
STATUTORY INSTRUMENTS

1998 No. 2228

HARBOURS, DOCKS, PIERS AND FERRIES

The Axmouth Harbour Revision Order 1998

Made - - - - - *7th September 1998*

Coming into force - - - - - *18th September 1998*

Whereas the East Devon District Council as harbour authority has applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas objections duly made to the application have been withdrawn;

And whereas the Minister of Agriculture, Fisheries and Food is satisfied as mentioned in sub-section (2)(b) of the said section 14;

Now, therefore, the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred by the said section 14, and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Axmouth Harbour Revision Order 1998 and shall come into force on 18th September 1998.

(2) The Axmouth Harbour Act 1830(2) and this Order may be cited together as the Axmouth Harbour Act and Order 1830 and 1998.

Interpretation

2. In this Order expressions to which meanings are assigned by the Harbours Act 1964 have the same respective meanings; and “the Authority” means East Devon District Council.

Extension of seaward limit of jurisdiction

3. The Axmouth seaward area (within which the Authority has jurisdiction in accordance with the Axmouth Harbour Act 1830) is hereby extended to include the area described in the Schedule to this Order.

(1) 1964 c. 40; section 14 and Schedules 2 and 3 were amended by the Docks and Harbours Act 1966 (c. 28) section 36, the Transport Act 1981 (c. 56), sections 15, 18 and 40, Schedule 5 paragraph 14, Schedule 6, paragraphs 2 to 4, 12 and 14 and Schedule 12, the Criminal Justice Act 1982 (c. 48) sections 37 and 46, and the Transport and Works Act 1992 (c. 42), sections 63 and 68, Schedule 3 paragraphs 1, 9 and 10 and Schedule 4; see section 14(7) for the definition of “the appropriate Minister”.
(2) 1830 c. xii.

Byelaws

4.—(1) The Authority may from time to time make such byelaws as it thinks fit for all or any of the following purposes:—

- (a) for regulating the exercise of the powers vested in the harbour master;
- (b) for regulating the use of any works and facilities provided by the Authority;
- (c) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour;
- (d) for regulating the conduct of all persons in the harbour, not being members of a police force or officers or servants of the Crown or of a fire authority whilst in the exercise of their duties as such;
- (e) for regulating the placing, maintenance and use of moorings;
- (f) for preventing and removing obstructions or impediments within the harbour;
- (g) for regulating the launching of vessels within the harbour;
- (h) for regulating or preventing the use in the harbour or on board any vessel therein of fires, naked lights, flares or any flammable matter, equipment, tools or appliances which the Authority consider involve a risk of fire;
- (i) for prohibiting persons smoking in the harbour;
- (j) for prohibiting and regulating the use, movement, speed and parking of vehicles within the harbour;
- (k) for requiring the use of effectual silencers and for the control of noise generally on vessels in the harbour;
- (l) for regulating vessels in the harbour and their entry into and departure from it and, without prejudice to the generality of the foregoing, for prescribing rules for regulating speed, requiring safe navigation and regulating the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;
- (m) for regulating the loading and unloading of cargoes within the harbour and the embarkation of persons into, or their disembarkation from, vessels within the harbour;
- (n) for prescribing the lights and signals to be exhibited or made—
 - (i) by vessels aground within the harbour;
 - (ii) by vessels used for marking obstructions within the harbour; and
 - (iii) at the entrance at any wharf, pier or other work for assisting the navigation of vessels within the harbour;
- (o) for preventing or regulating the discharge into the harbour of any material or substance;
- (p) for regulating fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf or other installation or structure of any kind within the harbour;
- (q) for regulating or preventing bathing, and for securing the protection of bathers, within the harbour;
- (r) for regulating the use and preventing the misuse of services and facilities provided by the Authority in the harbour including the wilful or negligent damage or interference by persons of light and signals within the harbour; and
- (s) for imposing upon any person, on his being summarily convicted of contravening or failing to comply with any byelaw under this article, a fine not exceeding level 4 on the standard scale.

(2) In this article “signals” includes sound signals.

(3) Byelaws made by the Authority in terms of this Order—

- (a) may make different provision in relation to different classes of vessels; and
- (b) may otherwise make different provision for different circumstances.

(4) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972⁽³⁾ (which relate to the procedure for making, and evidence of byelaws) shall apply to any byelaws made by the Authority in relation to the harbour but, subject to paragraph (5) below, the Minister is specified as confirming authority and may confirm the byelaws with such modifications as he thinks fit.

(5) Where the Minister proposes to make a modification which appears to him to be substantial, he shall inform the Authority and require it to take any steps he considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Authority and by other persons who have been informed of it.

Crown Rights

5.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner intentionally or recklessly tamper with, any land or hereditaments (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purpose of a government department, without the consent in writing of that department.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

Repeal

6. Section XLI of the Axmouth Harbour Act 1830 (byelaws) is repealed.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.
7th September 1998.

A.G. Kuyk

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 3

DESCRIPTION OF THE ADDED SEAWARD AREA

The area which lies between two lines drawn parallel to, and at a distance of 80 metres from, either side of an imaginary line drawn along the western side of Axmouth Harbour Pier and extending for a distance of 180 metres from the end thereof to the extent that such area does not already fall within the limits of Axmouth Harbour.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order—

- (a) extends the seaward limit of jurisdiction of the East Devon District Council in its capacity as the harbour authority for Axmouth Harbour; and
- (b) enables the East Devon District Council to apply for byelaws regulating the use of the Axmouth Harbour for navigation by vessels and for other recreational pursuits.