
STATUTORY INSTRUMENTS

1998 No. 683

The Porthmadog Harbour Revision Order 1998

PART I
PRELIMINARY

Citation

1. This Order may be cited as the Porthmadog Harbour Revision Order 1998 and shall come into force on 1st April 1998.

Interpretation

2. In this Order—

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847(1);

“charges” means the charges, rates, tolls or dues which the Council are for the time being authorised to demand, take and recover in relation to the undertaking;

“the Council” means Gwynedd Council;

“the deposited plan” means the plan signed in triplicate by the Head of Ports Division in the Department of the Environment, Transport and the Regions marked “Plan referred to in the Porthmadog Harbour Revision Order 1998,” one copy of which has been deposited and is available for inspection at the harbour offices, Porthmadog, and the other two at the Department of the Environment, Transport and the Regions;

“the existing works” means the works comprised in the harbour as existing under the repealed enactments at the commencement of this Order;

“the harbour” means the area the limits of which are delineated in red on the deposited plan and the harbour estate so far as it is not within that area;

“the harbour estate” means the docks, piers, wharves, quays, berths, roads, bridges, sheds and other works and conveniences, and the lands, buildings and property, which are for the time being vested in or occupied by the Council for the purposes of the harbour;

“the harbourmaster” means the person appointed by the Council to be the harbourmaster in relation to the harbour and includes the authorised deputies and assistants of the person so appointed and any person authorised by the Council to act as harbourmaster;

“hovercraft” has the same meaning as in the Hovercraft Act 1968(2);

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

“the level of high water” means the level of mean high water springs;

“passenger boat” means a vessel licensed by the Council for the carriage of not more than 12 passengers;

(1) 1847 c. 27.
(2) 1968 c. 59.

“personal watercraft” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either—

- (a) by means of a handlebar-operated linkage system (with or without a rudder at the stern);
- (b) by the person or persons riding the craft using his or their body weight for the purpose; or
- (c) by a combination of the methods referred to in (a) and (b) above;

“the repealed enactments” means the enactments specified in Part I of the Schedule to this Order;

“tidal work” means so much of any work vested in the Council and existing at the commencement of this Order as is on, under or over tidal lands below the level of high water;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the undertaking” means the undertaking for the time being of the Council in connection with the harbour;

“vessel” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water, a seaplane on or in the water, a hovercraft and a hydrofoil vessel.

Incorporation of enactments

3.—(1) The Act of 1847 (except sections 6 to 22, 24 to 27, 42, 43, 48 to 50, 79, 80, 84 to 90, and 95 to 102) is, so far as applicable to the purposes of and not inconsistent with the provisions of this Order, hereby incorporated with this Order.

(2) The Act of 1847 as so incorporated shall have effect subject to the following modifications—

- (a) the expression “the special Act” means this Order, the expression “the undertakers” means the Council and the expression “the harbour, dock or pier” means the harbour;
- (b) sections 52 and 53 shall have effect in accordance with the provisions of Article 7 of this Order;
- (c) at the end of section 69 there shall be added the words “Provided that such sum shall not exceed one hundred pounds in total”.

Repeals

4.—(1) The enactments specified in Part I of the Schedule to this Order are hereby repealed.

(2) Notwithstanding the repeal of enactments by this Order—

- (a) the Council may continue and maintain the existing works;
- (b) the transitional provisions and savings in Part II of the Schedule to this Order shall have effect.