

1982 No. 1370

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The River Hamble Harbour Revision Order 1982**

Made - - - - - 8th September 1982

Coming into operation 1st January 1983

The Secretary of State for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf, and on the application of the Hampshire County Council, hereby makes the following Order:—

*Citation and commencement*

1.—(1) This Order may be cited as the River Hamble Harbour Revision Order 1982 and shall come into operation on 1st January 1983.

(2) The River Hamble Harbour Revision Order 1969 and this Order may be cited together as the River Hamble Harbour Revision Orders 1969 and 1982.

*Interpretation*

2. In this Order, unless the context otherwise requires, expressions to which meanings are assigned by the Order of 1969 have the same respective meanings and:—

“the Council” means the Hampshire County Council;

“the Order of 1969” means the River Hamble Harbour Revision Order 1969(c).

*Re-enactment of article 12 of Order of 1969*

3. For article 12 of the Order of 1969 there shall be substituted the following article:—

*“Management Committee.*

12.—(1) There shall be established as a sub-committee of the committee of the Council by which the Council for the time being arrange under section 101 of the Local Government Act 1972(a) for their powers, functions and obligations under this Order to be discharged a Management Committee, and all matters relating to the discharge of those powers, functions and obligations by that committee of the Council shall stand referred to the Management Committee; and the said committee of the Council, before exercising any such powers, functions and obligations, shall, except in a case of emergency, consider a report of the Management Committee with respect thereto.

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(a) 1964 c. 40; Section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56) Schedule 6 paragraph 4(1) to (8).

(b) S.I. 1981/238.

(c) S.I. 1970/249.

(2) The Docks Board, the Royal Yachting Association, the Association of Hamble River Yacht Clubs, the Ship and Boat Builders National Federation, the Fareham Borough Council, the Eastleigh Borough Council and the City of Winchester District Council shall each be entitled to appoint one person as a member of the Management Committee; but at least a majority of the members shall be members of the Council.

(3) A body entitled under paragraph (2) of this article to appoint a member of the Management Committee may nominate a person or persons to act as deputy or deputies for that member; and a person so nominated may attend and vote and take part in any proceedings or business of the Management Committee which the member for whom he is nominated a deputy is unable to attend:

Provided that—

- (a) at any meeting, proceedings or business of the Management Committee a person so nominated shall not be entitled to represent more than one member and a member shall not be represented by more than one such person; and
- (b) a person so nominated shall be subject to the same provisions as to appointment to, qualification for, and disqualification from, office as apply to the member of the Management Committee for whom he is to act as deputy and shall not be entitled to act as deputy for any member of the Management Committee until notice of his nomination so to act has been given to the secretary of the Council or other the proper officer thereof within the meaning of section 270(3) of the Local Government Act 1972 by or on behalf of the body making the nomination, specifying the member for whom he has been nominated to act as deputy.”

*Limits of navigation*

4.—(1) As from the coming into operation of this Order the limits within which the Council shall have authority shall comprise the area edged black on the map certified on behalf of the Secretary of State for Transport and deposited in accordance with paragraph (3) of this article; and for the purposes of the Order of 1969, this Order and any other enactment relating thereto, the navigation and limits of the navigation shall comprise so much of that area and of such of the following areas as are navigated by sea-going ships, namely, all creeks, inlets, bays and tributaries as far as the tide shall flow and any lake, pit, pond or other substantially enclosed water adjacent to the said area and from which a vessel may be navigated (whether or not through a lock or other similar work) into that area.

(2) For the purposes of the River Hamble Harbour Revision Orders 1969 and 1982, article 29 (Byelaws) and paragraph (1) of article 37 (Application and repeal of enactments) of the Order of 1969 shall be construed respectively as if:—

- (a) the byelaws referred to in the said article 29 and made or deemed to have been made by the Docks Board had applied to the whole of the navigation described in article 4 (Limits of navigation) of this Order; and

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(a) 1972 c. 70.

(b) the provisions of the Southampton Harbour Acts 1863 to 1949 applied to the Hamble undertaking by paragraph (1) of the said article 37 had extended to the whole of that navigation.

(3) A map showing the limits of the navigation having been signed in triplicate by an Assistant Secretary in the Department of Transport and one copy thereof having been deposited at that Department, another copy thereof shall be deposited at the Department of Trade and another copy at the office of the Chief Executive of the Council.

(4) Article 18 (Limits of navigation) of the Order of 1969 shall cease to have effect.

*Amendment of section 48 of Southampton Harbour Act 1949*

5. Section 48 (Lines for works on Rivers Itchen and Hamble) of the Southampton Harbour Act 1949(a), in its application to the Hamble undertaking under article 37 (Application and repeal of enactments) of the Order of 1969, shall have effect as if—

(a) in subsection (2) thereof for the concluding words “Order 1969” substituted by paragraph (1)(B) of article 37 (Application and repeal of enactments) of the Order of 1969 there were substituted the words “Orders 1969 and 1982”;

(b) in subsection (8)(a) thereof there were added after “Act” the words—

“or, in so much of the navigation (within the meanings assigned thereto by the River Hamble Harbour Revision Orders 1969 and 1982 as was added by the River Hamble Harbour Revision Order 1982, existing at the coming into operation of that Order”.

*Repeals*

6. The provisions of the Order of 1969 specified in the Schedule to this Order shall cease to have effect.

*Costs of Order*

7. All costs, charges and expenses of, or in connection with, the preparation, submission and making of this Order (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State for Transport or a Joint Committee of both Houses of Parliament for any costs incurred in opposing this Order), shall be paid by the Council.

Signed by authority of  
the Secretary of State  
8th September 1982.

*Giles Hopkinson,*  
An Under Secretary in the  
Department of Transport

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(a) 1949 c. xlv.

## SCHEDULE

### REPEAL OF ENACTMENTS

S.I. 1970/249.	River Hamble Harbour Revision Order 1969	Articles 6 to 11 and 18.
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### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order—

- (a) alters the constitution of the River Hamble Harbour Management Committee (a sub-committee of the Hampshire County Council) by affording a right to the City of Winchester District Council to appoint a member;
- (b) extends the limits of the navigation, in particular upstream to Botley Bridge;
- (c) amends or repeals certain provisions of the Southampton Harbour Act 1949 and the River Hamble Harbour Revision Order 1969.

The applicant for this Order is the Hampshire County Council, The Castle, Winchester, SO23 8UJ.