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STATUTORY INSTRUMENTS

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**1998 No. 1209**

**The Bristol City Docks Harbour Revision Order 1998**

**PART VII**

**AMENDMENTS AND REPEALS**

**Amendments of 1961 Act**

**18.**—(1) The 1961 Act, in its application to the City Docks and the docks estate, shall be amended as follows.

- (2) In section 4(1) (Interpretation), for the definition of “vessel” there shall be substituted—  
““vessel” means every description of vessel, however propelled or moved, and includes—
- (a) non-displacement craft and any thing constructed or used to carry or propel persons or goods by or across water; and
  - (b) a hovercraft (within the meaning of the Hovercraft Act 1968) and a hydrofoil vessel.”.
- (3) In section 18 (Craft not to be navigated etc. in port unless licensed)—
- (a) in subsection (2), at the end there shall be added the words “and such licence may be granted subject to such reasonable conditions as the Council thinks fit”; and
  - (b) after subsection (4) there shall be inserted the following—  
“(5) This section shall not apply to any vessel—
    - (a) which (not being a barge) appears to the Council to be used wholly or mainly for the carriage of goods or materials;
    - (b) in respect of which any part of the City Docks is for the time being appropriated under section 33 (Power to appropriate lands and works for particular trades, etc.) of the Bristol Corporation (West Dock) Act 1971(1); or
    - (c) by reason only of its presence in the City Docks whilst proceeding from a place outside those Docks to another such place.”.
- (4) In section 22 (Power to refuse or revoke licences for craft), for subsections (1) and (2) there shall be substituted—  
“(1) Upon an application made in accordance with section 18 (Craft not to be navigated etc. in port unless licensed) of this Act the Council shall not refuse to grant a licence in respect of a vessel except on one or more of the following grounds, namely—
  - (a) that it appears to the Council that the vessel is not in such a condition as to be able to be safely used in the City Docks;
  - (b) that there is no suitable place available for mooring the vessel;

- (c) that it appears to the Council that the vessel is not intended to be used for the purposes of navigation and that its nature, appearance or condition is such that its presence or use is likely adversely to affect the amenity of the City Docks; or
  - (d) that any fee payable in respect of the vessel under section 31 (Licence fees) of this Act in the case of a previous licence has not been paid.
- (2) The Council shall not revoke a licence under the said section 18 in respect of a vessel except—
- (a) upon one or more of the grounds specified in paragraphs (a) to (c) of subsection (1) above;
  - (b) where any fee payable under the said section 31 in respect of the licence has not been paid within 30 days of its falling due; or
  - (c) where it appears to the Council that there has been a failure to comply with any condition of the licence.”.
- (5) In section 25 (Penalty for working or navigating craft contrary to Act), in subsection (1), after the word “navigated” there shall be inserted the words “or moored”.
- (6) For section 31 (Licence fees) there shall be substituted—
- “**31.** The Council may demand and take reasonable fees in respect of the grant or renewal of any licences under this Part of this Act and different fees may be demanded and taken in respect of different circumstances and different classes of vessels.”.
- (7) References in the 1961 Act to craft shall be construed as references to vessels or a vessel, as the case may be.