
STATUTORY INSTRUMENTS

2014 No. 1277

HARBOURS, DOCKS, PIERS AND FERRIES

The Portsmouth Harbour (Abolition of Portsmouth and Gosport Joint Board) Revision Order 2014

<i>Made</i>	- - - -	<i>16th May 2014</i>
<i>Laid before Parliament</i>		<i>23rd May 2014</i>
<i>Coming into force</i>	- -	<i>16th June 2014</i>

Portsmouth City Council has applied in accordance with section 14(2)(a) of the Harbours Act 1964(1) for a harbour revision order under section 14.

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(2) under section 42A(3) delegated the functions of the appropriate Minister under section 14(4) to the Marine Management Organisation(5).

The Marine Management Organisation, in exercise of the powers conferred by section 14(1), (2A) and (3) makes the following Order.

Citation and commencement

1. This Order may be cited as the Portsmouth Harbour (Abolition of Portsmouth and Gosport Joint Board) Revision Order 2014 and shall come into force on 16th June 2014.

Interpretation

2. In this Order—

“the 1907 Act” means the Public Health Acts Amendment Act 1907(6);

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- (1) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedule 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).
- (2) See S.I. 2010/674.
- (3) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23) section 315 and Schedule 21, paragraphs 1 and 3(1).
- (4) For the definition of ‘Minister’ (mentioned in section 14(7)) see section 57(1).
- (5) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.
- (6) 1907 c.53.

“the Board” means the Portsmouth and Gosport Joint Board(7);

“the Act of 1809” means the Act entitled An Act for the better Government of the Watermen working on the Passage between Gosport, Portsmouth, and Portsea, and other Places within Portsmouth Harbour, and to and from Spithead, Saint Helen’s, and other Parts within the Isle of Wight in the County of Southampton, and to and from certain Places in the said Island; and for regulating the Fares of such Watermen(8);

“the Act of 1812” means the Act entitled An Act to amend an Act made in the Forty-ninth year of His present Majesty, for the better Government of the Watermen working on the Passage between Gosport, Portsmouth, and Portsea, and other Places within Portsmouth Harbour, and to and from Spithead, Saint Helens, and other Parts within the Isle of Wight in the County of Southampton, and to and from certain Places in the said Island, and for regulating the Fares of such Watermen(9).

Abolition of the Board

3. The Board is abolished.

Transfer of property

4. The property of the Board is transferred to, and vested in, Portsmouth City Council and Gosport Borough Council in equal proportions.

Repeals

5. The Acts referred to in columns (1) and (2) of the Schedule are repealed to the extent specified in column (3).

Transitional provision

6.—(1) A licence granted pursuant to the Ferry Acts which is in force on the date of the coming into force of this Order has effect on and after that date as a licence granted by Portsmouth City Council under, and subject to the provisions of and any terms or conditions imposed under, section 94 of the 1907 Act to the holder of the licence and for any boat or vessel used by him for letting for hire or for carrying passengers for hire, but without—

- (a) the charging of a fee in respect of the licence, or
- (b) the setting forth in the licence of the existence of the power conferred by the 1907 Act to revoke or suspend it, and

unless revoked or suspended the licence shall continue in force until it would have expired in accordance with the Ferry Acts and as if it specified a limit of not more than 12 passengers applying to any boat or vessel so used.

(2) In paragraph (1) “the Ferry Acts” means the Act of 1809 and the Act of 1812 as applied by section 83 of the Gosport and Alverstoke Urban District Council Act 1919(10).

(7) The Portsmouth and Gosport Joint Board was established by the [Gosport and Alverstoke Urban District Council Act 1919 \(c.cxxii\)](#), Part 5, as amended by the [Portsmouth Corporation Act 1920 \(c.lxxviii\)](#), section 82.

(8) [1809 c.cxc](#).

(9) [1812 c.lxxviii](#).

(10) [1919 c.cxxii](#).

Signed by authority of the Marine Management Organisation

Date 16th May 2014

James Cross
Chief Executive Officer
An authorised employee of the Marine
Management Organisation

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 5

REPEALS

<i>Chapter (1)</i>	<i>Short Title or Description (2)</i>	<i>Extent of Repeal (3)</i>
1809 c.cxc	the Act of 1809	The whole Act
1812 c.lxxviii	the Act of 1812	The whole Act
1919 c.cxxii	Gosport and Alverstoke Urban District Council Act 1919	Part 5
1920 c.lxviii	Portsmouth Corporation Act 1920	Section 82

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the Portsmouth and Gosport Joint Board (“the Board”), which was set up by Part 5 of the [Gosport and Alverstoke Urban District Council Act 1919 \(1919 c.cxxii\)](#). By virtue of section 83 of that Act, the Board administers the licensing of watermen in Portsmouth Harbour under the provisions of the Act of 1809 (defined in article 2) and the Act of 1812 (so defined).

Article 3 abolishes the Board.

Article 4 provides for the transfer and vesting of the property of the Board.

Article 5 makes consequential repeals of legislation as specified in the Schedule.

Article 6 makes transitional provision in respect of licences granted under the Ferry Acts (defined in article 6(2)).

A full assessment has not been produced for this instrument as no impact on business or the private or voluntary sectors is foreseen.