
STATUTORY INSTRUMENTS

1996 No. 1627

The Whitehaven Harbour Revision Order 1996

PART III

Further powers as to management and regulation of harbour

Restriction of Inner Harbour, Custom House Dock and South Harbour to pleasure craft and certain other vessels

16.—(1) Notwithstanding section 33 of the Act of 1847 (Harbour, dock and pier to be free to the public on payment of rates) as incorporated by any provision of the Whitehaven Town and Harbour Acts and Orders 1708 to 1991, but subject to the provisions of this Order, the waters of the Inner Harbour (except so far as being used for access between the Outer Harbour and North Harbour and Queens Dock), Custom House Dock and South Harbour shall be for the exclusive use of vessels falling within paragraph (2) below and accordingly the Commissioners shall not permit any other vessel to use those waters.

(2) Each of the following vessels fall within this paragraph—

- (a) a pleasure craft;
- (b) a vessel for the carriage of not more than 100 passengers where that vessel is used for berthing, landing or embarking passengers;
- (c) a vessel which is, for the time being, used for or in connection with sea fishing for recreation;
- (d) a vessel for the time being employed for the purposes of any of the functions of the Commissioners;
- (e) a vessel for the time being employed in the supply of goods for use or for sale at premises situated on lands adjacent to the harbour;
- (f) a vessel for the time being employed in connection with the provision of services at the harbour or on lands adjacent thereto;
- (g) a lifeboat or a vessel used by the coastguard service, Trinity House or the Ministry of Defence;
- (h) a vessel for the time being used for the purposes of the Cumbria Sea Fisheries Committee.

(3) In paragraph (2) above “pleasure craft” means any vessel of not more than 100 tons gross used wholly or mainly for recreation and not for the carriage of passengers or goods for reward.

(4) For the purposes of this article, the tonnage of a vessel shall—

- (a) in the case of a vessel having a tonnage figure recorded in its certificate of registry, be taken to be that figure; and
- (b) in the case of any other vessel, be calculated in accordance with the provisions of Appendix 5 to Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982(1).

Status: This is the original version (as it was originally made).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

(5) Nothing in this article shall prevent fishing vessels from using the waters of Custom House Dock and South Harbour until the completion of a new integrated fishing facility to be constructed on harbour land to the north of North Harbour and Queen's Dock.