

ELIZABETH II**1993 CHAPTER xiii**

An Act to make further provision with respect to the use of land in or around Pwllheli Harbour and with respect to the disposal of certain land within that harbour. [27th July 1993]

WHEREAS—

(1) Cyngor Dosbarth Dwyfor being the district council for the district of Dwyfor (hereinafter referred to as “the Council”) are the harbour authority for Pwllheli Harbour (hereinafter referred to as “the harbour”):

(2) The harbour which is a fishery harbour as defined in section 21 of the Sea Fish Industry Act 1951 comprises an inner harbour of refuge and an outer harbour and the lands, quays, roads, works and conveniences comprised in that inner harbour are vested in or granted to the Council:

1951 c. 30.

(3) By the Pwllheli Harbour Act 1983 restrictions were placed on the use of so much of the Glandon Peninsula as was vested in the Council at the date of the passing of that Act, and the Council were prohibited from selling land reclaimed under the powers of that Act or accretions from the sea of any part of the harbour:

1983 c. xiv.

(4) It is expedient that the restrictions on the use of Glandon Peninsula be varied so as to permit a wider range of uses and that restrictions be placed on the use of other land in the vicinity:

(5) It is expedient that the Council should not be subject to the prohibition on sale imposed under the said Act of 1983:

(6) It is expedient that the other provisions of this Act be enacted:

(7) The objects of this Act cannot be attained without the authority of Parliament:

1972 c. 70.

(8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

(9) In the month of December 1992 a plan showing the land to which this Act applies and marked "Pwllheli Harbour (Amendment) Plan" was prepared in triplicate, one copy of which was deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons and one in the office of the chief executive of the Council:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Pwllheli Harbour (Amendment) Act 1993.

Interpretation.

1983 c. xiv.

2. In this Act—

"the Act of 1983" means the Pwllheli Harbour Act 1983;

"the Council" means Cyngor Dosbarth Dwyfor;

"dwellinghouse" includes any building or structure used either—

(a) for the purpose of a time-sharing scheme whereby any person is granted a right entitling him to occupy the building or structure or any part of it as a residence for a specified week or other period in every year during which the right subsists; or

(b) for the purpose of temporary sleeping accommodation;

"the harbour" means the harbour of Pwllheli the area whereof is described in section 16 (Area of harbour) of the Act of 1983;

"the plan" means the plan referred to in the Preamble to this Act.

Use and disposal of land.

3.—(1) (a) This subsection applies to—

(i) the land shown coloured pink on the plan; and

(ii) any land within the harbour which is reclaimed after the passing of this Act.

(b) Land to which this subsection applies shall not be used for—

(i) the provision of dwellinghouses; or

(ii) any purpose which by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or any other reason is detrimental to the use of the harbour as a fishery harbour or any purpose, not being a purpose associated with the use of the harbour as a fishery harbour, which by any such reason is detrimental to the use, amenity or enjoyment of the harbour for leisure activities; or

(iii) the purpose of retail sales not associated with harbour activities.

(2) (a) The land shown coloured blue on the plan shall not be used for any purpose except —

- (i) the provision of open space; or
- (ii) the provision of car parking; or
- (iii) the provision of vehicular and pedestrian access to and from land to which this subsection or subsection (3) below applies.

(b) For the purposes of this subsection “open space” has the meaning assigned to it by section 20 of the Open Spaces Act 1906.

1906 c. 25.

(3) Without prejudice to the provisions of subsection (1) above the land shown edged in green on the plan shall not be put to any industrial use.

(4) There shall no longer be any prohibition on the disposal of land reclaimed, and of accretions of land, within the harbour.

(5) Nothing in this section shall prevent the carrying out by statutory undertakers of any development permitted under Part 10, Part 16 or Part 17 of Schedule 2 to the Town and Country Planning General Development Order 1988 or such diversions of apparatus as may be agreed to from time to time between the Council and any statutory undertakers.

S.I. 1988/1813.

4.—(1) Nothing in this Act affects 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 Act authorises the Council to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) 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.

Crown rights.

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

5. Sections 29 and 30 of the Act of 1983 are hereby repealed.

Repeals.

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