring the reporting of accidents and of other incidents giving rise to the risk of death or injury, or damage to property, occurring within the harbour.
31. Regulating or prohibiting the carrying on of trading or commercial activities within the harbour.
32. Regulating the exercise of the powers vested in the harbourmaster.
33. Making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbourmaster, and for authorising the harbourmaster to take such action as may be reasonably required in default of compliance with any such condition, control or direction.
34. Regulating the control of animals in the harbour.
35. For the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or archaeological or geological or physiographical features in the harbour and all other natural features.
36. For the purposes specified in section 83 of the 1847 Act.

### SCHEDULE 3

Article 60

#### AMENDMENT OF POOLE HARBOUR REVISION ORDER 2001

The 2001 Order is amended as follows—

1. For paragraph (1) of article 3 (Incorporation of the Commissioners' Clauses Act 1847) substitute—

“(1) Sections 41 to 47, 53, 60 and 99 to 101 of the 1847 Act are hereby incorporated with, and form part of, this Order except where the same are inconsistent with or are varied by this Order.”

and revoke paragraph (4) of that article.

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2. In article 4 (Constitution of Commissioners), after “subject to articles 8 and 9 below” insert “and to paragraph A1(5) of Schedule 2 to this Order”.
3. In article 7 (Appointment of Commissioners and terms of office), in paragraph (4), after “paragraphs” insert “A1(5),”.
4. In article 7, after paragraph (6), insert—

“(6A) A person who is or who has been Chairman shall not be eligible to hold office as a Commissioner for more than twelve years.”
5. In article 10 (Casual vacancies), at the end of paragraph (3), insert “or to a Chairman whose term of office as Commissioner has been extended under paragraph A1(5) of Schedule 2 to this Order”.
6. In Schedule 1 (Form of declaration by Commissioners), for “1756 to 2001” in both places where that expression occurs substitute “1756 to 2012”.
7. In Schedule 2 (Provisions applying to Commissioners), before paragraph 1, insert—

**“Chairman of Commissioners**

**A1.—**(1) There shall be a Chairman of the Commissioners who shall be elected in accordance with sub-paragraph (2).

(2) The Chairman shall be elected by the Commissioners referred to in article 4(1) from amongst the Commissioners referred to in article 4(1)(c).

(3) Every Chairman appointed under sub-paragraphs (1) and (2) shall, unless he resigns or is removed from his office as Chairman, or ceases to be a Commissioner, hold office as Chairman from and including the meeting at which he is chosen for a period expiring on the date of the meeting of the Commissioners held on or next after 31st October in the third year after the year current at the date of his appointment.

(4) At the meeting of the Commissioners held on the date on which the outgoing Chairman ceases to hold office the Commissioners present at the meeting shall, before proceeding to any other business, appoint a new Chairman.

(5) On a casual vacancy occurring in the office of Chairman, a new Chairman shall be elected by the Commissioners referred to in article 4(1) from amongst the Commissioners referred to in article 4(1)(c) at a meeting held as soon as practicable after the vacancy occurs.

(6) A Commissioner appointed under this paragraph to fill a casual vacancy in the office of Chairman shall, unless he resigns that office or ceases to be a Commissioner, hold that office during the remainder of the term for which the Chairman whom he replaced was appointed.

(7) If but for sub-paragraph (6) a Chairman’s term of office as a Commissioner would have expired before his term of office as Chairman, his term of office as a Commissioner shall be extended until the date upon which his term of office as Chairman expires or (if earlier) the date upon which he otherwise ceases to be the Chairman.

(8) Nothing in sub-paragraph (7) shall prevent the removal of the Chairman under paragraph 9 of this Schedule.”.

8. In Schedule 2, paragraph 9(2), at the beginning insert “Subject to paragraph 10(2) of this Schedule”.

9. In Schedule 2, in paragraph 9(2), after “from his office as a Commissioner” insert “(unless the resolution is passed during the extended term of office of a Chairman as a Commissioner having effect under paragraph A1(6) of this Schedule)”.

