
STATUTORY INSTRUMENTS

1998 No. 980

HARBOURS, DOCKS, PIERS AND FERRIES

The Exmouth Docks Harbour Revision Order 1998

Made - - - - - *20th March 1998*

Coming into force - - - - - *10th April 1998*

Whereas the Exmouth Docks Company has applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas there were objections made to the application which were not withdrawn, and an inquiry was held in accordance with paragraph 4(3) of Schedule 3 to the said Act(2);

And whereas the Secretary of State for the Environment, Transport and the Regions has considered the objections made and not withdrawn and the report of the person holding the inquiry, and is satisfied as mentioned in subsection (2)(b) of the said section 14:

Now, therefore, the Secretary of State for the Environment, Transport and the Regions (being the appropriate Minister under subsection (7) of the said section 14(3)), in exercise of the powers conferred by that section and now vested in him(4), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Exmouth Docks Harbour Revision Order 1998 and shall come into force on 10th April 1998.

(2) The Exmouth Docks enactments(5) and this Order may be cited together as the Exmouth Docks Acts and Orders 1864 to 1998.

Interpretation

2. In this Order—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(6);

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- (1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14, and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.
- (2) Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992, Schedule 3, paragraph 10.
- (3) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
- (4) S.I. 1981/238 and S.I. 1997/2971.
- (5) 27 & 28 Vict. c.cccxix; 33 & 34 Vict. c.cxlili; 9 & 10 Eliz. 2. c.xxxiv; S.I. 1969/103.
- (6) 1847 c. 27.

- “the Company” means the Exmouth Docks Company;
- “the dock basin” means the area shown coloured blue on the signed plan;
- “the Exmouth Docks enactments” means the Exmouth Docks Acts and Orders 1864 to 1968;
- “the harbour” means the area within the limits described in article 3 of this Order;
- “the level of high-water” means the level of mean high-water springs as at the date this Order comes into force;
- “the signed plan” means the plan signed in duplicate by the Parliamentary Under Secretary of State in the Department of the Environment, Transport and the Regions and marked “Signed plan referred to in the Exmouth Docks Harbour Revision Order 1998”, one copy of which is deposited at the offices of the Department of the Environment, Transport and the Regions and the other at the Dock Office of the Company at The Docks, Exmouth, EX8 1DU.

Limits of harbour

3. The limits within which the Company shall exercise jurisdiction as a harbour authority and within which their dockmaster shall have jurisdiction in accordance with the Exmouth Docks enactments shall comprise:—

- (a) the area shown coloured pink on the signed plan;
- (b) the dock basin; and
- (c) so much of any other area within the limits described in section 3 of the Exmouth Docks Act 1870(7) (Limits of dock master’s jurisdiction extended) as lies below the level of high-water.

Restrictions on handling certain cargoes

4.—(1) Notwithstanding section 33 of the 1847 Act (Harbour, dock and pier to be open to the public on payment of rates), as incorporated by any provision of the Exmouth Docks enactments, the Company shall not permit any vessel to use any part of the area described in article 3(a) above for the handling of any cargo specified in paragraph (2) below.

(2) The cargoes referred to in paragraph (1) above are—

- (a) scrap metals;
- (b) loose or bagged cargoes of any description;
- (c) waste material (whether for disposal or processing); and
- (d) animals (whether live or dead), other than fish.

(3) Notwithstanding section 33 of the 1847 Act, as incorporated by any provision of the Exmouth Docks enactments, and without prejudice to article 5 of this Order, the Company shall not permit any vessel to use any part of the harbour (other than the area specified in article 3(a) above) for the handling of any cargo other than:—

- (a) fish; or
- (b) any cargoes associated with the provision of pleasure cruises, ferry services or water taxi services.

Use of dock basin

5.—(1) The Company may set aside and appropriate the whole or any part of the dock basin for the exclusive, partial or preferential use and accommodation of a marina, subject to such charges and subject to such terms, conditions and regulations as the Company may think fit.

(2) No person shall make use of any part of the dock basin so set apart or appropriated without the consent of the dockmaster or other duly authorised officer of the Company, and—

- (a) the dockmaster or, as the case may be, such officer, may order any person or vessel making use thereof without such consent to leave or be removed; and
- (b) the provisions of section 58 (Powers of harbour master as to mooring of vessels in harbour) of the 1847 Act shall extend and apply with appropriate modifications to and in relation to any such vessel.

Repeals, etc.

6.—(1) The enactments mentioned in the Schedule to this Order (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this Order shall affect the right of the owner of any work which was authorised by any of the Exmouth Docks enactments to maintain and use that work.

(3) Nothing in this Order shall extinguish or otherwise adversely affect any public right of way subsisting immediately before the coming into force of this Order.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under Secretary of
State, Department of the Environment, Transport
and the Regions

20th March 1998

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

SCHEDULE

Article 6.

REPEALS

<i>Chapter or no.</i>	<i>Short title</i>	<i>Extent of repeal</i>
1864 c.cccxix.	The Exmouth Docks Act 1864.	Sections 22, 24 to 27 and 29 to 34. Schedules (A) and (B).
S.R. & O 1947/681.	The Exmouth Docks (Increase of Charges) Order 1947.	The whole Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order alters the jurisdiction of the Exmouth Docks Company, restricts the handling of certain cargoes at Exmouth Docks and empowers the Company to appropriate part of the harbour for the use of a marina. It also repeals certain spent or obsolete provisions of the local legislation relating to Exmouth Docks.