
STATUTORY INSTRUMENTS

2000 No. 1884

The Watchet Harbour Revision Order 2000

PART III

GENERAL POWERS

General powers of Council in respect of harbour

17.—(1) The Council may, subject to the provisions of this Order, take such steps from time to time as they may consider necessary for the improvement, maintenance and management of the harbour undertaking and the facilities, including recreation facilities, afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Council may—

- (a) improve, maintain, regulate, manage, mark and light the harbour;
- (b) alter, demolish and reconstruct structures and works in the harbour;
- (c) construct, lay down, maintain and operate in the harbour such works for the provision of boating or marina facilities as they may consider requisite; and
- (d) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the harbour undertaking.

Powers as to moorings, etc.

18.—(1) The Council may provide, place, lay down, maintain, use and have moorings for vessels on land owned or leased by the Council or in which they hold an appropriate interest or on any other land in the harbour with the consent in writing of the owner and lessee thereof.

(2) The Council may demand, receive and recover in respect of any vessel using any of the moorings provided under this article or moored to land owned or leased by the Council such reasonable charges as the Council may from time to time prescribe.

(3) The Council may compound with any person with respect to the payment of the charge prescribed under paragraph (2) above.

(4) Subject to paragraph (5), the Council may give notice in writing to the person having the control of any vessel using any mooring in the harbour at the date this Order comes into force requiring him within 28 days to remove the mooring so as to enable the Council to provide, place or lay down moorings in accordance with paragraph (1);

(5) The Council shall offer to make available to the person having the control of the vessel referred to in the notice a mooring provided by them under paragraph (1) as soon as such mooring has been laid down.

(6) If any person fails to comply with a notice given by the Council under paragraph (4) the Council may at any time after the expiration of 28 days from the date of the giving of the notice remove the mooring referred to in that notice.

(7) Subject to paragraphs (8) and (9) the Council may from time to time grant licences to any person to place, lay down, maintain, use and have existing and future moorings, for vessels in the harbour;

(8) Nothing in any licence granted under paragraph (7) shall entitle a person to place, lay down, maintain, use and have any mooring on land not owned or leased by him or by the Council or in which he has no appropriate interest;

(9) Any licence granted under paragraph (7) above shall be valid only for a period of one year commencing with its date;

(10) The Council may charge for a licence granted under paragraph (7) above such reasonable fee as the Council may from time to time prescribe.

(11) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Council in setting out moorings; or
- (b) intentionally and without lawful authority pulls up or removes any mooring or any part thereof; or
- (c) without reasonable excuse causes or permits a vessel to be moored in the harbour except at a mooring provided or licensed by the Council under this article or at a quay, jetty, slipway or other work or to land owned or leased by the Council; or
- (d) places, lays down or maintains in the harbour any mooring not provided or licensed by the Council under this article;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(12) If any person contravenes paragraph (11)(d) above the Council may remove the mooring in question and recover from that person the expenses incurred in doing so.

(13) In this article “mooring” includes any pontoon, buoy, pile, post, chain, pillar or like apparatus or convenience used for the mooring of vessels and “vessel” shall not include houseboat.

Power to remove goods

19.—(1) If any goods are left in any part of the harbour the Council may require the owner of the goods to remove them, and if the goods are not so removed within six hours after such requirement or, in any case where it is not reasonably practicable to contact the owner of the goods, within six hours after leaving a notice on the goods requiring their removal the Council may cause them to be removed to their own or any other public warehouse or store and such removal shall be carried out at the expense and risk of the owner.

(2) In this article “goods” does not include fish or fishing tackle.

Removal of vehicles, etc.

20.—(1) If a vehicle or boat is left without the permission of the Council—

- (a) in any place where it is likely to obstruct or interfere with the use of the harbour; or
- (b) in any part of the harbour where the parking of vehicles or boats is prohibited by notice erected by the Council,

the Council may, at the risk of the owner, remove the vehicle or boat or cause it to be removed.

(2) In exercising its powers under paragraph (1) the Council shall be under a duty to act reasonably and to take reasonable care in removing the vehicle or boat concerned.

(3) Any notice erected under paragraph (1)(b) shall be conspicuously posted in or close to the place to which it relates.

(4) Where the Council in exercise of the powers of this article remove a vehicle or boat or cause it to be removed they shall as soon as practicable inform the police.

(5) The expense of and incidental to the removal of a vehicle or boat under this article shall be recoverable from any person responsible.

(6) For the purposes of paragraph (5) “person responsible” means—

- (a) the owner of a vehicle or boat at the time when it was removed under paragraph (1), unless he shows that he was not concerned in, and did not know of its being put there; or
- (b) any person by whom the vehicle or boat was put in that place.

(7) If the Council in exercise of the powers of this article remove a vehicle to a place not readily visible from the place from which it is so removed they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of Regulations made under section 105 of the Road Traffic Act 1988(1) or any other regulations having the like effect for the time being in force, at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this article and of the place to which the vehicle has been removed.

(8) A notice stating the general effect of paragraph (1) shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the harbour.

General directions to vessels

21.—(1) The Council may, after consultation with the Royal Yachting Association except in cases of emergency, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the harbour and the approaches thereto and, without prejudice to the generality of the foregoing, for any of the following purposes:—

- (a) for designating areas, routes or channels in the harbour and the approaches thereto which vessels are to use, or refrain from using, for movement or mooring;
- (b) for securing that vessels move only at certain times or during certain periods;
- (c) for requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master for the purposes of this paragraph.

(2) Directions given under paragraph (1) may apply—

- (a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction; and
- (b) to the whole of the harbour and the approaches thereto, or to a part designated, or the designation of which is provided for, in the direction; and
- (c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction given under this article shall specify the extent of this application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) The Council may revoke or amend directions given under this article.

Publication of general directions

22.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Council as soon as

(1) 1988 c. 52.

practicable once in Lloyd's List or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Council consider appropriate.

Special directions to vessels

23.—(1) In addition to the directions which he may give under section 52 of the Act of 1847 the harbour master may give a direction under this article requiring any vessel anywhere within the harbour or the approaches thereto to comply with a requirement made in or under a general direction.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

Master's responsibility to be unaffected

24. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

Failure to comply with directions

25. The master of a vessel who fails without reasonable excuse to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of directions

26.—(1) Without prejudice to any other remedy available to the Council, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but he shall not do so unless, after reasonable inquiry has been made, the master cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Council from the owner of the vessel.