**10.** In Schedule 2, after paragraph 9, insert—

**“Further provisions as to removal of Commissioners, etc.**

**9A.—**(1) The Commissioners shall not pass any resolution under paragraph 8 or 9 of this Schedule in relation to a person unless they have complied with the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) notice has been given to the person in accordance with sub-paragraph (3);
- (b) a period of 28 days from the giving of the notice has expired; and
- (c) the person has been allowed to resign or to make representations to the Commissioners in response to the notice in writing or (if the person so wishes) in person.

(3) Any notice under sub-paragraph (2)(a)—

- (a) shall state the reasons for which the Commissioners are minded to pass the resolution; and
- (b) shall inform the recipient of the rights conferred by sub-paragraphs (2)(c) and (8).

(4) A person to whom a resolution under paragraph 8 or 9 of this Schedule relates shall not be counted for the purpose of determining whether the meeting at which the resolution is considered is quorate.

(5) Article 57 (Notices) of the Poole Harbour Revision Order 2012 shall apply to any notice under sub-paragraph (2)(a).

(6) Subject to sub-paragraph (7) following the passing of any resolution under paragraph 8 or 9 of this Schedule, the Commissioners shall take reasonable steps to publicise the resolution and the reasons for it.

(7) Nothing in sub-paragraph (6) shall authorise the Commissioners to make any statement or disclose any information so as to contravene any enactment, agreement or rule of law.

(8) A Commissioner or the Chairman who is aggrieved by any resolution under paragraph 8 or 9 of this Schedule may appeal within 28 days to a tribunal consisting of 3 persons (not being past or present Commissioners) appointed by the Commissioners whose decision shall be binding on the Commissioners.”.

**11.—**(1) In Schedule 2, paragraph 10, renumber the existing paragraph as 10(1) and insert afterwards—

“(2) Notwithstanding paragraph 9(2) of this Schedule the Commissioners if they think fit may pass a combined resolution under paragraphs 9 and 8 of this Schedule removing the Chairman from his position as such and declaring his office as a Commissioner to be vacant.”.

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## SCHEDULE 4

Article 61

## REPEAL, REVOCATION AND SAVINGS PROVISIONS

## PART 1

## Repeals

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1891 c.clix	Poole Harbour Act 1756 Pier and Harbour Order Confirmation (No. 3) Act 1891	The whole Act Poole Harbour Order 1891
1894 c.cxii	Pier and Harbour Orders Confirmation (No. 3) Act 1894	Poole Harbour Order 1894
1895 c.lxx	Poole Harbour Act 1895	The whole Act
1914 c.clv	Poole Harbour Act 1914	The whole Act except sections 20, 21, 22 and 23
1923 c.vi	Pier and Harbour Order Confirmation (No. 1) Act 1923	Poole Harbour Order 1922
1925 c.lix	Poole Harbour Act 1925	The whole Act

## PART 2

## Revocation

S.I. 2001/2820	Poole Harbour Revision Order 2001	Article 6(2)  In article 7, the word “or” in paragraph (5)(b) and the whole of paragraph (5)(c)
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## PART 3

## Savings and transitional provisions

**1.** In this Part, “the former legislation” means the Acts and Orders mentioned in Parts 1 and 2 of this Schedule repealed or revoked by article 61(1).

**2.** Where an Act in Part 1 of this Schedule is repealed subject to exceptions, and a provision included in the repeal is relevant for the interpretation of an excepted provision, the repeal shall not affect the interpretation of the excepted provision.

**3.** The Commissioners may continue and maintain any works authorised by the former legislation.

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4. Anything begun under any provision of the former legislation may be continued under any provision of this Order relating to the same matter as if begun under that provision.

5. Where any period of time specified in, or having effect in relation to, any provision of the former legislation is current on the date of the coming into force of this Order, any provision of this Order relating to the same matter shall have effect as if it were in force when that period began to run.

6. References in this Order to things done, left undone, suffered, or occurring in the past shall be construed as including reference to things done, left undone, suffered or occurring before the date of the coming into force of this Order.

7. Where an instrument or document refers to any provision of the former legislation, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any provision of this Order relating to the same matter.

8. Any byelaws made by the Commissioners under the former legislation and in force on the date of the coming into force of this Order shall continue in force as though they had been made under this Order until they are revoked pursuant to this Order.